

## CHAPTER 97A

### GAME AND FISH

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#### 97A.015 DEFINITIONS.

*[For text of subs 1 to 23, see M.S.2006]*

Subd. 24. **Game birds.** "Game birds" means migratory waterfowl, ring-necked pheasant, ruffed grouse, sharp-tailed grouse, Canada spruce grouse, prairie chickens, gray partridge, bob-white quail, wild turkeys, coots, gallinules, sora and Virginia rails, mourning dove, American woodcock, and common snipe.

*[For text of subs 25 to 26b, see M.S.2006]*

Subd. 26c. **Immediately released or immediately returned to the water.** "Immediately released" or "immediately returned to the water" means that a fish must not be retained longer than is needed at the site of capture to unhook, identify, measure, or photograph the fish. Placing a fish on a stringer, in a live well, or in a cooler, bucket, or other container is not "immediately released" or "immediately returned to the water."

*[For text of subs 27 to 55, see M.S.2006]*

**History:** 2007 c 131 art 1 s 19,20

#### 97A.045 COMMISSIONER, GENERAL POWERS AND DUTIES.

*[For text of subs 1 to 11, see M.S.2006]*

Subd. 12. **Establishing fees.** Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish fees providing for the use of state wildlife management area or aquatic management area lands for specific purposes, including dog trials, special events, and commercial uses. The fees are not subject to the rule-making provisions of chapter 14 and section 14.386 does not apply.

**History:** 2007 c 57 art 1 s 79

#### 97A.055 GAME AND FISH FUND.

*[For text of subs 1 to 3, see M.S.2006]*

Subd. 4. **Game and fish annual reports.** (a) By December 15 each year, the commissioner shall submit to the legislative committees having jurisdiction over appropriations and the environment and natural resources reports on each of the following:

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

(i) the small game license surcharge under section 97A.475, subdivision 4;

(ii) the Minnesota migratory waterfowl stamp under section 97A.475, subdivision 5, clause (1);

- (iii) the trout and salmon stamp under section 97A.475, subdivision 10;
  - (iv) the pheasant stamp under section 97A.475, subdivision 5, clause (2);
  - (v) the turkey stamp under section 97A.475, subdivision 5, clause (3); and
  - (vi) the deer license donations and surcharges under section 97A.475, subdivisions 3, paragraph (b), and 3a;
- (2) the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c), and the purposes for which these amounts were spent;
- (3) money credited to the game and fish fund under this section and purposes for which expenditures were made from the fund;
- (4) outcome goals for the expenditures from the game and fish fund; and
- (5) summary and comments of citizen oversight committee reviews under subdivision 4b.
- (b) The report must include the commissioner's recommendations, if any, for changes in the laws relating to the stamps and surcharge referenced in paragraph (a).

*[For text of subds 4b and 5, see M.S.2006]*

**History:** 2007 c 57 art 1 s 80

#### **97A.065 DEDICATION OF CERTAIN RECEIPTS.**

*[For text of subds 1 to 5, see M.S.2006]*

Subd. 6. **Deer license donations and surcharges.** (a) The surcharges and donations collected under section 97A.475, subdivision 3, paragraph (b), and subdivision 3a, shall be deposited in an account in the special revenue fund and are appropriated to the commissioner for deer management, including for grants or payments to agencies, organizations, or individuals for assisting with the cost of processing deer taken for population management purposes for venison donation programs. None of the additional license fees shall be transferred to any other agency for administration of programs other than venison donation. If any money transferred by the commissioner is not used for a venison donation program, it shall be returned to the commissioner.

(b) By February 10, 2010, the commissioner shall report to the legislature on the participation in and the effectiveness of the venison donation program.

**History:** 2007 c 57 art 1 s 81

#### **97A.133 STATE WILDLIFE MANAGEMENT AREAS.**

*[For text of subds 1 to 65, see M.S.2006]*

Subd. 66. Vermillion Highlands Wildlife Management Area, Dakota County.

