

CHAPTER 97A

GAME AND FISH

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97A.045 COMMISSIONER, GENERAL POWERS AND DUTIES.

[For text of subds 1 to 10, see M.S.2002]

Subd. 11. **Power to prevent or control wildlife disease.** (a) If the commissioner determines that action is necessary to prevent or control a wildlife disease, the commissioner may prevent or control wildlife disease in a species of wild animal in addition to the protection provided by the game and fish laws by further limiting, closing, expanding, or opening seasons or areas of the state; by reducing or increasing limits in areas of the state; by establishing disease management zones; by authorizing free licenses; by allowing shooting from motor vehicles by persons designated by the commissioner; by issuing replacement licenses for sick animals; by requiring sample collection from hunter-harvested animals; by limiting wild animal possession, transportation, and disposition; and by restricting wildlife feeding.

(b) The commissioner may prevent or control wildlife disease in a species of wild animal in the state by emergency rule adopted under section 84.027, subdivision 13.

History: 2003 c 128 art 1 s 49

97A.051 PUBLICATION OF RULES AND LAWS.

Subdivision 1. [Repealed, 2003 c 28 art 1 s 20]

[For text of subds 2 and 4, see M.S.2002]

97A.055 GAME AND FISH FUND.

[For text of subd 1, see M.S.2002]

Subd. 2. **Receipts.** The commissioner of finance shall credit to the game and fish fund all money received under the game and fish laws including receipts from:

- (1) licenses issued;
- (2) fines and forfeited bail;
- (3) sales of contraband, wild animals, and other property under the control of the division;
- (4) fees from advanced education courses for hunters and trappers;
- (5) reimbursements of expenditures by the division;
- (6) contributions to the division; and
- (7) revenue credited to the game and fish fund under section 297A.94, paragraph (e), clause (1).

[For text of subds 2a to 5, see M.S.2002]

History: 2003 c 112 art 2 s 50

97A.065 DEDICATION OF CERTAIN RECEIPTS.

[For text of subd 1, see M.S.2002]

Subd. 2. **Fines and forfeited bail.** (a) Fines and forfeited bail collected from prosecutions of violations of: the game and fish laws or rules adopted thereunder;

sections 84.091 to 84.15 or rules adopted thereunder; sections 84.81 to 84.91 or rules adopted thereunder; section 169A.20, when the violation involved an off-road recreational vehicle as defined in section 169A.03, subdivision 16; chapter 348; and any other law relating to wild animals or 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). In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), the share that would otherwise go to the county under this paragraph must be submitted to the commissioner of finance for deposit in the state treasury and credited to the general fund.

(b) The commissioner may reimburse a county, from the game and fish fund, for the cost of keeping prisoners prosecuted for violations of the game and fish laws under this section if the county board, by resolution, directs: (1) the county treasurer to submit all game and fish 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 submit one-half of the receipts collected under paragraph (a) from prosecutions of violations of sections 84.81 to 84.91 or rules adopted thereunder, and 169A.20, except receipts that are surcharges imposed under section 357.021, subdivision 6, 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.

(d) The county treasurer shall indicate the amount of the receipts that are surcharges imposed under section 357.021, subdivision 6, and shall submit all of those receipts to the commissioner of finance.

[For text of subd 5, see M.S.2002]

History: 2003 c 28 art 1 s 13; 2003 c 112 art 2 s 50

97A.071 WILDLIFE ACQUISITION ACCOUNT.

[For text of subd 1, see M.S.2002]

Subd. 2. Revenue from small game license surcharge and lifetime licenses. Revenue from the small game surcharge and \$6.50 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under sections 97A.473, subdivisions 3 and 5, and 97A.474, subdivision 3, shall be credited to the wildlife acquisition account and the money in the account shall be used by the commissioner only for the purposes of this section, and acquisition and development of wildlife lands under section 97A.145 and maintenance of the lands, in accordance with appropriations made by the legislature.

[For text of subds 2a to 5, see M.S.2002]

History: 2003 c 128 art 1 s 50

NOTE: The amendment to subdivision 2 by Laws 2003, chapter 128, article 1, section 50, is effective March 1, 2004. Laws 2003, chapter 128, article 1, section 50, the effective date.

97A.075 USE OF LICENSE REVENUES.

Subdivision 1. Deer, bear, and lifetime licenses. (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (4), (5), (9), (11), (13), and (14), and 3, clauses (2), (3), and (7), and licenses issued under section 97B.301, subdivision 4.

(b) At least \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be used for deer habitat improvement or deer management programs.

