

CHAPTER 97A

GAME AND FISH LAWS

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97A.037 HUNTER, TRAPPER, AND ANGLER HARASSMENT PROHIBITED.

Subdivision 1. **Interference with taking wild animals prohibited.** A person who has the intent to prevent, disrupt, or dissuade the taking of a wild animal or enjoyment of the out-of-doors may not disturb or interfere with another person who is lawfully taking a wild animal or preparing to take a wild animal. "Preparing to take a wild animal" includes travel, camping, and other acts that occur on land or water where the affected person has the right or privilege to take lawfully a wild animal.

Subd. 2. **Disturbing wild animals prohibited.** A person who has the intent to prevent or disrupt a person from lawfully taking the animals may not disturb or engage in an activity that will tend to disturb wild animals.

Subd. 3. **Persons intending to harass hunters, trappers, and anglers may not remain on land.** A person who has intent to violate subdivision 1 or 2 may not enter or remain on public lands, or on private lands without permission of the owner.

Subd. 4. **Peace officer order; penalty.** A person must obey the order of a peace officer to stop the harassing conduct that violates this section if the officer observes the conduct. For purposes of this subdivision, "harassing conduct" does not include a landowner's or lessee's action to enforce the trespass law. Violation of this subdivision is a misdemeanor.

History: 1989 c 287 s 1

97A.045 COMMISSIONER, GENERAL POWERS AND DUTIES.

[For text of subs 1 to 7, see M.S.1988]

Subd. 8. **Hunting and fishing license reciprocity with Wisconsin.** The commissioner may enter into an agreement with game and fish licensing authorities in the state of Wisconsin under which Wisconsin residents owning real property in Minnesota are allowed to purchase annual nonresident game and fish licenses at fees required of Minnesota residents, provided Minnesota residents owning real property in Wisconsin are allowed to purchase identical nonresident licenses in Wisconsin upon payment of the Wisconsin resident license fee. The commissioners of natural resources in Minnesota and Wisconsin must agree on joint standards for defining real property ownership. The commissioner shall present the joint standards to the senate and house committees having jurisdiction over environment and natural resources matters.

History: 1989 c 19 s 1

97A.051 PUBLICATION OF ORDERS AND LAWS.

[For text of subs 1 and 2, see M.S.1988]

Subd. 3. [Repealed, 1989 c 155 s 5]

Subd. 4. **Orders and rules have force and effect of law.** When an order or rule is effective, it has the force and effect of law. Violation of an order or rule has the same penalty as a violation of the law.

History: 1989 c 155 s 3

97A.055 GAME AND FISH FUND.*[For text of subds 1 and 2, see M.S.1988]*

Subd. 3. Game and fish fund fees. To reduce yearly fluctuations of the game and fish fund balance and to provide improved long-range planning of the fund, the policy of the state is to make fee adjustments as part of the budget process. Agency responsibilities are:

(a) The commissioner of natural resources must make specific requests for fee adjustments for all receipt items in the game and fish fund as a part of the fee report.

(b) The commissioner of finance must review the fee report and make recommendations for each fee. The commissioner of finance must submit a six-year projection on revenues and expenditures to the legislature.

History: 1989 c 335 art 1 s 85

97A.065 DEDICATION OF CERTAIN RECEIPTS.*[For text of subds 1 and 2, see M.S.1988]*

Subd. 3. Fishing license surcharge. (a) The commissioner may use the revenue from the fishing license surcharge for:

(1) rehabilitation and improvement of marginal fish producing waters, administered on a cost-sharing basis, under agreements between the commissioner and other parties interested in sport fishing;

(2) expansion of fishing programs including aeration, stocking of marginal fishing waters in urban areas, shore fishing areas, and fishing piers, with preference given to local units of government and other parties sharing costs;

(3) upgrading of fish propagation capabilities to improve the efficiency of fish production, expansion of walleye production by removal from waters subject to winter kill for stocking in more suitable waters, introduction of new biologically appropriate species, and purchase of fish from private hatcheries for stocking;

(4) financing the preservation and improvement of fish habitat, with priority given to expansion of habitat improvement programs implemented with other interested parties;

(5) increasing enforcement with covert operations, workteams, and added surveillance, communication, and navigational equipment; and

(6) purchase of the walleye quota of commercial fishing operators under 97C.825, subdivision 9.

