

CHAPTER 98

DIVISION OF GAME AND FISH; LICENSES

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98.01 HUNTING BY ALIENS. No person who is an alien and who has not duly declared his intention of becoming a citizen of the United States, nor one who, having duly declared his intention to become a citizen and having failed to qualify as a citizen within the length of time in which he may legally do so, shall take any wild animal in this state except in defense of person or property; provided, that such persons may take wild animals subject to the laws relating to taking thereof by non-residents. No such person shall own or have in possession any shotgun, rifle, or other firearm, except for the purpose of hunting as a non-resident. Guns, firearms, or wild animals had in possession in violation of this section are declared to be contraband.

[1919 c. 400 s. 14] (5508)

98.02 HUNTING; LICENSES. Any person who is a resident of this state, and any member of such person's immediate family, may, during the open season, hunt, pursue, or kill, in any manner permitted by law, any wild bird or quadruped, except deer, moose, elk, or caribou, which may legally be taken, and may trap such fur-bearing animals, as may legally be taken, on land owned or leased and occupied as a permanent abode by such person, without procuring a license so to do.

This shall not permit hunting without a license on land not occupied by a person as a permanent abode, or on land so occupied by a person who is not a bona fide owner or lessee thereof, or the taking of any wild animals for which a special permit is required, nor shall it relieve any person from complying with any provision of the laws relating to wild animals except as to obtaining a license. A license to trap beaver may be obtained in the manner prescribed by section 98.13 or 100.101.

[1919 c. 400 s. 20; 1925 c. 380 s. 1; 1929 c. 170 s. 2; 1929 c. 417 s. 8] (5514)

98.03 HUNTING, TRAPPING, OR FISHING LICENSES. No person shall hunt, pursue, or kill any wild quadruped, fowl, or bird for which a closed season is provided by chapters 97 to 102, or take with traps or other devices, any fur-bearing animals, except wolves, or engage in hunting or trapping or fishing except as therein provided, without first having procured a license so to do, and then only during the respective periods of the year when it shall be lawful, except that red fox cubs shall not be dug or taken from dens or taken in any other way to be shipped out of the state. No person who is not a bona fide resident of this state shall take any protected or unprotected wild quadruped, fowl, or bird in this state without first

having procured a license so to do from the director or from an agent designated for the purpose by him.

[1919 c. 400 s. 21; 1923 c. 426 s. 1; 1925 c. 380] (5515)

*Amended
943-387-1*

98.04 GAME AND FISH LICENSES. No person shall kill, take, or attempt to take in any manner any protected wild animal, or engage in hunting, pursuing, or trapping for the purpose of taking any protected wild quadruped or bird, or engage in fishing for the purpose of taking any game fish, or engage in selling bait to be used for fishing, without first obtaining a license from the director so to do, unless otherwise specifically permitted by law. Residents of the state shall be required to procure hunting licenses at the age of 16 years for the purpose of hunting protected wild animals or game birds, and a resident of the state shall be required to procure a fishing license at the age of 18 years for the purpose of fishing. Non-residents of the state under 16 years of age may take fish without procuring a license, but may not transport or ship any fish out of the state without procuring a license; provided, that no non-resident under 16 years of age may fish without a non-resident fishing license unless his parent or guardian shall have obtained and have in his possession a non-resident fishing license. No trapping license, whitefish netting, or inland herring netting license shall be issued to any non-resident of the state. All licenses shall be issued for the calendar year, and no reduction in fees shall be made for fractions of a year. Only one license of each kind shall be issued to any one person in any calendar year. No license shall be transferable.

[1927 c. 483 s. 1; 1929 c. 332 s. 1; 1933 c. 392 s. 4; 1937 c. 447 s. 1] (5536-1)

98.05 LICENSES; KINDS; FEES. The kinds of licenses, the fees to be paid therefor, and the kinds of animals which may be taken thereunder, respectively, subject to all other provisions of law relating to the taking of wild animals, as stated in section 98.13, shall be as follows:

- (1) Resident small game hunting license, \$1.00, to take all small game;
- (2) Non-resident small game hunting license, \$25.00, to take all small game;
- (3) Resident big game hunting license, \$2.00, to take all big game;
- (4) Non-resident big game hunting license, \$50.00, to take all big game;
- (5) Resident trapping license, \$1.00, to trap all fur-bearing animals;
- (6) Resident fishing license, to take fish by angling, subject to all other provisions of law relating thereto, shall be \$1.00; a combination license for husband and wife shall be issued for \$1.50; provided, any citizen of the state of Minnesota receiving old age assistance, shall, upon application, be granted a gratuitous fishing license; (A resident license for the taking of fish may be issued by and in the discretion of the director to any soldier, sailor, marine, or other person in the military service or civilian conservation corps of the United States, who has been officially transferred to and is stationed in the state, or to any person officially employed in the game and fish or conservation department of another state or of the United States, who is in the state to assist, consult, or cooperate with the director or the commissioner. Any person so licensed shall be deemed to be a resident within the meaning and provisions of all laws or regulations governing fish and any license so issued shall be plainly marked with the words "courtesy resident license." The director may require the submission of certified copies of transfer orders or affidavits relative to residence intent or purpose of presence in the state or any other evidence he may deem desirable to demonstrate the fact that the applicant for such license comes within these terms); - (7)
- (7) Non-resident season fishing license, \$3.00, to take fish; provided, a combination fishing license may be issued to a non-resident husband and wife, for which a fee of \$4.50 shall be charged, and a charge of \$1.00 shall be made for two shipping coupons, one of which is required to be attached to each shipment of fish made by common carrier by any non-resident, in accordance with the provisions of section 97.13, subdivision 7; provided, that no more than two shipping coupons may be issued to any licensee, combination or otherwise, in any one season; provided, that such shipping coupons shall be canceled by the shipping clerk to whom the shipment is first delivered; and, provided, that the director may issue to non-residents licenses to take fish by angling in and upon the waters of Big Stone lake and Lake Superior upon the same terms and conditions as those granted and enjoyed under and by virtue of the laws of the states of South Dakota and Wisconsin, respectively;
- (8) Whitefish netting and inland herring netting licenses to take fish for private use but not for sale, under section 101.26, one net per applicant not exceeding 100 feet in length, license \$1.00;

*Amended
943-392-1*

*Amended
529-1*

*Amended
1943-42, 1, 2*

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(b) Dark house, fish house, or other shelters for use thereof in winter fishing, license \$1.00.

