

CHAPTER 97A

GAME AND FISH

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97A.015 DEFINITIONS.

[For text of subds 1 to 26, see M.S.1992]

Subd. 26a. **In-the-round.** "In-the-round" means fish with heads, tails, fins, skins, and scales intact.

[For text of subds 27 to 48, see M.S.1992]

Subd. 49. **Undressed bird.** "Undressed bird" means:

- (1) a bird, excluding migratory waterfowl, pheasant, Hungarian partridge, or grouse, with feet and feathered head intact;
- (2) a migratory waterfowl with a fully feathered wing and head attached; or
- (3) a pheasant, Hungarian partridge, or grouse with one leg and foot or the fully feathered head or wing intact.

[For text of subds 50 to 55, see M.S.1992]

History: 1993 c 269 s 4,5

97A.028 CROP PROTECTION ASSISTANCE.

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Agricultural crops" means annually seeded crops, legumes, fruit orchards, tree farms and nurseries, turf farms, and apiaries.

(c) "Specialty crops" means fruit orchards, vegetables, tree farms and nurseries, turf farms, and apiaries.

Subd. 2. **Technical assistance.** The commissioner shall establish a statewide program to provide technical assistance to persons for the protection of agricultural crops from destruction by wild animals. As part of the program, the commissioner shall develop and identify the latest and most effective abatement techniques; acquire appropriate demonstration supplies and materials required to meet specialized needs; train property owners, field staff, public land managers, extension agents, pest control operators, and others; provide technical manuals and brochures; and provide field personnel with supplies and materials for damage abatement demonstrations and short-term assistance and for the establishment of food or lure crops where appropriate.

Subd. 3. Emergency deterrent materials assistance. (a) For the purposes of this subdivision, "cooperative damage management agreement" means an agreement between a landowner and the commissioner that establishes a program for addressing the problem of destruction of specialty crops by wild animals on the landowner's property.

(b) A person may apply to the commissioner for emergency deterrent materials assistance in controlling destruction of specialty crops by wild animals. Subject to the availability of money appropriated for this purpose, the commissioner shall provide suitable deterrent materials, up to \$3,000 in value per individual or corporation, when the commissioner determines that:

(1) immediate action is necessary to prevent significant damage from continuing; and

(2) a cooperative damage management agreement cannot be implemented immediately.

(c) As a condition of receiving emergency deterrent materials assistance under this subdivision, a landowner shall enter into a cooperative damage management agreement with the commissioner. Deterrent materials provided by the commissioner may include repellents, fencing materials, or other materials recommended in the agreement to alleviate the damage problem. A landowner may not receive emergency deterrent materials assistance under this subdivision more than once. A landowner who receives emergency deterrent materials assistance under this subdivision shall comply with the terms of the cooperative damage management agreement.

History: 1993 c 172 s 50

97A.045 COMMISSIONER, GENERAL POWERS AND DUTIES.

[For text of subds 1 to 3, see M.S.1992]

Subd. 4. Boundary waters. The commissioner may regulate the taking, possession, and transportation of wild animals from state and international boundary waters. The rules may include:

(1) special seasons for taking fish; and

(2) restrictions on the limits of fish that may be taken, possessed, or transported from international boundary waters by a person possessing both a Minnesota angling license and an angling license from an adjacent Canadian province.

[For text of subds 5 and 6, see M.S.1992]

Subd. 7. Duty to encourage stamp design and purchases. (a) The commissioner shall encourage the purchase of:

(1) Minnesota migratory waterfowl stamps by nonhunters interested in the migratory waterfowl preservation and habitat development;

(2) pheasant stamps by persons interested in pheasant habitat improvement; and

(3) trout and salmon stamps by persons interested in trout and salmon stream and lake improvement.

(b) The commissioner shall make rules governing contests for selecting a design for each stamp.

