

CHAPTER 97C

FISHING

| | | | |
|---------|--|---------|--|
| 97C.025 | Fishing and motorboats prohibited in certain areas. | 97C.391 | Buying and selling fish. |
| 97C.051 | Special permits to use piscicides. | 97C.401 | Limits. |
| 97C.081 | Fishing contests. | 97C.405 | Muskellunge size limits. |
| 97C.085 | Permit required for tagging fish. | 97C.505 | Minnows. |
| 97C.203 | Disposal of state hatchery eggs or fry. | 97C.515 | Imported minnows. |
| 97C.205 | Rules for transporting and stocking fish. | 97C.525 | Restrictions on transportation of minnows. |
| 97C.311 | Lake Superior fishing guide license. | 97C.601 | Frogs. |
| 97C.327 | Measurement of fish length. | 97C.701 | Taking mussels. |
| 97C.331 | Snagging fish prohibited. | 97C.705 | Mussel seasons. |
| 97C.345 | Restrictions on use and possession of nets and spears. | 97C.711 | Undersized mussels. |
| 97C.355 | Dark houses and fish houses. | 97C.805 | Netting of lake whitefish and ciscoes. |
| 97C.375 | Taking rough fish by spearing or archery. | 97C.865 | Fish packers. |
| | | 97C.871 | Crayfish. |

97C.025 FISHING AND MOTORBOATS PROHIBITED IN CERTAIN AREAS.

(a) Except as provided in paragraph (b), a person may not take fish from or drive motorboats over posted waters that:

- (1) are designated as spawning beds or fish preserves; or
- (2) are being used by the commissioner for fisheries research or management activities.

An area may be posted under this paragraph if necessary to prevent excessive depletion of fish or interference with fisheries research or management activities.

(b) An owner of riparian land adjacent to an area posted under paragraph (a) may operate a motorboat through the area by the shortest direct route at a speed of not more than five miles per hour.

History: 1993 c 231 s 47

97C.051 SPECIAL PERMITS TO USE PISCICIDES.

Subdivision 1. **Permit.** (a) The commissioner may issue a special permit, without a fee, to apply piscicides to restore waters at the permittee's expense. The commissioner may by rule prescribe insurance requirements for permit applicants.

(b) A permit under this section may be issued to an individual, a group of riparian owners, or a lake improvement association. The permit may only be issued if all riparian owners have consented in writing.

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

History: 1993 c 231 s 48

97C.081 FISHING CONTESTS.

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

Subd. 2. **Contests without a permit.** A person may conduct a fishing contest with entry fees of \$10, or less, per person and total prizes valued at \$2,000, or less, without a permit from the commissioner.

Subd. 3. **Contests authorized by commissioner.** The commissioner may, by rule or permit, allow fishing contests with entry fees over \$10 per person or total prizes valued at more than \$2,000. Permits must be issued without a fee and if the commissioner does not deny the permit within 14 days, excluding holidays, after receipt of an application, the permit is granted.

Subd. 4. **Restrictions.** The commissioner may by rule establish restrictions on fishing contests to protect fish and fish habitat and for the safety of contest participants.

Subd. 5. **Ice fishing contest in conjunction with raffle.** An organization that is permitted under this section and licensed by the lawful gambling control board to conduct raffles may conduct a raffle in conjunction with an ice fishing contest. The organization may sell a combined ticket for a single price for the ice fishing contest and raffle, provided that the combined ticket states in at least eight-point type the amount of the price that applies to the ice fishing contest and the amount that applies to the raffle. All other provisions of sections 349.11 to 349.23 apply to the raffle.

History: 1993 c 231 s 49-51; 1993 c 269 s 25

97C.085 PERMIT REQUIRED FOR TAGGING FISH.

A person may not tag or otherwise mark a live fish for identification without a permit from the commissioner.

History: 1993 c 231 s 52

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

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; and
- (2) sale of fish eggs and fry to private fish hatcheries or licensed aquatic farms at a price not less than the fair wholesale market value, established as the average price charged at the state's private hatcheries and contiguous states per volume rates.

History: 1993 c 226 s 16

97C.205 RULES FOR TRANSPORTING AND STOCKING FISH.

(a) The commissioner may adopt rules to regulate:

- (1) the transportation of fish and fish eggs from one body of water to another; and
- (2) the stocking of waters with fish or fish eggs.

(b) The commissioner shall prescribe rules designed to encourage local sporting organizations to propagate game fish by using rearing ponds. The rules must:

- (1) prescribe methods to acquire brood stock for the ponds by seining public waters;
- (2) allow the sporting organizations to own and use seines and other necessary equipment; and
- (3) prescribe methods for stocking the fish in public waters that give priority to the needs of the community where the fish are reared and the desires of the organization operating the rearing pond.

History: 1993 c 231 s 53

97C.311 LAKE SUPERIOR FISHING GUIDE LICENSE.

Subdivision 1. **License required.** A person may not operate a charter boat and guide anglers on Lake Superior for compensation without a Lake Superior fishing guide license.