(b) Not more than ten percent of the money available under this subdivision may be used for administrative and permanent personnel costs.

(c) The commissioner shall prepare an annual work plan for the use of the revenue and provide copies of the plan, and amendments, to the senate and house committees having jurisdiction over environment and natural resources matters and to other interested parties. The committees must review issues and trends in the management and improvement of fishing resources using information obtained by and presented to the committees by public and private agencies and organizations and other parties interested in management and improvement of fishing resources.

Subd. 5. Restitution for wild animals. Money collected from restitution under section 97A.341 for wild animals killed, injured, or possessed in violation of the game and fish laws must be used by the commissioner for replacement, propagation, or protection of wild animals.

History: 1989 c 19 s 2; 1989 c 298 s 1

97A.165 SOURCE OF PAYMENTS FOR INDIAN AGREEMENT.

Money to make payments to the Leech Lake Band, the 1854 treaty area agreement, and White Earth Band special license account under sections 94.16, 97A.151, subdivi-

sion 4, and 97A.157, subdivision 4, is annually appropriated for that purpose in a ratio of 20 percent from the game and fish fund and 80 percent from the general fund.

History: 1989 c 335 art 1 s 86

97A.341 RESTITUTION FOR WILD ANIMALS ILLEGALLY TAKEN.

Subdivision 1. Liability for restitution. A person who kills, injures, or possesses a wild animal in violation of the game and fish laws is liable to the state for the value of the wild animal as provided in this section. Species afforded protection include members of the following groups as defined by statute or rule: game fish, game birds, big game, small game, fur-bearing animals, minnows, and threatened and endangered animal species. Other animal species may be added by order of the commissioner as determined after public meetings and notification of the chairs of the environment and natural resources committees in the senate and house of representatives.

Subd. 2. Arrest and charging procedure. (a) An enforcement officer who arrests a person for killing, injuring, or possessing a wild animal in violation of the game and fish laws must describe the number, species, and restitution value of wild animals illegally killed, injured, or possessed on the warrant or the notice to appear in court.

(b) As part of the charge against a person arrested for killing, injuring, or possessing a wild animal in violation of the game and fish laws, the prosecuting attorney must include a demand that restitution be made to the state for the value of the wild animal killed, injured, or possessed. The demand for restitution is in addition to the criminal penalties otherwise provided for the violation.

Subd. 3. Sentencing procedure. If a person is convicted of or pleads guilty to killing, injuring, or possessing a wild animal in violation of the game and fish laws, the court must require the person to pay restitution to the state for replacement of the wild animal as part of the sentence or state in writing why restitution was not imposed. The court may consider the economic circumstances of the person and, in lieu of monetary restitution, order the person to perform conservation work representing the amount of restitution that will aid the propagation of wild animals. If the court does not order a person to pay restitution, the court administrator must send a copy of the court order to the commissioner.

Subd. 4. Amount of restitution. The amount of restitution shall be determined by the court by a preponderance of the evidence. In determining the amount of restitution, the court must consider the value of the wild animal under section 97A.345.

Subd. 5. Restitution credited to game and fish fund. The court administrator shall forward restitution collected under this section to the commissioner of finance and the commissioner shall credit all money forwarded to the game and fish fund in the state treasury.

History: 1989 c 298 s 2

97A.345 RESTITUTION VALUE OF WILD ANIMALS.

(a) The commissioner may, by rules adopted under chapter 14, prescribe the dollar value to the state of species of wild animals. The value may reflect the value to other persons to legally take the wild animal, the replacement cost, or the intrinsic value to the state of the wild animals. Species of wild animals with similar values may be grouped together.

(b) The value of a wild animal under the rules adopted by the commissioner is prima facie evidence of a wild animal's value under section 97A.341.

(c) The commissioner shall report annually to the legislature the amount of restitution collected under section 97A.341 and the manner in which the funds were expended.

History: 1989 c 298 s 3

97A.401 SPECIAL PERMITS.