Every license shall have printed thereon the kind thereof and the name of all wild animals which may lawfully be taken thereunder, and entitle the person to whom issued to take the wild animals therein specified in such manner and at such times and places as may be permitted by law. Protected wild animals may be taken under a hunting license only by hunting with a firearm or other lawful weapon. Protected fur-bearing animals may be taken under a trapping license only with lawful traps. Fish may be taken under fishing license only by angling, or by spearing, or netting by residents only, when possessing the required additional license so to do.

[1927 c. 438 s. 2; 1929 c. 332 s. 2; 1933 c. 392 s. 5; 1937 c. 447 s. 2; 1939 c. 76 s. 1; 1941 c. 302 ss. 1, 2; 1941 c. 364; 1941 c. 467 ss. 1, 2] (5536-2)

98.055 MINNOW DEALERS. Subdivision 1. **Licenses.** All persons over 16 years of age taking for sale or dealing in live native minnows for bait purposes shall first procure a license so to do from the director.

Subdivision 2. **Application for license.** Application for such licenses shall be made upon forms furnished by the director and give the name and business address of the applicant, his age and description, and such other information as the director may require. Upon receipt of any application, the director, or his agent, shall investigate the premises where it is proposed to keep such minnows for sale, and where such sale is made from a vehicle, all facilities used therefor. When the director, or his agent, shall find that such applicant is properly equipped for the retention and transportation of such minnows as is reasonably necessary to prevent undue wastage or loss, he shall issue the license hereinafter provided, applicable to the applicant.

Subdivision 3. **Local resident minnow dealer.** For the purposes of this section, a "local resident minnow dealer" shall be defined as any person, firm, or corporation whose place of business is of a fixed nature and who catches or buys minnows for re-sale at retail only. An "itinerant minnow dealer" shall include any individual, firm, or corporation engaged in transporting minnows for a distance of 15 miles or more for the purpose of sale.

Subdivision 4. **Fees.** The following fees shall be payable for licenses herein provided:

- (1) Local resident minnow dealer, \$2.50;
- (2) Itinerant minnow dealer, \$25.00.

Subdivision 5. **Importation of minnows for bait purposes forbidden.** Importation of live minnows from any other state or the Dominion of Canada for bait purposes is hereby prohibited. No bait dealer shall at any time have in his possession any carp or carp minnows, nor the young of any game fish except perch.

Subdivision 6. **Penalty for violation.** Any violation of this section shall constitute a misdemeanor and any license issued hereunder may be revoked in the discretion of the director upon conviction of the licensee for any violation, hereof.

[1941 c. 364 ss. 1, 2, 3, 4, 5, 7]

98.06 HUNTING AND TRAPPING LICENSES. Licenses shall be issued as follows: Am 1943-191

Hunting or trapping licenses for residents of the state, by the auditor of the county in which the applicant resides or by any agent of the auditor;

Hunting licenses for non-residents of the state, by the commissioner or any agent of the commissioner outside of the state, or by any county auditor in the state, or his agent;

Angling licenses for residents of the state, by the auditor of the county in which the applicant resides, or by any agent of the auditor or any agent appointed by the director;

Angling licenses for non-residents of the state, by the commissioner or any agent of the commissioner outside the state, or by any county auditor of the state, or his agent.

The commissioner may appoint agents to issue non-resident licenses of any kind outside of the state. These appointments shall be in writing and a record thereof shall be kept by the commissioner. He may revoke any such appointment at any time. He may require any agent appointed by him to furnish a bond to the state, to be approved by him and filed in his office, in such sum as he may prescribe, at least equal to the total estimated amount of license fees and unsold licenses which

will be in the hands of the agent at any one time, conditioned to secure the accounting by the agent for all license blanks furnished to and licenses issued by him and the payment by him according to law of all money received by him as fees for such licenses and the compliance by him with all the provisions of law relating to the issuance of such licenses. The commissioner may require a like bond of any county auditor if, in his opinion, the auditor's official bond is not sufficient for the purposes hereinbefore specified. The director may in his discretion, sell books of resident angling licenses for cash to any agent appointed by him anywhere within the state. All such license blanks shall be paid for at the time of purchase at a discount of eight per cent from the price established by law, and may be sold only to residents of the state living in counties other than the county in which the agent is appointed. In selling such licenses, such person shall be deemed to act in the capacity of agent of the director and shall, at the end of each calendar month, make a report to the director, stating the serial number of each license sold and the names and addresses of the purchasers thereof. Any such agent may, at any time within 90 days of the date of purchase, but not later than December first of the same year, return any such blanks to the director and shall thereupon be reimbursed for each unused license blank. The proceeds from such sales shall be paid into the state treasury and credited in accordance with the laws governing the crediting of receipts from the sale of resident fishing licenses. No such licenses shall be sold by such agents to any applicant not personally known to the agent making the sale, except upon production by the applicant of documentary evidence definitely establishing the residence of the applicant. Any document issued by any city, county, or state official for the current year, showing the residence of the applicant, shall be deemed to comply with this requirement.