Subd. 2. **Rules.** The commissioner shall adopt rules for:

- (1) issuance of the licenses, including qualifications for licensees; and
- (2) record keeping and reporting by licensees.

Subd. 3. **Federal requirements.** A person may not use a watercraft for activities authorized under this section unless the watercraft complies with all applicable licensing and safety requirements of the United States Coast Guard.

History: 1993 c 231 s 54

97C.327 MEASUREMENT OF FISH LENGTH.

For the purpose of determining compliance with size limits for fish in this chapter or in rules of the commissioner, the length of a fish must be measured from the tip of the nose to the tip of the tail when fully extended.

History: 1993 c 231 s 55

97C.331 SNAGGING FISH PROHIBITED.

A person may not:

- (1) intentionally take fish by snagging; or
- (2) use a snagline, snaggpole, snaghook, or cluster of fish hooks, designed to be placed in or drawn through the water to hook the body of a fish.

History: 1993 c 231 s 56

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

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

Subd. 4. **Exceptions.** Subdivisions 1 to 3 do not apply to:

- (1) nets used to take rainbow smelt during the open season;
- (2) nets used to land game fish taken by angling;
- (3) seines or traps used for the taking of minnows for bait;
- (4) nets, seines, or traps possessed and used under an aquatic farm license; and
- (5) angling equipment.

Subd. 5. **Rules.** The commissioner may adopt rules to regulate the use of nets to take fish.

History: 1993 c 231 s 57,58

97C.355 DARK HOUSES AND FISH HOUSES.

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

Subd. 2. **License required.** A person may not take fish from a dark house or fish house unless the house is licensed and has a metal license tag attached to the exterior as prescribed by the commissioner, except as provided in this subdivision. The commissioner must issue a metal tag that is at least two inches in diameter with a 3/16 inch hole in the center with a dark house or fish house license. The metal tag must be stamped with a number to correspond with the license and the year of issue. A dark house or fish house license is not required of a resident on boundary waters where the adjacent state does not charge a fee for the same activity.

[For text of subds 3 to 8, see M.S.1992]

History: 1993 c 172 s 57

97C.375 TAKING ROUGH FISH BY SPEARING OR ARCHERY.

A resident or nonresident may take rough fish by spearing or archery during the times, in waters, and in the manner prescribed by the commissioner.

History: 1993 c 269 s 26

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) smelt taken from Lake Superior and rivers and streams that flow into Lake Superior;

- (4) fish taken under licensed commercial fishing operations;
- (5) fish that are private aquatic life; and
- (6) fish lawfully taken and subject to sale from other states and countries.

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

History: 1993 c 231 s 59

97C.401 LIMITS.

Subdivision 1. **Commissioner authorized to prescribe limits.** Unless otherwise provided in this chapter, the commissioner shall, by rule, prescribe the limits on the number of each species of fish that may be taken in one day and the number that may be possessed.

Subd. 2. **Walleye; northern pike.** (a) Except as provided in paragraphs (b) and (c), a person may take no more than one walleye larger than 20 inches and one northern pike larger than 30 inches daily.

(b) The restrictions in paragraph (a) do not apply to boundary waters except Lake of the Woods.

(c) On Lake of the Woods, a person may take no more than one walleye larger than 19.5 inches and one northern pike larger than 30 inches daily.

History: 1993 c 185 s 2

NOTE: The amendment to this section by Laws 1993, chapter 185, section 2, is effective March 1, 1994. See Laws 1993, chapter 185, section 4.

97C.405 MUSKELLUNGE SIZE LIMITS.

(a) Except as allowed under paragraph (b), if a person catches a muskellunge less than 40 inches long, the person must immediately release the fish into the waters.

(b) The commissioner may designate lakes north of trunk highway No. 210 where muskellunge less than 40 inches, but not less than 30 inches long, may be retained.

History: 1993 c 231 s 60

97C.505 MINNOWS.

Subdivision 1. **Authority to take, possess, buy, and sell.** (a) Minnows may be taken, possessed, bought, and sold, subject to the restrictions in this chapter and in rules adopted by the commissioner under paragraph (b). A person may not take, possess, or sell minnows except for use as bait or for ornamental or aquacultural purposes.

(b) The commissioner may adopt rules for the taking, possession, purchase, sale, and transportation of minnows.

[For text of subds 2 to 6, see M.S.1992]

History: 1993 c 231 s 61

97C.515 IMPORTED MINNOWS.

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

Subd. 4. **Private fish hatchery or aquatic farm.** A person with a private fish hatchery or aquatic farm license may transport minnows from contiguous states to the private fish hatchery or aquatic farm, provided the minnows are used for processing or feeding hatchery fish. The commissioner may require inspection of minnows transported from outside the state.

Subd. 5. **Special permits.** (a) The commissioner may issue a special permit, without a fee, to allow a person with a private fish hatchery license to import minnows from other states for export. A permit under this subdivision is not required for importation authorized under subdivision 4.