**History:** 2007 c 57 art 1 s 82,168

#### **97A.205 ENFORCEMENT OFFICER POWERS.**

An enforcement officer is authorized to:

- (1) execute and serve court issued warrants and processes relating to wild animals, wild rice, public waters, water pollution, conservation, and use of water, in the same manner as a sheriff;
- (2) enter any land to carry out the duties and functions of the division;
- (3) make investigations of violations of the game and fish laws;
- (4) take an affidavit, if it aids an investigation;
- (5) arrest, without a warrant, a person who is detected in the actual violation of the game and fish laws, a provision of chapters 84, 84A, 84D, 85, 86A, 88 to 97C, 103E, 103F, 103G, sections 86B.001 to 86B.815, 89.51 to 89.64; or 609.66, subdivision 1, clauses (1), (2), (5), and (7); and 609.68; and

(6) take an arrested person before a court in the county where the offense was committed and make a complaint.

Nothing in this section grants an enforcement officer any greater powers than other licensed peace officers.

**History:** 2007 c 57 art 1 s 83

#### 97A.401 SPECIAL PERMITS.

*[For text of subs 1 to 4, see M.S.2006]*

**Subd. 5. Wild animals damaging property.** Special permits may be issued with or without a fee to take protected wild animals or to remove or destroy their dens, nests, eggs, houses, or dams for the purpose of preventing or reducing damage or injury to people, property, agricultural crops, or other interests. The commissioner may prescribe rules for taking Canada geese and their nests and eggs, with or without a permit, consistent with federal regulations.

*[For text of subs 6 and 7, see M.S.2006]*

**History:** 2007 c 131 art 1 s 21

#### 97A.405 LICENSE REQUIREMENTS.

*[For text of subd 1, see M.S.2006]*

**Subd. 2. Personal possession.** (a) A person acting under a license or traveling from an area where a licensed activity was performed must have in personal possession either: (1) the proper license, if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation, if the license has been sold to the person by electronic means but the actual license has not been issued and received.

(b) If possession of a license or a license identification number is required, a person must exhibit, as requested by a conservation officer or peace officer, either: (1) the proper license if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation and a valid state driver's license, state identification card, or other form of identification provided by the commissioner, if the license has been sold to the person by electronic means but the actual license has not been issued and received. A person charged with violating the license possession requirement shall not be convicted if the person produces in court or the office of the arresting officer, the actual license previously issued to that person, which was valid at the time of arrest, or satisfactory proof that at the time of the arrest the person was validly licensed. Upon request of a conservation officer or peace officer, a licensee shall write the licensee's name in the presence of the officer to determine the identity of the licensee.

(c) If the actual license has been issued and received, a receipt for license fees, a copy of a license, or evidence showing the issuance of a license, including the license identification number or stamp validation, does not entitle a licensee to exercise the rights or privileges conferred by a license.

(d) A license issued electronically and not immediately provided to the licensee shall be mailed to the licensee within 30 days of purchase of the license. A pictorial turkey, migratory waterfowl, pheasant, or trout and salmon stamp shall be provided to the licensee after purchase of a stamp validation only if the licensee pays an additional \$2 fee.

*[For text of subd 3, see M.S.2006]*

**Subd. 4. Replacement licenses.** (a) The commissioner may permit licensed deer hunters to change zone, license, or season options. The commissioner may issue a replacement license if the applicant submits the original deer license and unused tags that are being replaced and the applicant pays any increase in cost between the original and the replacement

license. A refund of the difference in fees may be issued when a person changes from a regular deer license to a youth deer license. When a person submits both an archery and a firearms license for replacement, the commissioner may apply the value of both licenses towards the replacement license fee.

(b) A replacement license may be issued only if the applicant has not used any tag from the original license or licenses and meets the conditions of paragraph (c). The original license or licenses and all unused tags for the licenses being replaced must be submitted to the issuing agent at the time the replacement license is issued.

(c) A replacement license may be issued under the following conditions, or as otherwise prescribed by rule of the commissioner:

(1) when the season for the license being surrendered has not yet opened;

(2) when the person is upgrading from a regular firearms or archery deer license to an all season deer license;

(3) when the person is upgrading from a regular firearms license to a multizone deer license; or

(4) when the person is changing from a regular firearms deer license to a youth deer license.

(d) Notwithstanding section 97A.411, subdivision 3, a replacement license is valid immediately upon issuance if the license being surrendered is valid at that time.