Every county auditor may appoint agents to issue within his county such licenses as such agents are authorized to issue. He shall, if possible, appoint at least one such agent in every city and village of his county outside of the county-seat and at any other place in the county which may be designated by the commissioner and may appoint such other agents anywhere in the county as he deems necessary for the convenience of the public in obtaining licenses. These appointments shall be in writing and a record thereof shall be kept by the auditor. Upon making any such appointment the auditor shall forthwith notify the commissioner of the name and address of the appointee. The auditor may revoke any such appointment at any time, and shall revoke any such appointment upon his own motion or when demanded by the director when such agent shall violate any provision of the laws relating to the issuance of such licenses, or shall fail to give proper attention to the issuance thereof, or shall fail to account promptly for unsold licenses or license fees. The county auditor shall be responsible for all license blanks issued to and license fees received by his agents, and such agents shall be responsible to the auditor therefor. The auditor may require any such agent to furnish a bond to him, in such sum as he may prescribe, to be approved by him and filed in his office, conditioned in like manner as the bonds to be furnished by agents of the commissioner as hereinbefore provided. All license fees received by such agents shall be deemed public moneys of the state, and such agents shall be amenable to all penalties provided by law relating to such moneys or to the issuance of such licenses.

[1927 c. 438 s. 3; 1933 c. 309 s. 1; 1941 c. 301] (5536-3)

98.07 FORM OF LICENSES. The form of all licenses and applications therefor shall be determined and blanks therefor prepared by the director, who shall furnish a sufficient supply thereof to all officers and agents authorized to issue licenses. County auditors shall in turn furnish the same to their agents. Licenses shall have attached thereto such coupons or stubs, with proper markings and designations, as may be necessary to carry out the provisions of law relating thereto. All licenses shall be serially numbered.

[1927 c. 438 s. 4] (5536-4)

98.08 TERMINATION OF LICENSES. Every license shall be void after the last day of the open season for which it was issued.

[1919 c. 400 s. 36] (5526)

98.09 LICENSES; APPLICATIONS; FALSE STATEMENTS; WHO ARE RESIDENTS; PENALTY. Applications for licenses shall be made on oath, in writing, stating the name, age, post-office address, and legal residence of the applicant, the place where he last voted or, if he has not voted, where he intends to vote, and whether a citizen of the United States or of any other country. Any officer or agent

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authorized to issue licenses shall have authority to administer oaths upon such applications and to certify the same. Any person who shall make a false statement under oath in such application shall be guilty of perjury. No person shall be deemed a resident of this state within the meaning of this chapter who has not resided in this state for the period of at least six months immediately preceding the date upon which he makes application for a license.

[1927 c. 438 s. 5] (5536-5)

98.10 SCIENTIFIC COLLECTIONS; PERMITS. Any municipal corporation, incorporated society of natural history, college, or university maintaining a zoological collection and desiring to collect eggs, nests, or wild animals protected by law for scientific or exhibition purposes shall make an application to the director on a form prepared by him for a permit so to do. The director, when it appears that the application is made in good faith, shall, without the payment of any fee, issue to the applicant a permit to collect specimens of eggs, nests, or wild animals protected by law under regulations to be prescribed by the director. The United States commissioner of fisheries may establish fish hatcheries in this state and may take fish eggs from the waters of this state for propagation and scientific purposes. The United States commissioner of fisheries and his duly authorized agents are hereby authorized to conduct fish cultural operations, rescue work, and all fishing and other operations necessary therefor in such manner and at such times as are considered necessary and proper by the commissioner and his agents.

[1919 c. 400 s. 120] (5626)

98.11 PRIVATE FISH HATCHERIES; SALE OF FISH; PERMITS. Any person desiring to engage in the business of propagating and selling fish raised in a private hatchery may make application, in writing, on a form prepared by the director, for a permit so to do. When it appears that the application is made in good faith and when satisfied of the intention and ability of the applicant to construct and maintain all ponds, buildings, and hatching and rearing equipment necessary for the artificial propagation of such fish he shall, upon payment of a fee of \$5.00, issue to the applicant a permit to propagate, raise, and sell fish of the kind specified in the application during the entire calendar year; provided, that before any fish shall be transported, sold, or offered for sale the package containing the same shall be duly tagged under regulations prescribed by the director. Upon obtaining a like permit, fish raised in a private hatchery without the state may be possessed and sold within this state, provided the same shall be tagged as prescribed under rules and regulations of the director. The permit shall expire on the last day of December each year.

[1919 c. 400 s. 115; 1921 c. 44 s. 10; 1925 c. 380 s. 1] (5621)

98.12 TRAFFIC IN FURS; LICENSE FEE. No person shall engage in the business of buying furs until he shall have procured a license so to do from the director. Fees, payable to the director, for such license shall be as follows: For a local resident fur buyer's license, \$5.00; for a resident traveling fur buyer's license, \$10.00; for a non-resident local or traveling fur buyer's license, \$200.00; for a resident wholesale fur buyer's license, \$5.00. Such fur buyer's licenses shall be issued for the calendar year and shall be revoked by the director for any violation of the law relating to wild animals or for fraudulent practices employed in connection with the buying of furs under such license. All fur buyers shall furnish to the director such reports as he may require for statistical purposes on blanks furnished them for this purpose, and keep a correct and complete book record in the English language of all transactions in the buying and selling of raw furs carried on by the licensee. This record shall and must show from whom purchased and to whom sold, giving the post-office addresses, together with the date of receipt and shipping of such furs, and a detailed account as to the number and kinds of raw furs in each shipment that is purchased or sold by them. This record shall be open for inspection by the director, his agents or deputies, at all reasonable hours. This record shall be kept intact for a period of two years after the expiration of any license issued under the provisions of this section as relates to the transactions carried on while such license was effective. Any person applying for a fur buyer's license shall, at the time of his application, furnish a corporate surety bond in favor of the state in the penal sum of \$1,000, conditioned upon the observance of all laws of this state relating to wild animals. No beaver trapping license shall be issued to any person to whom a fur buyer's license shall have been issued and in force. For the purpose of this section, a local resident fur buyer shall be defined as a person who buys or purchases furs at a

definitely established place of business as distinguished from an itinerant or traveling buyer.