[For text of subd 8, see M.S.1992]

Subd. 9. Notice of rulemaking. In addition to notice requirements under chapter 14, the commissioner shall attempt to notify persons or groups of persons affected by rules adopted under the game and fish laws by public announcements, press releases, and other appropriate means as determined by the commissioner.

History: 1993 c 231 s 5,6; 1993 c 269 s 6

97A.055 GAME AND FISH FUND.

Subdivision 1. **Establishment; purposes.** The game and fish fund is established as a fund in the state treasury.

[For text of subds 2 and 3, see M.S.1992]

Subd. 4. **Annual report.** (a) By November 15 each year, the commissioner shall report to the legislative committees having jurisdiction over appropriations and the environment and natural resources on:

(1) the amount of revenue from the following and purposes for which expenditures were made:

- (i) the fishing license surcharge under section 97A.475, subdivision 9;
- (ii) the small game license surcharge under section 97A.475, subdivision 4;
- (iii) the Minnesota migratory waterfowl stamp under section 97A.475, subdivision 5, clause (1);
- (iv) the trout and salmon stamp under section 97A.475, subdivision 10; and
- (v) the pheasant stamp under section 97A.475, subdivision 5, clause (2); and
- (2) the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c), and the purposes for which these amounts were spent.

(b) The report must include the commissioner's recommendations, if any, for changes in the laws relating to the stamps and surcharges referenced in paragraph (a).

Subd. 5. **Pelting fees.** The commissioner may pay a pelting fee to a person who recovers, treats, preserves, or transports the pelt of a fur-bearing animal that is accidentally killed or is lawfully taken under section 97B.655. The commissioner may adopt rules setting pelting fees and governing their payment. The amounts necessary to pay the fees are appropriated from the game and fish fund to the commissioner.

History: 1993 c 172 s 51,52; 1993 c 231 s 7

97A.061 PAYMENT IN LIEU OF TAXES.

[For text of subd 1, see M.S.1992]

Subd. 2. **Allocation.** (a) Except as provided in subdivision 3, the county treasurer shall allocate the payment among the county, towns, and school districts on the same basis as if the payments were taxes on the land received in the year. Payment of a town's or a school district's allocation must be made by the county treasurer to the town or school district within 30 days of receipt of the payment to the county. The county's share of the payment shall be deposited in the county general revenue fund.

(b) The county treasurer of a county with a population over 39,000 but less than 42,000 in the 1950 federal census shall allocate the payment only among the towns and school districts on the same basis as if the payments were taxes on the lands received in the current year.

Subd. 3. **Goose management croplands.** (a) The commissioner shall make a payment on July 1 of each year from the game and fish fund, to each county where the state owns more than 1,000 acres of crop land, for wild goose management purposes. The payment shall be equal to the taxes assessed on comparable, privately owned, adjacent land. The county treasurer shall allocate and distribute the payment as provided in subdivision 2.

(b) The land used for goose management under this subdivision is exempt from taxation as provided in sections 272.01 and 273.19.

History: 1993 c 375 art 17 s 3,4

97A.065 DEDICATION OF CERTAIN RECEIPTS.

[For text of subd 1, see M.S.1992]

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), (c), and (d).

(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.

(d) The county treasurer shall submit one-half of the receipts collected from prosecutions of violations of sections 84.81 to 84.91, including receipts that are assessments or surcharges imposed under section 609.101, to the commissioner and credit the balance to the county general fund. The commissioner shall credit these receipts to the snowmobile trails and enforcement account in the natural resources fund.

[For text of subds 3 and 5, see M.S.1992]

History: 1993 c 184 s 6

97A.071 WILDLIFE ACQUISITION ACCOUNT.

[For text of subd 1, see M.S.1992]

Subd. 2. **Revenue from the small game license surcharge.** Revenue from the small game surcharge shall be credited to the wildlife acquisition account and the money in the account shall be used by the commissioner for the purposes of this section, and acquisition and development of wildlife lands under section 97A.145, in accordance with appropriations made by the legislature.