[For text of subds 1 to 3, see M.S.1988]

Subd. 4. **Taking wild animals from game refuges, wildlife management, and other areas.** Special permits may be issued, with or without a fee, to take a wild animal from game refuges, wildlife management areas, state parks, and other areas of the state that the commissioner may open for the taking of a wild animal during a special season. In addition, an application fee may be charged for a special permit. Fees to be collected shall be based upon the estimated cost of conducting the special season.

[For text of subds 5 to 7, see M.S.1988]

History: 1989 c 287 s 2

97A.445 EXEMPTIONS FROM LICENSE REQUIREMENT.

[For text of subds 1 to 3, see M.S.1988]

Subd. 4. **Angling; take a mom fishing weekend.** Any mother who is a resident of Minnesota may take fish by angling without a license during the Saturday and Sunday of the angling season that coincides with Mother's Day. The commissioner shall publicize the Saturday and Sunday as "Take a Mom Fishing Weekend."

History: 1989 c 242 s 1

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

[For text of subds 2 to 6, see M.S.1988]

Subd. 7. **Residents over age 65; spearing.** A resident age 65 or over may take fish by spearing without a spearing license if the resident has an angling license.

History: 1989 c 168 s 1

97A.475 LICENSE FEES.

[For text of subd 1, see M.S.1988]

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, \$10;
- (2) for persons age 65 or over, \$5;
- (3) to take turkey, \$14;
- (4) to take deer with firearms, \$22;
- (5) family license to take deer with firearms, \$84;
- (6) to take deer by archery, \$22;
- (7) to take moose, for a party of not more than four persons, \$275;
- (8) to take bear, \$33; and
- (9) to take elk, for a party of not more than two persons, \$220.

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

- (1) to take small game, \$56;
- (2) to take deer with firearms, \$110;
- (3) to take deer by archery, \$110;
- (4) to take bear, \$165;
- (5) to take turkey, \$33; and
- (6) to take raccoon, bobcat, fox, coyote, or lynx, \$137.50.

[For text of subds 4 and 5, see M.S.1988]

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, \$10.50;
- (2) to take fish by angling, for persons age 65 and over, \$4.50;
- (3) to take fish by angling, for a combined license for a married couple, \$15;
- (4) to take fish by spearing from a dark house, \$13; and
- (5) to take fish by angling for a period of 24 hours from the time of issuance, \$5.

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

- (1) to take fish by angling, \$20;
 - (2) to take fish by angling limited to seven consecutive days, \$16.50;
 - (3) to take fish by angling for three consecutive days, \$13.50;
 - (4) to take fish by angling for a combined license for a family, \$33.50;
 - (5) to take fish by angling for a period of 24 hours from the time of issuance, \$5;
- and
- (6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days, \$25.

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, \$15; and
- (2) for a combined license for a married couple to take fish and for one spouse to take small game, \$21.50.

[For text of subds 9 and 10, see M.S.1988]

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, \$9; and
- (2) for a fish house or dark house that is rented, \$20.

Subd. 12. **Fish houses; nonresident.** The fee for a fish house license for a nonresident is \$21.50.

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, \$5.50.

Subd. 14. **Rough fish; Minnesota and Mississippi rivers.** The fee for a license to take rough fish for domestic use with a set line in the Minnesota and Mississippi rivers is \$14.50.

Subd. 15. **Lake Superior fishing guides.** The fee for a license to operate a charter boat and guide anglers on Lake Superior is:

- (1) for a resident, \$27.50;
- (2) for a nonresident, \$110; or
- (3) if another state charges a Minnesota resident a fee greater than \$100 for a Lake Superior fishing guide license in that state, the nonresident fee for a resident of that state is that greater fee.

Subd. 16. **Resident hunting guides.** The fees for the following resident guide licenses are:

- (1) to guide bear hunters, \$82.50; and
- (2) to guide turkey hunters, \$22.

Subd. 17. **Nonresident bear guides.** The fee for a license to guide bear hunters for a nonresident is \$440.

Subd. 18. **Shooting preserves.** The fee for a shooting preserve license is \$82.50.

Subd. 19. **Taxidermists.** The fee for a taxidermist license, to be issued for a three-year period to residents only, is:

(1) for persons age 18 and older, \$44; and

(2) for persons under age 18, \$27.50.