[1919 c. 400 s. 53; 1923 c. 342 s. 1; 1925 c. 380 s. 1; 1941 c. 410 s. 1] (5547)

98.13 LICENSE FEE FOR TAKING BEAVER. The director, upon receipt of a license fee of \$2.50, shall issue to any person a license to take beaver, specifying therein the number of beaver that may be taken; provided, that no more than ten beaver may be taken in any one season under such license.

The licensee shall report, within ten days after the close of the season for the taking of any beaver and the number of beaver so taken by him, to the director, or to the game warden or wardens designated by the director, and submit the skins and such other portions of all such beaver, in the manner and at the time required by order of the director, to the inspection of the director or warden, whereupon the director or warden shall issue and affix to each skin a distinctive tag, stamp, or seal. The licensee shall pay the director a fee of \$1.00 for each tag, stamp, or seal so issued. Beaver skins so taken and tagged, stamped, or sealed may be bought, sold, and transported at any time upon compliance with all applicable provisions of law relating thereto. The director shall keep a record of each such tag, stamp, or seal, the number issued, to whom issued, and the date of issue. Beaver may be taken or killed in any manner, at any time, by the actual occupant of any lands to which the beaver so killed or taken are causing any substantial damage or injury. Upon the killing of any such beaver at any time other than during the regular season, as provided in this section, the entire carcass, including hide, shall be turned over and surrendered to the nearest warden or employee of the division within 24 hours of the time the animal was killed.

[1919 c. 400 s. 49; 1923 c. 342 s. 1; 1925 c. 380 s. 1; 1927 c. 333; 1941 c. 60 s. 2] (5543)

98.14 LICENSE FEE FOR HUNTING DEER AND MOOSE IN NORTHWEST ANGLE STATE FOREST. The license fee for hunting deer and moose in the Northwest Angle state forest shall be \$5.25 for residents and \$50.25 for non-residents. Each such licensee may take one antlered moose during such season as may be provided.

[1919 c. 400 s. 43; 1921 c. 450 s. 1; 1923 c. 426 s. 1; 1925 c. 380 s. 1; 1927 c. 263; 1929 c. 418 s. 1; 1937 c. 236 s. 1; 1939 c. 256] (5537)

98.15 LICENSE FEE FOR USE OF TIP-UPS OR TELLTALES. Tip-ups or telltales may be used for fishing through ice to take carp, dogfish, redhorse, sheepshead, buffalofish, pickerel, suckers, eelpout, garfish, bullheads, and catfish, from December fifteenth to April first following, and sunfish and crappies during the season provided by law for taking such fish in other sections of the state, in the Mississippi river between the falls of St. Anthony and the mouth of the St. Croix river, and in lakes emptying into the river between these points, only under license and permit from the director, for which a fee of \$1.00 shall be paid. No person shall operate or control at the same time more than six tip-ups. Not more than 25 fish shall be caught in any one day under a tip-up license. Not more than one tip-up license shall be issued to members of the same household. These licenses may be canceled in the discretion of the director.

[1935 c. 20] (5584-1)

98.153 LICENSE FOR HARVESTING WILD RICE. Subdivision 1. **Number of boats used.** It shall be unlawful for any person to take from any of the public waters of this state any wild rice grain either for commercial or domestic use, unless such person shall first have obtained from the director a license so to do. It shall be unlawful for any person in his wild rice harvesting to operate more than three boats at any given time. It shall be unlawful for any person to have in possession any wild rice grain harvested in violation of the provisions of sections 98.153 to 98.156 or the orders or regulations of the commissioner promulgated thereunder.

Subdivision 2. **Application and fee.** The fee for such license shall be 50 cents. The applicant for a license shall make application to the director upon forms furnished by the director, which application shall give the name of the applicant, his place of residence, whether of Indian blood, tribal relation, if any, names of members of his family, and ages thereof, who are to engage in wild rice harvesting, and the names of bodies of water and counties in which applicant proposes to operate. Licenses shall be granted for the calendar year only and all members of a family shall be entitled to engage in the harvesting of wild rice under a

license issued to the head of the family, provided the members procure an identification card which shall be issued for each member upon request to the director. Agents for the sale of such licenses shall be provided as close as practicable to the shore of each rice bed open for harvesting. The term "family" for the purposes of sections 98.153 to 98.156 is defined as the immediate family, i. e., husband and wife and minor children having their abode and domicile with the parent or legal guardian, and wards so domiciled. No license to harvest wild rice grain shall be issued to a non-resident of the state.

[1939 c. 231 ss. 4, 6, 7, 13; 1941 c. 217 ss. 3, 5, 9] (6131-7) (6131-9) (6131-10) (6131-16)

98.154 DEALERS IN WILD RICE LICENSED; FEES. No person shall buy wild rice grain for the purpose of re-sale from any person who has harvested the same without first having obtained a license so to do from the director. The fee for such license shall be \$5.00. This license shall not be required for the first 500 pounds of rice so purchased.

[1939 c. 231 s. 8; 1941 c. 217 s. 6] (6131-11)

98.155 FEES DEPOSITED WITH STATE TREASURER. All fees collected by virtue of sections 98.153 and 98.154 shall be deposited with the state treasurer, to be credited by him to the game and fish fund.