(c) At least \$1 from each annual deer license and each bear license and \$1 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be used for deer and bear management programs, including a computerized licensing system. Fifty cents from each deer license is appropriated for emergency deer feeding and wild cervidae health management. Money appropriated for emergency deer feeding and wild cervidae health management is available until expended. When the unencumbered balance in the appropriation for emergency deer feeding and wild cervidae health management at the end of a fiscal year exceeds \$2,500,000 for the first time, \$750,000 is canceled to the unappropriated balance of the game and fish fund. The commissioner must inform the legislative chairs of the natural resources finance committees every two years on how the money for emergency deer feeding and wild cervidae health management has been spent.

Thereafter, when the unencumbered balance in the appropriation for emergency deer feeding and wild cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the unencumbered balance in excess of \$2,500,000 is canceled and available for deer and bear management programs and computerized licensing.

Subd. 2. Minnesota migratory waterfowl stamp. (a) Ninety percent of the revenue from the Minnesota migratory waterfowl stamps must be credited to the waterfowl habitat improvement account. Money in the account may be used only for:

(1) development of wetlands and lakes in the state and designated waterfowl management lakes for maximum migratory waterfowl production including habitat evaluation, the construction of dikes, water control structures and impoundments, nest cover, rough fish barriers, acquisition of sites and facilities necessary for development and management of existing migratory waterfowl habitat and the designation of waters under section 97A.101;

(2) management of migratory waterfowl;

(3) development, restoration, maintenance, or preservation of migratory waterfowl habitat;

(4) acquisition of and access to structure sites; and

(5) the promotion of waterfowl habitat development and maintenance, including promotion and evaluation of government farm program benefits for waterfowl habitat.

(b) Money in the account may not be used for costs unless they are directly related to a specific parcel of land or body of water under paragraph (a), clause (1), (3), (4), or (5), or to specific management activities under paragraph (a), clause (2).

[For text of subd 3, see M.S.2002]

Subd. 4. Pheasant stamp. (a) Ninety percent of the revenue from pheasant stamps must be credited to the pheasant habitat improvement account. Money in the account may be used only for:

(1) the development, restoration, and maintenance of suitable habitat for ring-necked pheasants on public and private land including the establishment of nesting cover, winter cover, and reliable food sources;

(2) reimbursement of landowners for setting aside lands for pheasant habitat;

(3) reimbursement of expenditures to provide pheasant habitat on public and private land;

(4) the promotion of pheasant habitat development and maintenance, including promotion and evaluation of government farm program benefits for pheasant habitat; and

(5) the acquisition of lands suitable for pheasant habitat management and public hunting.

(b) Money in the account may not be used for:

(1) costs unless they are directly related to a specific parcel of land under paragraph (a), clause (1), (3), or (5), or to specific promotional or evaluative activities under paragraph (a), clause (4); or

(2) any personnel costs, except that prior to July 1, 2009, personnel may be hired to provide technical and promotional assistance for private landowners to implement conservation provisions of state and federal programs.

[For text of subd 5, see M.S.2002]

History: 2003 c 128 art 1 s 51-53

97A.105 GAME AND FUR FARMS.

Subdivision 1. License requirements. (a) A person may breed and propagate fur-bearing animals, game birds, bear, or mute swans 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.

(c) A person may not introduce mute swans into the wild without a permit issued by the commissioner.

[For text of subds 2 and 3, see M.S.2002]

Subd. 3a. [Repealed, 2003 c 128 art 1 s 176]

Subd. 3b. [Repealed, 2003 c 128 art 1 s 176]

[For text of subds 4 to 9, see M.S.2002]

History: 2003 c 128 art 1 s 54

97A.401 SPECIAL PERMITS.

[For text of subds 1 and 2, see M.S.2002]

Subd. 3. Taking, possessing, and transporting wild animals for certain purposes.

(a) Except as provided in paragraph (b), special permits may be issued without a fee to take, possess, and transport wild animals as pets and for scientific, educational, rehabilitative, wildlife disease prevention and control, and exhibition purposes. The commissioner shall prescribe the conditions for taking, possessing, transporting, and disposing of the wild animals.

(b) A special permit may not be issued to take or possess wild or native deer for exhibition, propagation, or as pets.