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, \$5.50; and

(2) for persons age 18 and older, \$18.

Subd. 21. **Fur buying and selling; residents.** (a) The fee for a license for a resident to buy and sell raw furs is \$110.

(b) The fee for a supplemental license to buy and sell furs is \$55.

[For text of subd 22, see M.S.1988]

Subd. 23. **Raw fur tanning.** The fee for a license to tan and dress raw furs to be issued to residents and nonresidents is \$16.50.

Subd. 24. **Game and fur farms.** The fee for a game and fur farm license is \$16.50.

Subd. 25. **Muskrat farms.** The fee for a muskrat farm license is \$11.

Subd. 26. **Minnow dealers.** The fees for the following licenses are:

(1) minnow dealer, \$77;

(2) minnow dealer's helper, \$5.50;

(3) minnow dealer's vehicle, \$11;

(4) exporting minnow dealer, \$275; and

(5) exporting minnow dealer's vehicle, \$11.

Subd. 27. **Minnow retailers.** The fees for the following licenses, to be issued to residents and nonresidents, are:

(1) minnow retailer, \$11; and

(2) minnow retailer's vehicle, \$11.

Subd. 28. **Nonresident minnow haulers.** The fees for the following licenses, to be issued to nonresidents, are:

(1) exporting minnow hauler, \$525; and

(2) exporting minnow hauler's vehicle, \$11.

Subd. 29. **Private fish hatcheries.** The fees for the following licenses to be issued to residents and nonresidents are:

(1) for a private fish hatchery, with annual sales under \$200, \$27.50;

(2) for a private fish hatchery, with annual sales of \$200 or more, \$55; and

(3) To take sucker eggs from public waters for a private fish hatchery, \$165, plus \$3 for each quart in excess of 100 quarts.

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

(1) for a fish farm, \$275; and

(2) to take sucker eggs from public waters for a fish farm, \$165, plus \$3 for each quart in excess of 100 quarts.

Subd. 30. **Commercial netting of fish in inland waters.** The fee for a license to net commercial fish in inland waters, to be issued to residents and nonresidents, is \$70 plus:

(1) for each hoop net pocket, \$1;

(2) for each 1,000 feet of seine, \$16.50; and

(3) for each helper's license, \$5.50.

Subd. 31. **Commercial netting of fish in lake of the woods.** The fee for a license to commercially net fish in Lake of the Woods is:

(1) for each pound net or staked trap net, \$49.50;

(2) for each fyke net, \$11, plus \$5 for each two-foot segment, or fraction, of the wings or lead in excess of four feet in height;

(3) for each 100 feet of gill net, \$2.75;

(4) for each submerged trap net, \$16.50; and

(5) for each helper's license, \$16.50.

Subd. 32. Commercial netting of fish in Rainy Lake. The fee for a license to commercially net fish in Rainy Lake is:

(1) for each pound net, \$49.50;

(2) for each 100 feet of gill net, \$2.75; and

(3) for each helper's license, \$16.50.

Subd. 33. Commercial netting of fish in Namakan and Sand Point lakes. The fee for a license to commercially net fish in Namakan Lake and Sand Point Lake is:

(1) for each 100 feet of gill net, \$1.75;

(2) for each pound, fyke, and submerged trap net, \$16.50; and

(3) for each helper's license, \$5.50.

Subd. 34. Commercial seine and set lines to take fish in the Mississippi river. (a) The fee for a license to commercially seine rough fish in the Mississippi river from St. Anthony Falls to the St. Croix river junction is:

(1) for a seine not exceeding 500 feet, \$27.50; or

(2) for a seine over 500 feet, \$44, plus \$2 for each 100 foot segment or fraction over 1,000 feet.

(b) The fee for each helper's license issued under paragraph (a) is \$5.50.

Subd. 35. Commercial seining of fish in Wisconsin boundary waters. The fee for a license to commercially seine fish in the boundary waters between Wisconsin and Minnesota from Taylors Falls to the Iowa border is:

(1) for a seine not exceeding 500 feet, \$27.50; or

(2) for a seine over 500 feet, \$44, plus \$2.50 for each 100 feet over 1,000 feet; and

(3) for each helper's license to be issued to residents and nonresidents, \$5.50.