[1939 c. 231 s. 14] (6131-17)

98.156 NOT TO APPLY TO DIRECTOR. Nothing in sections 98.153 to 98.156 shall apply to harvesting, or be construed to prevent harvesting of wild rice grains by the director, or his agents, for the purpose of restocking depleted public waters with wild rice grain or wild rice plants from available sources.

[1939 c. 231 s. 15] (6131-18)

98.16 KEEPING OF SKINS OF FUR-BEARING ANIMALS DURING CLOSED SEASON. Any person desiring to retain in possession during the closed season the skins of protected fur-bearing animals shall apply to the director within five days after the close of the season for a permit so to do and the director, or a game warden, shall issue to the licensee a distinctive tag for each pelt to be retained in possession; and, upon receipt thereof, the licensee shall affix one such tag to each pelt retained in possession. These pelts lawfully tagged may be bought and sold at any time. This shall also apply to furs taken from animals trapped or killed on land owned or occupied by the trapper.

[1919 c. 400 s. 47; 1923 c. 342 s. 1; 1925 c. 380 s. 1; 1929 c. 418 s. 3; 1931 c. 311; 1941 c. 366 s. 1] (5541)

98.17 LICENSE FEE FOR TANNING RAW FURS. Every person engaging in the business of tanning and dressing of raw furs, hides, or pelts of beaver, otter, fisher, marten, muskrat, mink, skunk, deer, or bear shall procure a license so to do from the director, for which he shall pay a fee of \$2.00.

[1919 c. 400 s. 4; 1923 c. 342 s. 1; 1925 c. 380 s. 1; 1929 c. 418 s. 3; 1931 c. 311; 1941 c. 366 s. 1] (5541)

98.18 EXPIRATION OF LICENSES; REVOCATION. All licenses issued under the provisions of sections 98.16 and 98.17 shall be for the calendar year and expire on the thirty-first day of December of each year. Licenses may be revoked at any time by the director for any violation of the law relating to wild animals.

[1919 c. 400 s. 4; 1923 c. 342 s. 1; 1925 c. 380 s. 1; 1929 c. 418 s. 3; 1931 c. 311; 1941 c. 366 s. 1] (5541)

98.19 REPORTS OF TANNERS; IDENTIFICATION TAGS; FAILURE TO ATTACH; CONTRABAND. Every person engaged in the business of tanning and dressing of raw furs under license issued by the director shall report to the director the number and kinds of raw hides or pelts of beaver and muskrat received for tanning and dressing purposes, when received and from whom, and keep a register of these transactions, which register shall be open for inspection by the director, or his duly authorized representatives. Upon reporting to the director the receipt of any shipment of raw beaver or muskrat hides or pelts for the purpose of tanning and dressing, the director, or his duly authorized representative, shall cause to be attached to each individual hide or pelt an identification tag or seal, which tag or seal shall remain on such hide or pelt during all the time the hide or pelt is in the process of tanning and dressing. The tag or seal attached by the director, or his representative, shall be of such a nature as not to interfere in any way with the tanning and dressing process, and attached so as not to materially damage the hide or pelt to which attached. These tags or seals shall be procured from the director

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by the licensee and for which he shall pay one cent each, which tags or seals shall remain attached to the hides or pelts during all times the hides or pelts are in the possession of the tanner. All raw hides and pelts of beaver and muskrat found in any tannery, whether in the process of tanning or dressing, without having attached thereto such tags or seals, as authorized by this section, shall be deemed contraband and subject to seizure by the director, or his duly authorized representative, and no action for damages shall be maintained against the director, or his representative, for such seizure.

[1919 c. 400 s. 4; 1923 c. 342 s. 1; 1925 c. 380 s. 1; 1929 c. 418 s. 3; 1931 c. 311; 1941 c. 366 s. 1] (5541)

98.20 TAXIDERMISTS TO BE LICENSED. Any person who shall engage in conducting a taxidermist business, as the term is commonly understood, to prepare or mount any skins or dead bodies of any game birds or animals in this state for profit, shall first procure a license so to do from the director, which may be granted to any person in the discretion of the director, and for which license a fee of \$2.00 shall be paid to the director by such person. Licenses shall expire on the thirty-first day of December of the year in which issued. Any person engaged in conducting a taxidermist business who fails to procure a license so to do shall be guilty of a misdemeanor.

Any taxidermist who shall mount specimens of game animals, birds, or fish shall keep a register in which a list of the names of all persons who furnish him with raw or unmounted specimens shall be kept, together with the species of bird or animal received, and when and where the bird or animal was killed, and such taxidermist shall be required to exhibit such register, together with all unmounted skins or specimens in his possession, to the director, or his authorized agent, upon demand. Any person failing so to do shall be guilty of a misdemeanor.

The provisions of this section shall not apply to persons who have been issued permits by the director under the terms of section 98.10.

[1919 c. 400 s. 124; 1925 c. 340 s. 1; 1925 c. 419 s. 1; 1929 c. 319; 1931 c. 376 ss. 1, 2; 1931 c. 391; 1933 c. 392 s. 22] (5630)

Am 193-194 - **98.21 FIELD DOG TRIALS; LICENSE FEES.** *SH* When any responsible association, duly organized for the purpose of holding field dog trials under the rules and regulations of the American Kennel Club, or the American Field, or any other bona fide organization, shall make written application to the director for a license to hold a field dog trial, which application shall state the names and addresses of the officers and members of the governing body of the association, the exact location and character of the land, including a plat thereof, upon which it is proposed to hold the field trial, the date on which the field trial is proposed to be held, an outline of the plan of operation thereof, the approximate number and the variety of game to be used, which application shall be accompanied by a certificate from the breeders or owners of the game certifying that the same is being held subject to the orders of the applicant association for use at the field trial, the director shall cause an investigation to be made, and, upon finding that the proposed plan of operation of the field trial is such as will permit full, complete, and adequate supervision thereof by the division, and that the holding of the field trial will not in any way be injurious to the conservation of any of the state's property or natural resources, the director, with the approval of the commissioner, may issue to the association a license to hold the field trial, subject to such rules and regulations as the director may promulgate.