[For text of subds 4 to 7, see M.S.2002]

History: 2003 c 128 art 1 s 55

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

[For text of subds 1 to 6a, see M.S.2002]

Subd. 7. Owners or tenants of agricultural land. (a) The commissioner may issue, without a fee, a license to take an antlerless deer to a person who is an owner or tenant and is living and actively farming on at least 80 acres of agricultural land, as defined in section 97B.001, in deer permit areas that have deer archery licenses to take additional deer under section 97B.301, subdivision 4. A person may receive only one license per

year under this subdivision. For properties with co-owners or cotenants, only one co-owner or cotenant may receive a license under this subdivision per year. The license issued under this subdivision is restricted to the land owned or leased by the holder of the license within the permit area where the qualifying land is located. The holder of the license may transfer the license to the holder's spouse or dependent. Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision 2, the holder of the license may purchase an additional license for taking deer and may take an additional deer under that license.

(b) A person who obtains a license under paragraph (a) must allow public deer hunting on their land during that deer hunting season, with the exception of the first Saturday and Sunday during the deer hunting season applicable to the license issued under section 97A.475, subdivision 2, clauses (4) and (13).

[For text of subds 8 and 9, see M.S.2002]

Subd. 10. **Taking wild animals for wildlife disease prevention and control.** The commissioner may issue, without a fee, licenses to take wild animals for the purposes of wildlife disease prevention and control.

History: 2003 c 128 art 1 s 56,57

97A.475. LICENSE FEES.

[For text of subd 1, see M.S.2002]

Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents only, are:

- (1) for persons age 18 or over and under age 65 to take small game, \$12.50;
 - (2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;
 - (3) to take turkey, \$18;
 - (4) for persons age 16 or over to take deer with firearms, \$26;
 - (5) for persons age 16 or over to take deer by archery, \$26;
 - (6) to take moose, for a party of not more than six persons, \$310;
 - (7) to take bear, \$38;
 - (8) to take elk, for a party of not more than two persons, \$250;
 - (9) to take antlered deer in more than one zone, \$52;
 - (10) to take Canada geese during a special season, \$4;
 - (11) to take two deer throughout the state in any open deer season, except as restricted under section 97B.305, \$78;
 - (12) to take prairie chickens, \$20;
 - (13) for persons at least age 12 and under age 16 to take deer with firearms, \$13;
- and
- (14) for persons at least age 12 and under age 16 to take deer by archery, \$13.

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

- (1) to take small game, \$73;
- (2) to take deer with firearms, \$135;
- (3) to take deer by archery, \$135;
- (4) to take bear, \$195;
- (5) to take turkey, \$73;
- (6) to take raccoon, bobcat, fox, coyote, or lynx, \$155;
- (7) to take antlered deer in more than one zone, \$270; and
- (8) to take Canada geese during a special season, \$4.

Subd. 4. **Small game surcharge.** Fees for annual licenses to take small game must be increased by a surcharge of \$6.50. An additional commission may not be assessed on the surcharge and the following statement must be included in the annual small game

hunting regulations: "This \$6.50 surcharge is being paid by hunters for the acquisition and development of wildlife lands."

Subd. 5. **Hunting stamps.** Fees for the following stamps and stamp validations are:

- (1) migratory waterfowl stamp, \$7.50;
- (2) pheasant stamp, \$7.50; and
- (3) turkey stamp validation, \$5.

[For text of subds 6 to 8, see M.S.2002]

Subd. 10. **Trout and salmon stamp validation.** The fee for a trout and salmon stamp validation is \$10.

[For text of subds 11 to 13, see M.S.2002]

Subd. 15. **Fishing guides.** The fee for a license to operate a charter boat and guide anglers on Lake Superior or the St. Louis River Estuary is:

- (1) for a resident, \$125;
- (2) for a nonresident, \$400; or
- (3) if another state charges a Minnesota resident a fee greater than \$440 for a Lake Superior or St. Louis River Estuary fishing guide license in that state, the nonresident fee for a resident of that state is that greater fee.

[For text of subds 16 to 25, see M.S.2002]

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

- (1) minnow dealer, \$310;
- (2) minnow dealer's vehicle, \$15;
- (3) exporting minnow dealer, \$700; and
- (4) exporting minnow dealer's vehicle, \$15.

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

- (1) minnow retailer, \$47; and
- (2) minnow retailer's vehicle, \$15.

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

- (1) exporting minnow hauler, \$1,000; and
- (2) exporting minnow hauler's vehicle, \$15.

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, \$70;
- (2) for a private fish hatchery, with annual sales of \$200 or more, \$210; and
- (3) to take sucker eggs from public waters for a private fish hatchery, \$400, plus \$6 for each quart in excess of 100 quarts.