Subd. 36. Commercial netting in Wisconsin boundary waters. The fee for a license to commercially net in the boundary waters between Wisconsin and Minnesota from Lake St. Croix to the Iowa border is:

(1) for each gill net not exceeding 500 feet, \$14.50;

(2) for each gill net over 500 feet, \$27.50;

(3) for each fyke net and hoop net, \$11;

(4) for each bait net, \$1.75;

(5) for each turtle net, \$1.75;

(6) for each set line identification tag, \$14.50; and

(7) for each helper's license to be issued to residents and nonresidents, \$5.50.

Subd. 37. Commercial netting of fish in Lake Superior. The fee for a license to commercially net fish in Lake Superior is:

(1) for each gill net, \$77 plus \$2 for each 1,000 feet over 1,000 feet;

(2) for a pound or trap net, \$77 plus \$2 for each additional pound or trap net; and

(3) for each helper's license, \$5.50.

Subd. 38. Fish buyers. The fees for licenses to buy fish from commercial fishing licensees to be issued residents and nonresidents are:

(1) for Lake Superior fish bought for sale to retailers, \$55;

(2) for Lake Superior fish bought for sale to consumers, \$11;

(3) for Lake of the Woods, Namakan, Sand Point, and Rainy Lake fish bought for sale to retailers, \$110; and

(4) for Lake of the Woods, Namakan, Sand Point, and Rainy Lake fish bought for shipment only on international boundary waters, \$11.

Subd. 39. Fish packer. The fee for a license to prepare dressed game fish for transportation or shipment is \$14.50.

Subd. 40. Fish vendors. The fee for a license to use a motor vehicle to sell fish is \$27.50.

Subd. 41. Turtle sellers. The fee for a license to take, transport, purchase, and possess turtles for sale is \$55.

Subd. 42. Frog dealers. The fee for the licenses to deal in frogs that are to be used for purposes other than bait are:

- (1) for a resident to purchase, possess, and transport frogs, \$77;
- (2) for a nonresident to purchase, possess, and transport frogs, \$220; and
- (3) for a resident to take, possess, transport, and sell frogs, \$11.

History: 1989 c 266 s 1; 1989 c 335 art 1 s 87-123

NOTE: Subdivisions 2, 3, 6 to 8, 11 to 21, and 23 to 42, as amended by Laws 1989, chapter 335, article 1, sections 87 to 123, respectively, are effective March 1, 1991, with the exception of subdivision 2, clause (5), which is effective March 1, 1990. See Laws 1989, chapter 335, article 1, section 271.

97A.481 LICENSE APPLICATIONS; PENALTY.

All information required on a license application form must be furnished. The application must be made in writing and is subject to the penalty prescribed in section 97A.301, subdivision 1, clause (5).

History: 1989 c 287 s 3

97A.485 ISSUANCE OF LICENSES.

[For text of subs 1 to 5, see M.S.1988]

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 or bear with firearms and by archery, the issuing fee is \$1;
- (2) Minnesota sporting, the issuing fee is \$1; and
- (3) to take 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;
- (4) for a trout and salmon stamp that is not issued simultaneously with an angling or sporting license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller; and

(5) for stamps other than a trout and salmon stamp, there is no fee.

(b) An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp is issued simultaneously with the related angling or sporting license. Only one issuing fee may be collected when selling more than one trout and salmon stamp in the same transaction after the end of the season for which the stamp was issued.

(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. An auditor or subagent may not provide postage stamps or pre-addressed envelopes for obtaining the refund. An auditor or subagent must provide information on the purposes for which license receipts are spent and the effects of applying for a refund.

Subd. 7. County auditor's commission. The county auditor shall retain for the

county treasury a commission of four percent of all license fees collected by the auditor and the auditor's subagents, excluding the small game surcharge and issuing fees, and the license to take fish by angling for persons age 65 and over. In addition, the auditor shall collect the issuing fees on licenses sold by the auditor to a licensee.

[For text of subds 8 to 11, see M.S.1988]

History: 1989 c 287 s 4; 1989 c 335 art 1 s 124