(b) An applicant for a permit under this subdivision shall submit to the commis-

sioner sufficient information to identify potential threats to native plant and animal species and an evaluation of the feasibility of the proposal. The permit may include reasonable restrictions on importation, transportation, possession, containment, and disposal of minnows to ensure that native species are protected. The permit may have a term of up to two years and may be modified, suspended, or revoked by the commissioner for cause, including violation of a condition of the permit.

History: 1993 c 226 s 17,18; 1993 c 269 s 27

97C.525 RESTRICTIONS ON TRANSPORTATION OF MINNOWS.

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

Subd. 3. **Minnow dealers and haulers.** A resident minnow dealer or a nonresident exporting minnow hauler may transport minnows out of the state. A nonresident exporting minnow hauler must possess a bill of lading issued by a minnow dealer with an exporting minnow dealer's license. The bill of lading must be on a form furnished by the commissioner and must state the exporting minnow hauler's name and address, the route through the state, number and species of minnows, and the time it was issued.

[For text of subds 4 to 6, see M.S.1992]

History: 1993 c 226 s 19

97C.601 FROGS.

[For text of subds 1 to 5, see M.S.1992]

Subd. 6. **Rules.** The commissioner shall prescribe rules for taking, buying, selling, possessing, importing, and transporting frogs for purposes other than bait.

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

History: 1993 c 231 s 62

97C.701 TAKING MUSSELS.

Subdivision 1. **Commissioner's authority.** The commissioner may by rule set size limits and prescribe conditions for the taking, possession, transportation, sale, and purchase of mussels.

Subd. 1a. **Hand-picking required.** A person may only harvest mussels by hand-picking.

Subd. 2. [Repealed, 1993 c 269 s 32]

Subd. 3. [Repealed, 1993 c 269 s 32]

Subd. 4. [Repealed, 1993 c 269 s 32]

Subd. 5. [Repealed, 1993 c 269 s 32]

[For text of subd 6, see M.S.1992]

History: 1993 c 269 s 28,29

97C.705 MUSSEL SEASONS.

Subdivision 1. **Open seasons.** (a) The open season for taking mussels is from May 16 to the last day of February.

(b) The commissioner may by rule restrict the open season for taking mussels for commercial purposes.

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

History: 1993 c 269 s 30

97C.711 UNDERSIZED MUSSELS.

A person must return undersized mussels to the water without injury.

History: 1993 c 269 s 31

97C.805 NETTING OF LAKE WHITEFISH AND CISCOES.

Subdivision 1. Open season. (a) The commissioner shall, by rule, prescribe the open season and open state waters for netting lake whitefish and ciscoes. The commissioner may open specific lakes and waters that are otherwise closed if the commissioner posts notice of the date and time in appropriate public places at least 48 hours before the open season begins.

(b) The commissioner may close specific lakes and waters that are otherwise open under this subdivision if the commissioner posts notice of the closing at a minimum of three sites on the shore of the waters, including all public water access sites. Before closing waters under this paragraph, the commissioner shall determine that the closure is necessary to protect game fish populations.

Subd. 2. Restrictions. (a) The netting of lake whitefish and ciscoes is subject to the restrictions in this subdivision.

(b) A person may not use:

- (1) more than two nets;
- (2) a net more than 100 feet long; or
- (3) a net more than three feet wide.

(c) The mesh size of the nets may not be less than:

- (1) 1-3/4 inches, stretch measure, for nets used to take ciscoes; and
- (2) 3-1/2 inches, stretch measure, for all other nets.

(d) A net may not be set in water, including ice thickness, deeper than six feet.

(e) The commissioner may designate waters where nets may be set so that portions of the net extend into water deeper than six feet under conditions prescribed by the commissioner to protect game fish. A pole or stake must project at least two feet above the surface of the water or ice at one end of each net.

(f) A net may not be set within 50 feet of another net.

(g) A person may not have angling equipment in possession while netting lake whitefish or ciscoes.

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

Subd. 4. No limit on rough fish netted. Lake whitefish and ciscoes taken under this section may be taken and possessed without limit. Rough fish caught while netting may be retained. All other fish taken while netting must be returned to the water immediately.

History: 1993 c 231 s 63-65

97C.865 FISH PACKERS.

Subdivision 1. License required; records. (a) A person engaged in a business providing services to a person taking fish may not prepare dressed game fish for shipment without a fish packer's license. The fish packer must maintain a permanent record of:

- (1) the name, address, and license number of the shipper;
- (2) the name and address of the consignee; and
- (3) the number of each species and net weight of fish in the shipment.

(b) The records of the fish packer must be made available to an enforcement officer upon request.

Subd. 2. Rules. The commissioner may adopt rules establishing requirements for labeling and packing fish under a fish packer's license.

History: 1993 c 231 s 66

97C.871 CRAYFISH.

The commissioner may adopt rules, including record keeping requirements, for taking, importing, buying, selling, possessing, and transporting crayfish.

History: 1993 c 231 s 67