[For text of subds 3 and 4, see M.S.1992]

History: 1993 c 172 s 53

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 or deer management programs.

(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.1992]

History: 1993 c 172 s 54

97A.091 HUNTING ON GAME REFUGES.

Subdivision 1. **Hunting and possession of firearms.** Except as provided in subdivision 2, a person may not take a wild animal, except fish, within a state game refuge. A person may not carry within a refuge:

(1) a firearm unless the firearm is unloaded and contained in a case, or unloaded and broken down; or

(2) an uncased bow.

Subd. 2. When hunting allowed. (a) The commissioner may allow hunting of a protected wild animal species within any portion of a state game refuge, including a state park. Hunting may be allowed under this paragraph only if the commissioner finds:

(1) the population of the species exceeds the refuge's carrying capacity;

(2) the species is causing substantial damage to agricultural or forest crops in the vicinity;

(3) the species or other protected wild animals are threatened by the species population; or

(4) a harvestable surplus of the species exists.

(b) The commissioner may allow hunting of unprotected wild animals in a game refuge.

(c) The commissioner may prescribe rules for any hunting allowed within a refuge.

[For text of subd 3, see M.S.1992]

History: 1993 c 231 s 8,9

97A.092 CONTROLLED HUNTING ZONES.

The commissioner may by rule establish controlled hunting zones in areas on or adjacent to wildlife management areas and game refuges where the commissioner determines it is necessary to limit the distribution of waterfowl hunters. The commissioner may by rule establish conditions for entry and restrictions on hunting in a controlled hunting zone, including procedures for impartially selecting hunters for the zone.

History: 1993 c 231 s 10

97A.095 WATERFOWL PROTECTED AREAS.

[For text of subd 1, see M.S.1992]

Subd. 2. Waterfowl feeding and resting areas. The commissioner may, by rule, 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. Except as authorized in rules adopted by the commissioner, a person may not enter a posted migratory waterfowl feeding and resting area, during a period when hunting of migratory waterfowl is allowed, with watercraft or aircraft propelled by a motor, other than an electric motor of less than 30 pounds thrust. The commissioner may, by rule, further restrict the use of electric motors in migratory waterfowl feeding and resting areas.

[For text of subd 3, see M.S.1992]

History: 1993 c 231 s 11

97A.098 TRESPASS ON FEDERAL LANDS.

A person may not enter or use a national wildlife refuge or federal waterfowl production area in violation of federal law.

History: 1993 c 231 s 12

97A.105 GAME AND FUR FARMS.

Subdivision 1. License requirements. (a) 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.

(b) A person may purchase live game birds or their eggs without a license if the birds or eggs, or birds hatched from the eggs, are released into the wild, consumed, or processed for consumption within one year after they were purchased or hatched. This paragraph does not apply to the purchase of migratory waterfowl or their eggs.

[For text of subds 2 to 8, see M.S.1992]

Subd. 9. Rules. The commissioner may adopt rules for:

- (1) the issuance of game farm licenses;
- (2) the inspection of game farm facilities;
- (3) the acquisition and disposal of game farm animals; and
- (4) record keeping and reporting by game farm licensees.

History: 1993 c 231 s 13,14

97A.127 FINANCING WATERFOWL DEVELOPMENT.

The commissioner may use funds appropriated for fish and wildlife programs for the purpose of developing, preserving, restoring, and maintaining waterfowl breeding grounds in Canada under agreement or contract with any nonprofit organization dedicated to the construction, maintenance, and repair of projects that are acceptable to the governmental agency having jurisdiction over the land and water affected by the projects. The commissioner may execute agreements and contracts if the commissioner determines that use of the funds will benefit the migration of waterfowl into the state.

History: 1993 c 269 s 7

97A.135 ACQUISITION OF WILDLIFE LANDS.