*[For text of subd 5, see M.S.2006]*

**History:** 2007 c 57 art 1 s 84; 2007 c 131 art 1 s 22,23

#### 97A.411 VALIDITY OF LICENSES.

Subdivision 1. **License period.** (a) Except as provided in paragraphs (b), (d), and (e), a license is valid during the lawful time within the license year that the licensed activity may be performed. Except as provided in paragraph (c), a license year begins on the first day of March and ends on the last day of February.

(b) A license issued under section 97A.475, subdivision 6, clause (5), 97A.475, subdivision 7, clause (2), (3), (5), or (6), or 97A.475, subdivision 12, clause (2), is valid for the full license period even if this period extends into the next license year, provided that the license period selected by the licensee begins at the time of issuance.

(c) The license year for resident fishing, the angling portion of a sporting license, non-resident fishing, resident fish house, resident dark house, and nonresident fish house begins on March 1 and ends on April 30 of the following year.

(d) A lifetime license issued under section 97A.473 or 97A.474 is valid during the lawful time within the license year that the licensed activity may be performed for the lifetime of the licensee.

(e) A three-year fish house or dark house license is valid during the license year that it is purchased and the two succeeding license years.

*[For text of subds 2 and 3, see M.S.2006]*

**History:** 2007 c 57 art 1 s 85; 2007 c 131 art 1 s 24

#### 97A.421 VALIDITY AND ISSUANCE OF LICENSES AFTER CONVICTION.

*[For text of subds 1 to 6, see M.S.2006]*

Subd. 7. **Taking wild animals while privileges are suspended.** A person who takes a protected wild animal during the time the person is prohibited from obtaining a license to take that animal under this section is guilty of a misdemeanor.

**History:** 2007 c 131 art 1 s 25

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

*[For text of subs 1 to 6a, see M.S.2006]*

**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 of 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 land leased for agricultural purposes or owned 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 subs 8 to 10, see M.S.2006]*

**History:** 2007 c 131 art 1 s 26

**97A.445 EXEMPTIONS FROM LICENSE REQUIREMENT.**

**Subdivision 1. Angling; Take a Kid Fishing Weekends.** A resident over age 18 may take fish by angling without an angling or fish house license during one three-day consecutive period of the open water angling season and one three-day consecutive period of the ice angling season designated by rule of the commissioner if accompanied by a child who is under age 16. The commissioner shall publicize the three-day periods as "Take a Kid Fishing Weekend" for the open water angling season and "Take a Kid Ice Fishing Weekend" for the ice angling season.

*[For text of subs 2 to 5, see M.S.2006]*

**History:** 2007 c 131 art 1 s 27

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

*[For text of subd 2, see M.S.2006]*

**Subd. 3. Residents under age 16; small game.** (a) A resident under age 16 may not obtain a small game license but may take small game by firearms or bow and arrow without a license if the resident is:

- (1) age 14 or 15 and possesses a firearms safety certificate;
- (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian;
- (3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied by a parent or guardian who possesses a small game license that was not obtained using an apprentice hunter validation; or
- (4) age 12 or under and is accompanied by a parent or guardian.

(b) A resident under age 16 may take small game by trapping without a small game license, but a resident 13 years of age or older must have a trapping license. A resident under age 13 may trap without a trapping license, but may not register fisher, otter, bobcat, or pine marten unless the resident is at least age five. Any fisher, otter, bobcat, or pine marten taken

by a resident under age five must be included in the limit of the accompanying parent or guardian.

(c) A resident under age 12 may apply for a turkey license and may take a turkey without a firearms safety certificate if the resident is accompanied by an adult parent or guardian who has a firearms safety certificate.

**Subd. 3a. Nonresidents under age 18; small game.** (a) A nonresident under age 18 may obtain a small game license at the resident fee under section 97A.475, subdivision 2, clause (2), if the nonresident:

- (1) possesses a firearms safety certificate; or
- (2) if age 13 or under, is accompanied by a parent or guardian when purchasing the license.

(b) A nonresident age 13 or under must be accompanied by a parent or guardian to take small game. A nonresident age 12 or under is not required to possess a firearms safety certificate under section 97B.020 to take small game.