Subd. 30. **Commercial netting of fish.** The fees to take commercial fish are:

- (1) commercial license fees:
 - (i) for residents and nonresidents seining and netting in inland waters, \$120;
 - (ii) for residents netting in Lake Superior, \$120;
 - (iii) for residents netting in Lake of the Woods, Rainy, Namakan, and Sand Point Lakes, \$120;
 - (iv) for residents seining in the Mississippi River from St. Anthony Falls to the St. Croix River junction, \$120;
 - (v) for residents seining, netting, and set lining in Wisconsin boundary waters from Lake St. Croix to the Iowa border, \$120; and
 - (vi) for a resident apprentice license, \$55; and

(2) commercial gear fees:

(i) for each gill net in Lake Superior, Wisconsin boundary waters, and Namakan Lake, \$5 per 100 feet of net;

(ii) for each seine in inland waters, on the Mississippi River as described in section 97C.801, subdivision 2, and in Wisconsin boundary waters, \$9 per 100 feet;

(iii) for each commercial hoop net in inland waters, \$2;

(iv) for each submerged fyke, trap, and hoop net in Lake Superior, St. Louis Estuary, Lake of the Woods, and Rainy, Namakan, and Sand Point Lakes, and for each pound net in Lake Superior, \$20;

(v) for each stake and pound net in Lake of the Woods, \$90; and

(vi) for each set line in the Wisconsin boundary waters, \$45.

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, \$150;

(2) for Lake Superior fish bought for sale to consumers, \$35;

(3) for Lake of the Woods, Namakan, Sand Point, and Rainy Lake fish bought for sale to retailers, \$300; and

(4) for Lake of the Woods, Namakan, Sand Point, and Rainy Lake fish bought for shipment only on international boundary waters, \$35.

Subd. 39. Fish packer. The fee for a license to prepare dressed game fish for transportation or shipment is \$40.

Subd. 40. Fish vendors. The fee for a license to use a motor vehicle to sell fish is \$70.

[For text of subd 41, see M.S.2002]

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, \$220;

(2) for a nonresident to purchase, possess, and transport frogs, \$550; and

(3) for a resident to take, possess, transport, and sell frogs, \$35.

[For text of subds 43 and 44, see M.S.2002]

Subd. 45. Camp Ripley archery deer hunt. The application fee for the Camp Ripley archery deer hunt is \$8.

History: 2003 c 128 art 1 s 58-73

NOTE: The amendment to subdivision 2, clauses (1) and (2), by Laws 2003, chapter 128, article 1, section 58, is effective March 1, 2004. Laws 2003, chapter 128, article 1, section 58, the effective date.

NOTE: The amendments to subdivisions 4, 5, 10, 15, 26 to 30, 38 to 40, and 42, by Laws 2003, chapter 128, article 1, sections 60 to 72, are effective March 1, 2004. Laws 2003, chapter 128, sections 60 to 72, the effective dates.

97A.482 LICENSE APPLICATIONS; COLLECTION OF SOCIAL SECURITY NUMBERS.

(a) All applicants for individual noncommercial game and fish licenses under this chapter and chapters 97B and 97C must include the applicant's social security number on the license application. If an applicant does not have a social security number, the applicant must certify that the applicant does not have a social security number.

(b) The social security numbers collected by the commissioner on game and fish license applications are private data under section 13.49, subdivision 1, and must be provided by the commissioner to the commissioner of human services for child support enforcement purposes. Title IV-D of the Social Security Act, United States Code, title 42, section 666(a)(13), requires the collection of social security numbers on game and fish license applications for child support enforcement purposes.

History: 1Sp2003 c 14 art 10 s 2

97A.485 ISSUANCE OF LICENSES.*[For text of subds 1 to 5, see M.S.2002]*

Subd. 6. **Licenses to be sold and issuing fees.** (a) Persons authorized to sell licenses under this section must issue 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;
 - (5) for stamps other than a trout and salmon stamp, and for a special season Canada goose license, there is no fee; and
 - (6) for licenses issued without a fee under section 97A.441, there is no fee.
- (b) An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp validation 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) 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 13, see M.S.2002]***History:** 2003 c 128 art 1 s 74**97A.505 POSSESSION OF WILD ANIMALS.***[For text of subds 2 to 7, see M.S.2002]*

Subd. 8. **Importation of hunter-harvested cervidae.** Importation into Minnesota of hunter-harvested cervidae carcasses is prohibited except for cut and wrapped meat, quarters or other portions of meat with no part of the spinal column or head attached, antlers, hides, teeth, finished taxidermy mounts, and antlers attached to skull caps that are cleaned of all brain tissue.

Subd. 9. **Possession of live cervidae.** A person may not possess live cervidae, except as authorized in sections 17.451 and 17.452 or 97A.401.

History: 2003 c 128 art 1 s 75,76