

CHAPTER 97C

FISHING

<p>97C.081 FISHING CONTESTS. 97C.325 RESTRICTIONS ON TAKING FISH. 97C.335 USE OF ARTIFICIAL LIGHTS TO TAKE FISH PROHIBITED. 97C.355 SHELTERS ON ICE; DARK HOUSES AND FISH HOUSES.</p>	<p>97C.417 REPORTING ASIAN CARP. 97C.835 LAKE SUPERIOR COMMERCIAL FISHING. 97C.836 LAKE SUPERIOR LAKE TROUT EXPANDED ASSESSMENT HARVEST.</p>
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97C.081 FISHING CONTESTS.

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

Subd. 3. **Contests requiring a permit.** (a) A person must have a permit from the commissioner to conduct a fishing contest that does not meet the criteria in subdivision 2. The commissioner shall charge a fee for the permit that recovers the costs of issuing the permit and of monitoring the activities allowed by the permit. The commissioner may waive the fee under this subdivision for a charitable organization. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish contest permit fees. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

(b) If entry fees are over \$25 per person, or total prizes are valued at more than \$25,000, and if the applicant has either:

(1) not previously conducted a fishing contest requiring a permit under this subdivision;

or

(2) ever failed to make required prize awards in a fishing contest conducted by the applicant, the commissioner may require the applicant to furnish the commissioner evidence of financial responsibility in the form of a surety bond or bank letter of credit in the amount of \$25,000.

(c) The permit fee for any individual contest may not exceed the following amounts:

(1) \$120 for an open water contest not exceeding 100 participants and without off-site weigh-in;

(2) \$400 for an open water contest with more than 100 participants and without off-site weigh-in;

(3) \$500 for an open water contest not exceeding 100 participants with off-site weigh-in;

(4) \$1,000 for an open water contest with more than 100 participants with off-site weigh-in; or

(5) \$120 for an ice fishing contest with more than 150 participants.

[For text of subds 4 to 10, see M.S.2006]

History: 2007 c 57 art 1 s 101

97C.325 RESTRICTIONS ON TAKING FISH.

(a) Except as specifically authorized, a person may not take fish with:

(1) explosives, chemicals, drugs, poisons, lime, medicated bait, fish berries, or other similar substances;

(2) substances or devices that kill, stun, or affect the nervous system of fish;

(3) nets, traps, trot lines, or snares; or

(4) spring devices that impale, hook, or capture fish.

(b) If a person possesses a substance or device listed in paragraph (a) on waters, shores, or islands, it is presumptive evidence that the person is in violation of this section.

(c) The commissioner may, by rule, allow the use of a nonmotorized device with a recoil mechanism to take fish through the ice.

(d) To protect water quality or improve habitat for fish or wildlife, the commissioner may prescribe restrictions on fishing seasons, limits, or methods on specific bodies of water.

History: 2007 c 131 art 1 s 47

97C.335 USE OF ARTIFICIAL LIGHTS TO TAKE FISH PROHIBITED.

A person may not use artificial lights to lure or attract fish or to see fish in the water while spearing, except that while angling or spearing, a person may:

- (1) affix a lighted artificial bait with hooks attached to the end of a fishing line; or
- (2) use a lighted decoy for spearing.

Any battery that is used in lighted fishing lures cannot contain any intentionally introduced mercury.

History: 2007 c 131 art 1 s 48

97C.355 SHELTERS ON ICE; DARK HOUSES AND FISH HOUSES.

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

Subd. 2. **License required.** A person may not take fish from a dark house or fish house that is left unattended on the ice overnight unless the house is licensed and has a license tag attached to the exterior in a readily visible location, except as provided in this subdivision. The commissioner must issue a tag with a dark house or fish house license, marked 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 7a, see M.S.2006]

Subd. 8. **Confiscation of unlawful structures; civil penalty.** (a) Structures on the ice in violation of this section may be confiscated and disposed of, retained by the division, or sold at the highest price obtainable, in a manner prescribed by the commissioner.

(b) In addition to other penalties provided by law, the owner of a structure left on the ice in violation of this section is subject to a civil penalty under section 115A.99.

History: 2007 c 57 art 1 s 102; 2007 c 131 art 1 s 49

97C.365 [Repealed, 2007 c 131 art 1 s 96]

97C.417 REPORTING ASIAN CARP.

A person who takes any of the following Asian carp species must report the type of carp taken to the commissioner within seven days of taking:

- (1) grass carp (*Ctenopharyngodon idella*);
- (2) bighead carp (*Hypophthalmichthys nobilis*); or
- (3) silver carp (*Hypophthalmichthys molitrix*).

History: 2007 c 131 art 1 s 50

97C.835 LAKE SUPERIOR COMMERCIAL FISHING.

Subdivision 1. **Commercial fishing license for Lake Superior.** (a) A license to fish commercially in Lake Superior shall be issued to a maximum of 25 residents. To qualify for licensing, a resident must have landed fish in the previous year with a value of at least \$1,500, and must have engaged in commercial fishing for at least 30 days of the previous year. An applicant may be issued a license, at the discretion of the commissioner, if failure to meet the requirements for the dollar value of fish landed or number of days fished resulted from illness

or other mitigating circumstances, or the applicant has reached the age of 65 and has been licensed at least five of the previous ten years.

(b) A license may be issued to a resident who has not previously fished commercially on Lake Superior and has not been convicted of a game and fish law violation in the preceding three years, if the applicant:

(1) shows a bill of sale indicating the purchase of gear and facilities connected with an existing license;

(2) shows proof of inheritance of all the gear and facilities connected with an existing license; or

(3) has served at least two years as an apprentice in a Minnesota Lake Superior licensed commercial fishing operation.

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

Subd. 3. Pound nets and trap nets. Pound or trap nets may be used to take lake whitefish, round whitefish, pygmy whitefish, ciscoes, chubs, alewives, rainbow smelt, and rough fish in Lake Superior, including St. Louis Bay east of the U.S. Highway 53 bridge, under the rules prescribed by the commissioner.

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

Subd. 8. Special permits. The commissioner may issue special permits to duly licensed commercial fishing operators for the purpose of taking lake trout, ciscoes, and lake whitefish in Lake Superior and adjacent waters under rules prescribed by the commissioner.

History: 2007 c 131 art 1 s 51–53

97C.836 LAKE SUPERIOR LAKE TROUT EXPANDED ASSESSMENT HARVEST.

The commissioner shall provide for taking of lake trout by licensed commercial operators in Lake Superior management zones MN–3 and MN–2 for expanded assessment and sale. The commissioner shall authorize expanded assessment taking and sale of lake trout in Lake Superior management zone MN–3 beginning annually in 2007 and zone MN–2 beginning annually in 2010. Total assessment taking and sale may not exceed 3,000 lake trout in zone MN–3 and 2,000 lake trout in zone MN–2 and may be reduced when necessary to protect the lake trout population or to manage the effects of invasive species or fish disease. Taking lake trout for expanded assessment and sale shall be allowed from June 1 to September 30, but may end earlier in the respective zones if the quotas are reached. The quotas must be reassessed at the expiration of the current ten-year Fisheries Management Plan for the Minnesota Waters of Lake Superior dated September 2006.

History: 2007 c 131 art 1 s 54