*[For text of subs 4 to 7, see M.S.2006]*

**History:** 2007 c 57 art 1 s 86; 2007 c 131 art 1 s 28

#### **97A.465 MILITARY PERSONNEL; FISHING AND HUNTING.**

*[For text of subd 1, see M.S.2006]*

**Subd. 1a. Spouses of residents on active military duty.** Notwithstanding section 97A.405, subdivision 5, the spouse of a resident who is on active military duty may obtain resident hunting and fishing licenses.

**Subd. 1b. Residents discharged from active service.** (a) A resident who has served at any time during the preceding 24 months in federal active service, as defined in section 190.05, subdivision 5c, outside the United States as a member of the National Guard, or as a reserve component or active duty member of the United States armed forces and has been discharged from active service may take small game and fish without a license if the resident possesses official military discharge papers. The resident must obtain the seals, tags, and coupons required of a licensee, which must be furnished without charge.

(b) The commissioner shall issue, without fee, a deer license to a resident who has served at any time during the preceding 24 months in federal active service, as defined in section 190.05, subdivision 5c, outside the United States as a member of the National Guard, or as a reserve component or active duty member of the United States armed forces and has been discharged from active service. Eligibility under this paragraph is limited to one license per resident.

*[For text of subs 2 to 6, see M.S.2006]*

**History:** 2007 c 57 art 1 s 87,88

#### **97A.473 RESIDENT LIFETIME LICENSES.**

*[For text of subs 1 and 2, see M.S.2006]*

**Subd. 3. Lifetime small game hunting license; fee.** (a) A resident lifetime small game hunting license authorizes a person to hunt and trap small game in the state. The license authorizes those hunting and trapping activities authorized by the annual resident small game hunting and trapping licenses. The license does not include a turkey stamp validation or any other hunting stamps required by law.

- (b) The fees for a resident lifetime small game hunting license are:
- (1) age 3 and under, \$217;
  - (2) age 4 to age 15, \$290;

- (3) age 16 to age 50, \$363; and
- (4) age 51 and over, \$213.

*[For text of subd 4, see M.S.2006]*

**Subd. 5. Lifetime sporting license; fee.** (a) A resident lifetime sporting license authorizes a person to take fish by angling and hunt and trap small game in the state. The license authorizes those activities authorized by the annual resident angling, resident small game hunting, and resident trapping licenses. The license does not include a trout and salmon stamp validation, a turkey stamp validation, or any other hunting stamps required by law.

(b) The fees for a resident lifetime sporting license are:

- (1) age 3 and under, \$357;
- (2) age 4 to age 15, \$480;
- (3) age 16 to age 50, \$613; and
- (4) age 51 and over, \$413.

**History:** 2007 c 57 art 1 s 89,90

## 97A.475 LICENSE FEES.

*[For text of subd 1, see M.S.2006]*

**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 18 or over to take deer with firearms, \$26;
- (5) for persons age 18 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) multizone license to take antlered deer in more than one zone, \$52;
- (10) to take Canada geese during a special season, \$4;
- (11) all season license to take three 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 18 to take deer with firearms during the regular firearms season in any open zone or time period, \$13; and
- (14) for persons at least age 12 and under age 18 to take deer by archery, \$13.

**Subd. 3. Nonresident hunting.** (a) Fees for the following licenses, to be issued to non-residents, are:

- (1) for persons age 18 and older to take small game, \$73;
- (2) for persons age 18 and older to take deer with firearms, \$135;
- (3) for persons age 18 and older to take deer by archery, \$135;
- (4) to take bear, \$195;
- (5) to take turkey, \$73;
- (6) to take raccoon or bobcat, \$155;
- (7) multizone license to take antlered deer in more than one zone, \$270;
- (8) to take Canada geese during a special season, \$4;
- (9) for persons at least age 12 and under age 18 to take deer with firearms during the regular firearms season in any open zone or time period, \$13; and

(10) for persons at least age 12 and under age 18 to take deer by archery, \$13.

(b) A \$5 surcharge shall be added to nonresident hunting licenses issued under paragraph (a), clauses (1) to (7). An additional commission may not be assessed on this surcharge.