[For text of subd 1, see M.S.1992]

Subd. 2. Disposal of unsuitable hunting areas. The commissioner shall sell or exchange land acquired for public hunting that is unnecessary or unsuitable. The land may not be sold for less than its purchase price. The land may be exchanged for land of equal value that adds to existing public hunting areas. The sales and exchanges must be approved by the executive council. This subdivision does not apply to land in a wildlife management area.

Subd. 2a. Disposal of land in wildlife management areas. (a) The commissioner may sell or exchange land in a wildlife management area authorized by designation under section 86A.07, subdivision 3, or 97A.145 if the commissioner vacates the designation before the sale or exchange in accordance with this subdivision. The designation may be vacated only if the commissioner finds, after a public hearing, that the disposal of the land is in the public interest.

(b) A sale under this subdivision is subject to sections 94.09 to 94.16. An exchange under this subdivision is subject to sections 94.341 to 94.348.

(c) Revenue received from a sale authorized under paragraph (a) is appropriated to the commissioner for acquisition of replacement wildlife management lands.

(d) Land acquired by the commissioner under this subdivision must meet the criteria in section 86A.05, subdivision 8, and as soon as possible after the acquisition must be designated as a wildlife management area under section 86A.07, subdivision 3, or 97A.145.

(e) In acquiring land under this subdivision, the commissioner must give priority to land within the same geographic region of the state as the land conveyed.

[For text of subd 3, see M.S.1992]

History: 1993 c 285 s 16,17

97A.137 HUNTING, FISHING, AND TRESPASSING IN WILDLIFE MANAGEMENT AREAS.

Subdivision 1. **Hunting and fishing.** Wildlife management areas are open to hunting and fishing unless closed by rule of the commissioner or by posting under subdivision 2.

Subd. 2. **Commissioner may restrict entry to designated areas.** The commissioner may, by posting in accordance with section 97B.001, subdivision 4, designate areas within wildlife management areas that are closed to entry for the purpose of providing areas where disturbance of wildlife can be minimized. A person may not enter an area posted under this subdivision except as authorized by rule or a permit issued by the commissioner.

History: 1993 c 231 s 15

97A.255 PROSECUTIONS.

[For text of subd 1, see M.S.1992]

Subd. 2. **Burden of proof.** (a) 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 or aquatic farm, taken for scientific purposes, lawfully taken, or received as a gift, is on the defendant.

(b) The commissioner may by rule prescribe the documentation or other evidence sufficient to demonstrate lawful possession of:

- (1) a wild animal received as a gift; and
- (2) a wild animal taken on an Indian reservation or in another state, province, or country.

[For text of subd 4, see M.S.1992]

History: 1993 c 231 s 16

97A.401 SPECIAL PERMITS.

[For text of subs 1 to 3, see M.S.1992]

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, controlled hunting zones, and other areas of the state that the commissioner may open for the taking of a wild animal during a special season or subject to special restrictions. 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 or administering the special restrictions.

[For text of subs 5 to 7, see M.S.1992]

History: 1993 c 231 s 17

97A.415 LICENSE RESTRICTIONS.

[For text of subd 1, see M.S.1992]

Subd. 2. **Transfer prohibited.** A person may not lend, transfer, borrow, or solicit

a license or permit, application for a license or permit, coupon, tag, or seal, or use a license, permit, coupon, tag, or seal not issued to the person unless otherwise expressly authorized.

[For text of subd 3, see M.S.1992]

History: 1993 c 231 s 18

97A.418 PERMIT RULES.

Wherever the game and fish laws specifically provide for the issuance of a permit by the commissioner, the commissioner may do the following in accordance with criteria and procedures established in rules adopted by the commissioner:

- (1) issue a permit with reasonable conditions; and
- (2) deny, modify, suspend, or revoke a permit for cause, including violation of the game and fish laws or rules adopted thereunder.

History: 1993 c 231 s 19

97A.431 MOOSE LICENSES.

Subdivision 1. **Number of licenses; party size.** The commissioner shall include in a rule setting the dates for a moose season:

- (1) the number of licenses to be issued; and
- (2) the size of a moose hunting party, not to exceed six persons.