2d. The license shall also be issued upon the posting of a sufficient sum of money with the director to assure the payment, by the applicant association, of all necessary expenses for warden supervision at the field trial.

[1937 c. 140 ss. 1, 2; 1939 c. 203] (5536-21) (5536-22)

98.22 RECIPROCITY IN LICENSES. When, so long as, and in so far as, the state of South Dakota confers upon the licensees of this state reciprocal rights, privileges, and immunities, any license to take water-fowl, any license to take fish by angling or spearing, and any commercial fishing or clamming license issued by such state shall entitle the licensee to all the rights, privileges, and immunities in and upon the waters of Big Stone lake in this state, enjoyed by the holders of equivalent licenses issued by this state; subject to the duties, responsibilities, and liabilities imposed on its own licenses by the laws of this state.

[1919 c. 400 s. 139; 1931 c. 298 s. 2] (5647)

98.23 RESIDENT GAME BIRD LICENSES; COUPONS. Resident licenses for hunting small game shall have attached thereto three coupons, upon which shall be printed the words game birds, gray, black, and fox squirrels. Each coupon shall be subdivided into two sections, one of which shall be marked "A" and the other "B."

[1919 c. 400 s. 24; 1923 c. 426 s. 1] (5518)

98.24 RESIDENT BIG GAME LICENSES; COUPONS. Resident licenses for hunting big game shall have attached thereto one coupon, upon one of which shall be printed the word "deer." These coupons shall be subdivided into four sections, marked, respectively, "A," "B," "C," and "D."

[1919 c. 400 s. 25; 1923 c. 426; 1925 c. 380] (5519)

98.25 NON-RESIDENT SMALL GAME LICENSES; COUPONS. Non-resident licenses for hunting small game shall have attached thereto one coupon, divided into three sections, marked, respectively, "A," "B," and "C." The words "small game" shall be printed upon the face thereof.

[1919 c. 400 s. 26; 1923 c. 426] (5520)

98.26 NON-RESIDENT BIG GAME LICENSES; COUPONS. Non-resident licenses for hunting big game shall have attached thereto one coupon, subdivided into three sections, marked, respectively, "A," "B," and "C." The word "deer" shall be printed on each such coupon.

[1919 c. 400 s. 27; 1923 c. 426; 1925 c. 380] (5521)

98.27 RECORDS KEPT BY PERSONS ISSUING LICENSES. Every officer and agent issuing licenses, including agents appointed by county auditors, shall keep such records thereof as the director may prescribe. These records shall be open to inspection by him, or his authorized representative, at any time.

[1927 c. 438 s. 6] (5536-6)

98.28 DUPLICATE LICENSES. When any such license is lost or destroyed, the person to whom the same was issued may present to the director an affidavit proving the loss or destruction, stating the number and date of issuance of the license, by whom issued, and the manner in which lost or destroyed, and that the affiant has not been convicted of any violation of law which would operate to nullify his license, whereupon the director may authorize the issuance of a duplicate license to such person.

[1927 c. 438 s. 9] (5536-9)

98.29 CARRYING AND EXHIBITION OF LICENSES. Every person to whom a license has been issued shall have the license on his person while hunting, fishing, trapping, or doing any other act for which the license is required, and while afield for any of these purposes and while going to and from the hunting or trapping grounds or fishing waters, and shall exhibit the same for inspection to any game warden or peace officer requesting to see the same at any time. No receipt for license fees or copy of any license or other evidence purporting to show the issuance of a license except the license itself shall be valid to entitle the holder to exercise the rights or privileges conferred by his license.

[1927 c. 438 s. 10] (5536-10)

98.30 LOANING OR TRANSFERRING LICENSES UNLAWFUL; ALTERATION A FORGERY. No person shall at any time lend or transfer to another, or borrow or solicit from another, any license or any coupon attached thereto, or use any license or coupon not issued to him. Any person who shall at any time alter in any material manner any license shall be guilty of a forgery.

[1927 c. 438 s. 11] (5536-11)

98.31 REPORTS TO DIRECTOR. Subdivision 1. **Purpose.** For the purpose of enabling the director to prepare statistics relating to the number of wild animals in the state, every person who has taken any protected wild quadruped or game bird, whether with or without a license, shall, on or before the last day of January, each year, mail or deliver to the director a written report, on a form prepared by him and furnished on application made to him, or to any game warden, county auditor, or agent of the director authorized to issue licenses, stating the number of each kind of protected quadrupeds and game birds taken by such person during the preceding calendar year.

Subdivision 2. **Not to hunt until report made.** No person who is required to make such a report shall be entitled to hunt, trap, or take any protected wild quadruped or game bird until the report has been made. No person to whom a hunting or trapping license has been issued who wilfully fails or neglects to make such a report shall be granted a license of the same kind for the year succeeding

the year for which his license was issued, and if a new license of the same kind has been issued to such person it shall be null and void and surrendered upon demand to the director, or to any game warden.

Subdivision 3. Lists of persons to whom licenses were issued. As soon as practicable, in each year, the director shall furnish to each county auditor, game warden, and agent authorized to issue licenses a list of the names of all persons to whom licenses were issued by or within the county or territory of the auditor, game warden, or agent during the preceding year, and who have failed to make the report hereby required. No such county auditor, game warden, or agent shall issue a license of the same kind for the current year to any person whose name appears upon the list as delinquent in this regard.