**Subd. 3a. Deer license surcharge.** A person may agree to add a donation of \$1, \$3, or \$5 to the fees for annual resident and nonresident licenses to take deer by firearms or archery established under subdivisions 2, clauses (4), (5), (9), and (11), and 3, clauses (2), (3), and (7). Beginning March 1, 2008, fees for bonus licenses to take deer by firearms or archery established under section 97B.301, subdivision 4, must be increased by a surcharge of \$1. An additional commission may not be assessed on the donation or surcharge and the following statement must be included in the annual deer hunting regulations: "The deer license donations and surcharges are being paid by hunters for deer management, including assisting with the costs of processing deer donated for charitable purposes."

*[For text of subs 4 to 6, see M.S.2006]*

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

(1) to take fish by angling, \$37.50;

(2) to take fish by angling limited to seven consecutive days selected by the licensee, \$26.50;

(3) to take fish by angling for a 72-hour period selected by the licensee, \$22;

(4) to take fish by angling for a combined license for a family for one or both parents and dependent children under the age of 16, \$50.50;

(5) to take fish by angling for a 24-hour period selected by the licensee, \$8.50; and

(6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days selected by one of the licensees, \$38.50.

(b) A \$2 surcharge shall be added to all nonresident fishing licenses, except licenses issued under paragraph (a), clause (5). An additional commission may not be assessed on this surcharge.

*[For text of subs 8 and 10, see M.S.2006]*

**Subd. 11. Fish houses and dark houses; residents.** Fees for the following licenses are:

(1) annual for a fish house or dark house that is not rented, \$11.50;

(2) annual for a fish house or dark house that is rented, \$26;

(3) three-year for a fish house or dark house that is not rented, \$34.50; and

(4) three-year for a fish house or dark house that is rented, \$78.

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

(1) annual, \$33;

(2) seven consecutive days, \$19; and

(3) three-year, \$99.

*[For text of subs 13 and 15, see M.S.2006]*

**Subd. 16. Resident hunting guides.** The fee for a resident license to guide bear hunters is \$82.50 and is available only to a Minnesota resident individual.

*[For text of subs 18 to 30, see M.S.2006]*

**Subd. 38.** [Repealed, 2007 c 131 art 1 s 96]

*[For text of subs 39 to 45, see M.S.2006]*

**History:** 2007 c 57 art 1 s 91–95; 2007 c 131 art 1 s 29,30

**NOTE:** The amendment to subdivision 7 by Laws 2007, chapter 57, article 1, section 93, is effective March 1, 2008. Laws 2007, chapter 57, article 1, section 93, the effective date.



**97A.485 ISSUANCE OF LICENSES.**

*[For text of subds 1 to 6, see M.S.2006]*

Subd. 7. **Electronic licensing system commission.** The commissioner shall retain for the operation of the electronic licensing system the commission established under section 84.027, subdivision 15, and issuing fees collected by the commissioner on all license fees collected, excluding:

- (1) the small game surcharge;
- (2) the deer license surcharges or donations under section 97A.475, subdivisions 3, paragraph (b), and 3a; and
- (3) \$2.50 of the license fee for the licenses in section 97A.475, subdivisions 6, clauses (1), (2), and (4), 7, 8, 12, and 13.

*[For text of subds 9 to 13, see M.S.2006]*

**History:** 2007 c 57 art 1 s 96

**97A.505 POSSESSION OF WILD ANIMALS.**

*[For text of subds 2 to 3b, see M.S.2006]*

Subd. 4. **Storage of protected wild animals.** A person that stores protected wild animals for others must plainly mark the package, in ink, with the name and address of the owner, the license number of the person taking the animal, and the number and species in the package.

*[For text of subds 5 to 9, see M.S.2006]*

**History:** 2007 c 131 art 1 s 31

**97A.511 FUR-BEARING ANIMALS.**

The skins of fur-bearing animals and the flesh of beaver, muskrat, raccoon, rabbits and hares, legally taken and bearing the required seals or tags required by the game and fish laws, may be bought, sold, and transported at any time.

**History:** 2007 c 131 art 1 s 32