[For text of subds 2 and 3, see M.S.1992]

Subd. 4. **Separate selection; eligibility.** (a) The commissioner may conduct a separate selection for up to 20 percent of the moose 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, and their family members, are eligible for the separate selection. Persons that are unsuccessful in a separate selection must be included in the selection for the remaining licenses.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision.

History: 1993 c 231 s 20,21

97A.433 ELK LICENSES.

Subdivision 1. **Number of licenses; party size.** The commissioner shall include in a rule setting the dates for an elk season:

- (1) the number of licenses to be issued; and
- (2) the size of an elk hunting party, not to exceed two persons.

[For text of subds 2 and 3, see M.S.1992]

Subd. 4. **Separate selection; eligibility.** (a) 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, and their family members, 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.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision.

History: 1993 c 231 s 22,23

97A.435 TURKEY LICENSES; APPLICATION AND ELIGIBILITY.

[For text of subds 1 to 3, see M.S.1992]

Subd. 4. Separate selection of eligible licensees. (a) The commissioner may conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any area. Only persons that are owners or tenants of and that live on at least 40 acres of agricultural or grazing land in the area, and their family members, are eligible applicants for turkey licenses for the separate selection. Persons that are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons that obtain a license in a separate selection must allow public turkey hunting on their land during that turkey season.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision.

History: 1993 c 231 s 24

97A.438 RELEASE OF WILD TURKEYS; PERMIT REQUIRED.

A person may not release a wild turkey or wild turkey hybrid without a permit from the commissioner.

History: 1993 c 231 s 25

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

[For text of subds 1 to 6, see M.S.1992]

Subd. 7. Owners or tenants of agricultural land. (a) The commissioner may issue, without an additional fee, a license to take additional deer with firearms under section 97B.301, subdivision 4, to a person who is an owner or tenant and lives on at least ten acres of agricultural land, as defined in section 97B.001, in an area where the commissioner has made these licenses available. Landowners and tenants applying for a license under this subdivision must receive preference over other applicants for the licenses.

(b) Persons who obtain a license under paragraph (a) must allow public deer hunting on their land during that deer hunting season.

Subd. 8. Duplicate licenses. There is no fee for a duplicate license if the original license was issued without a fee.

History: 1993 c 172 s 55; 1993 c 231 s 26

97A.475 LICENSE FEES.

[For text of subds 1 to 11, see M.S.1992]

Subd. 12. Fish houses; nonresident. Fees for fish house licenses for a nonresident are:

- (1) annual, \$25; and
- (2) seven consecutive days, \$14.

[For text of subds 13 to 42, see M.S.1992]

Subd. 43. Duplicate licenses. The fees for duplicate licenses are:

- (1) for licenses to take big game, \$5; and
- (2) for other licenses, \$2.

History: 1993 c 172 s 56; 1993 c 231 s 27

97A.485 ISSUANCE OF LICENSES.

[For text of subds 1 and 2, see M.S.1992]

Subd. 2a. Licenses to take additional deer. The commissioner may appoint federal, state, or local government employees to be agents of the commissioner for the sale of licenses or permits to take additional deer under section 97B.301, subdivision 4. A bond is not required of a government employee appointed under this subdivision.

[For text of subd 3, see M.S.1992]

Subd. 4. Application to sell licenses by subagent. To be a subagent, a person must apply in writing to an appropriate county auditor in a manner approved by the commissioner. The auditor must provide a subagent the choice either to provide a bond for licenses on consignment, or pay for licenses before furnishing the licenses. License application forms may only be furnished to subagents in groups of ten or more for resident licenses and five or more for nonresident licenses.

[For text of subd 5, see M.S.1992]

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.
- (g) For duplicate licenses, the issuing fees are:
- (1) for licenses to take big game, 75 cents; and
 - (2) for other licenses, 50 cents.