[1927 c. 438 s. 12; 1929 c. 332 s. 5] (5536-12)

98.32 VIOLATIONS OF LAW BY LICENSEES. Upon conviction of any person for any violation of any provision of law relating to any license issued to such person or relating to the wild animals covered by the license, this license shall immediately become null and void and no license of the same kind shall be issued to such a person for a period of one year after the date of conviction. Upon conviction of any person for hunting, fishing, or trapping without a license or doing without a license any other act for which a license is required, as hereinbefore provided, no license of the kind required for the doing of this act shall be issued to such person for one year after the date of conviction of the offense; provided, that this section shall not apply to resident fishing licenses or to the taking of fish by residents by angling or spearing with or without a license; and, provided that this exemption shall not apply to residents using dark houses with or without licenses.

[1927 c. 438 s. 8; 1929 c. 332 s. 4; 1933 c. 392 s. 6; 1941 c. 82] (5536-8)

98.33 VIOLATIONS BY TAXIDERMISTS. On proof that any holder of any taxidermist license has violated any of the provisions of section 98.20, his license shall be revoked and no license of the same kind shall be issued to such person for a period of one year after the revocation of such license.

[1919 c. 400 s. 124; 1925 c. 340 s. 1; 1925 c. 419 s. 1; 1929 c. 319; 1931 c. 376 ss. 1, 2; 1931 c. 391; 1933 c. 392 s. 22] (5630)

98.34 DISPOSING OF FINES. All fines collected for violation of any law relating to wild animals, game birds, and fish shall be paid to the treasurer of the county where the conviction was had and one-half of these fines shall be by that officer transmitted to the director, who shall pay the same into the state treasury. The remaining half of these fines shall be credited to the general revenue fund of the county. The board of county commissioners of any county may direct the payment of all such fines to the state treasurer and thereafter such fines shall be paid to the state treasurer. In any county where all these fines are paid to the state treasurer, the costs of keeping and maintaining prisoners for violation of any law relating to wild animals, game birds, and fish shall be paid out of the game and fish fund unless otherwise paid. The county auditor shall monthly prepare and certify a statement itemizing the costs to the county of keeping and maintaining any such prisoners and submit the same to the commissioner, who shall cause the same to be paid out of the game and fish fund.

[1919 c. 400 s. 130; 1925 c. 380; 1929 c. 11; 1941 c. 368] (5636)

98.35 COUNTY AUDITOR TO DEPOSIT MONEY WITH COUNTY TREASURER. Every county auditor shall promptly deposit with the county treasurer all moneys received by the auditor, either directly or through his agents, for license fees and the treasurer shall make a record thereof and keep the same as other public funds. On or before the fifteenth of each month, the county auditor shall make a written report to the director for the preceding calendar month stating the total number and the serial numbers of each kind of licenses sold, the amount of fees received for each kind of license, and the total amount received. He shall transmit to the director with such report his warrant on the county treasurer in favor of the director, or the county treasurer's check in payment of such warrant, for 90 per cent of all license fees received during such preceding calendar month by direct sale to licensees and all of the moneys received by sale to agents. Thereupon the county auditor shall be entitled to ten per cent of the fees derived from sale of licenses sold by him or his agents; or two per cent of the fees for licenses sold for cash and re-sale, as hereinafter provided, as his compensation and may draw his warrant to himself upon the county treasurer in payment thereof. The county auditor shall pay his agents five per cent of the value of the licenses sold

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by such agent as his compensation. On or before the tenth of each month, every agent of the director shall make a written report to him for the preceding calendar month, containing the same information as hereinbefore prescribed for reports by county auditors and shall, with such report, transmit to the director 90 per cent of all license fees received during the preceding calendar month; whereupon such agent shall be entitled to retain the remaining ten per cent of such fees as his compensation. The director may require any agent appointed by him to account to him for licenses and license fees at such other times as he shall direct. All moneys received by the director for license fees, either directly or through county auditors or agents, shall be promptly remitted by him to the state treasurer, who shall credit the same to a special fund known as the game and fish fund, and all of these moneys are hereby appropriated for the maintenance and conduct of the activities of the office of the director as provided by law.

Any resident of a county who shall apply to the auditor of his county for hunting or fishing license blanks for re-sale may purchase these license blanks from the county auditor and, if these license blanks shall be purchased in groups of not less than ten non-resident license blanks and 25 resident license blanks which he is authorized to sell, he shall be entitled to a discount of eight per cent from the price established by law. All these license blanks shall be paid for at the time of purchase. In selling these licenses, such person shall be deemed to act in the capacity of agent of the county auditor and shall, at the end of each calendar month, make a report to the county auditor stating the serial number of each license sold and the name and address of the purchaser thereof. Any such resident of a county who shall purchase for re-sale not less than ten non-resident license blanks and 25 resident license blanks may, at any time within 90 days of the date of purchase, but not later than December first of the same year, return any such blanks to the county auditor, and shall thereupon be reimbursed for such unused license blanks at the price established by law, less eight per cent. All moneys received by the county auditor where cash payment has been made in advance by such persons shall be deposited by the county auditor with the county treasurer and such treasurer shall deposit such amounts in a fund known as a game and fish reserve fund. On or before the fifteenth day of each month, the county auditor shall transfer from the game and fish reserve fund to the regular game and fish fund moneys sufficient to cover licenses sold by these agents during the preceding calendar month. The county auditor may draw his warrant upon the county treasurer in an amount necessary to reimburse any purchaser of licenses for re-sale for all unsold license blanks returned to him in accordance with the provisions of this section. These warrants shall be drawn upon the fund known as the game and fish reserve fund. Any license blanks delivered to county auditors which have not been returned to the director on or before the expiration of 90 days from the close of the calendar year for which the licenses were prepared shall be conclusively presumed to have been sold and the county auditor shall be held strictly responsible for the net return due therefrom.