[For text of subds 7 to 11, see M.S.1992]

History: 1993 c 231 s 28,29; 1993 c 310 s 5

97A.505 POSSESSION OF WILD ANIMALS.

[For text of subd 2, see M.S.1992]

Subd. 3a. Transportation of animals into state. Wild animals lawfully taken, bought, sold, or possessed outside the state may be brought or shipped into the state unless otherwise provided by law.

[For text of subd 4, see M.S.1992]

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.

[For text of subd 7, see M.S.1992]

History: 1993 c 231 s 30,31

97A.531 SHIPMENT OF WILD ANIMALS TAKEN IN CANADA.

Subdivision 1. **Shipping coupons.** A person may ship, within or out of the state, wild animals lawfully taken and possessed in Canada and that have lawfully entered the state. The shipment must have the shipping coupons required for a shipment originating in the province where the animals were taken.

Subd. 2. **Condition of fish.** Fish that are lawfully taken and possessed in Canada must be brought into the state in-the-round. A violation of this subdivision is a misdemeanor, and in addition to any criminal penalty imposed, fish brought into or transported within the state contrary to this subdivision must be confiscated, and a penalty of \$10 for each fish must be imposed.

Subd. 3. **Transportation.** Fish lawfully taken in Canada may be transported within the state or out of the state by a nonresident, and by a resident possessing a Minnesota angling license.

Subd. 4. **Notice.** Any advertisement of fishing resorts or facilities in Canada in printed or broadcast form originating or distributed within the state must contain a summary of the requirement of subdivision 2, and penalty for noncompliance.

Subd. 5. **Conditions suspended.** The commissioner of natural resources may suspend the requirements of subdivisions 2, 3, and 4 whenever Canadian laws or regulations imposing certain fees known as DAVT, or the "daily angling validation tag" are repealed, rescinded, or modified.

History: 1993 c 269 s 8

NOTE: The amendment to this section by Laws 1993, chapter 269, section 8, is effective March 1, 1994. See Laws 1993, chapter 269, section 33.

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

[For text of subd 1, see M.S.1992]

Subd. 2. **Registration required.** Deer, bear, elk, and moose must be registered as prescribed by the commissioner, in addition to the tag required in subdivision 1.

[For text of subds 3 to 5, see M.S.1992]

History: 1993 c 231 s 32

97A.541 [Repealed, 1993 c 269 s 32]

97A.545 TRANSPORTATION OF GAME BIRDS.

Subdivision 1. **Residents shipping by common carrier.** A resident that ships game birds to the resident by common carrier without being in the vehicle may not make more than three shipments during a license year. A shipment may not contain more than the resident's daily limit.

Subd. 2. **Nonresidents shipping by common carrier.** A nonresident that ships game birds to the nonresident by common carrier without being in the vehicle must obtain a shipping permit from the commissioner. The commissioner shall issue the permit upon request, without a fee. The carrier receiving the shipment must cancel the permit as prescribed by the commissioner.

[For text of subd 3, see M.S.1992]

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

(b) A resident may ship the game birds by common carrier within the state. A non-resident may ship the 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.

Subd. 5. **Birds must be in undressed condition; exceptions.** (a) Except as provided in paragraph (b), a person may ship or otherwise transport game birds in an undressed condition only.

(b) Paragraph (a) does not apply if the birds being shipped or otherwise transported:

(1) were taken on a shooting preserve and are marked or identified in accordance with section 97A.121, subdivision 5; or

(2) were taken, dressed, and lawfully shipped or otherwise transported in another state.

History: 1993 c 231 s 33-36

97A.551 TRANSPORTATION OF FISH.

[For text of subds 2 and 3, see M.S.1992]

Subd. 4. **Walleye; northern pike.** Walleye and northern pike may be possessed, transported, or shipped in a dressed or undressed condition.

Subd. 5. **Preparation and packing of fish for transportation.** The commissioner may adopt rules for the preparation and packing of fish for transportation.

History: 1993 c 185 s 1; 1993 c 231 s 37