The provisions of this section shall not be construed to in any way alter or repeal the provisions of any law now or hereafter enacted wherein provision is made that all fees collected by county officials in certain counties be paid into the county treasury.

[1927 c. 438 s. 8; 1929 c. 332 s. 4; 1933 c. 392 s. 6; 1941 c. 317] (5536-7)

98.36 FEES SET ASIDE FOR USE OF DIRECTOR. All moneys received from fees for licenses of any kind issued by the director shall be credited by the state treasurer to a special fund known as the game and fish fund and all of these moneys are hereby appropriated for the maintenance and conduct of the activities of the office of the director, as provided by law, and for the payment of the cost of acquiring any property or right which he is authorized by law to acquire, and for the payment of the cost of any construction, improvement, or other project which he is authorized by law to undertake; provided, that this shall not apply to any such moneys otherwise expressly appropriated by law for a specific purpose under the direction or authority of the director. A sum equivalent to the amount of money in this fund on December 31, 1928, and not necessary for the maintenance and conduct of the department and not set apart for any other specific purpose, and not less than one-half of all fees thereafter and hereafter received from the sale of hunting licenses are hereby appropriated and shall be used for the acquisition

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and maintenance of public hunting grounds, game farms, and game refuges by the director.

[1929 c. 332 s. 6] (5536-13)

98.37 DIRECTOR TO USE UNEXPENDED BALANCES. If any of the sums of money appropriated under section 98.36 are not sufficient to properly maintain and improve the hatcheries and game farm, the director is authorized to use such further funds from the game and fish fund as may be necessary, and any unexpended balance in each fiscal year may be transferred and used by him in such manner and for such purposes as the division shall determine.

[1929 c. 332 s. 7] (5536-14)

98.38 FEES REAPPROPRIATED. Any and all other moneys paid into the state treasury through the division, including the income from the sale of confiscated game and parts thereof and all other articles, are hereby appropriated for the maintenance and conduct of the activities of the office of the director, as authorized by law, except such moneys as are otherwise expressly appropriated by law for a specific purpose. All expenditures of the division are subject to audit by the public examiner.

[1929 c. 332 s. 8] (5536-15)

43-229-8
98.39 STATE FISH REVOLVING FUND FOR CONDUCTING STATE FISHING OPERATIONS. There is hereby created a state fish revolving fund available for the purpose of conducting state fishing operations as prescribed in sections 97.21, 102.19, 102.20, and 102.21. This fund shall consist of all moneys heretofore or hereafter collected by the director in state fishing operations, and the director is hereby directed to pay over all moneys so collected to the state treasurer, and an amount of money equal to the amount so paid over by the director to the state treasurer is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, to the director for the purpose of a revolving fund to be used in carrying out the provisions of such sections.

All moneys hereafter received in the course of such fishing operations are hereby added to this revolving fund, and the expenses of such operations shall be paid in the same manner as other claims against the state are paid.

[1919 c. 341 s. 1] (5604)

1943-229-8
98.40 FISH LAKES IMPROVEMENT REVOLVING FUND. All moneys received by the director in conformity with the provisions of sections 97.24 and 102.14 to 102.18 shall be deposited immediately with the state treasurer, who shall deposit same to the credit of a fish lakes improvement revolving fund. All moneys credited to this fish lakes improvement revolving fund are hereby appropriated to the director for the purpose of carrying out the provisions of such sections and the director, when he deems necessary for the propagation and conservation of fish and water-fowl, may construct dams, dikes, or embankments, install fish screens, construct and maintain connecting water channels, or make similar improvements in any of the waters of this state, or any streams connecting such waters and may acquire any land, or any interest or easement in land, he deems necessary for such purpose by donation, purchase, or condemnation proceedings and to impound or store any unmarketable fish taken under such sections and shall take such measures as to prevent their escape, and the director is authorized, if he deems it advisable, to purchase and plant such aquatic plants suitable for the waters so to be planted and to make scientific surveys and investigations of any of the public waters of the state to determine the species of game fish which can be successfully planted and naturally propagated therein and to secure by purchase fish eggs and fish fry for distribution in waters which have been seined or fished under such sections and for payment of game warden supervision and other necessary help in executing the provisions of such sections, and also for the preservation and propagation of game and fish. No contract shall be entered into or no obligation incurred by the director under such sections in excess of the money herein provided.

The purpose and intent of such sections is to clear the waters of this state of carp and other non-game fish named in section 102.14, and to improve the waters of this state to the end that hunting and fishing may be improved and perpetuated therein, and to that end such sections shall be liberally and broadly construed.

[1925 c. 408 s. 7; 1927 c. 437 s. 7] (5609-7)

Superseded
98.41 APPROPRIATION. As much as may be necessary of any moneys in the fish lakes improvement revolving fund created by section 102.14 and acts supple-

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mentary thereto not required for any other purpose for which the moneys of the fund are appropriated by the laws governing the same is hereby appropriated for the purposes of section 101.35 in addition to the purposes for which the moneys are already appropriated and these laws are hereby modified and amended, so far as may be necessary, to conform herewith.

[1929 c. 213 s. 2] (5592-10)

98.42 DISPOSITION OF FEES. All fees and rentals under sections 97.39, 101.30 to 101.32, and 101.34 shall be paid to the director and by him transmitted to the state treasurer, who shall credit the same to the state fish revolving fund constituted under the provisions of section 98.39 and acts supplementary thereto. In addition to the purposes prescribed by section 98.39, all moneys in this fund shall hereafter be available to pay the cost of administration and enforcement of sections 97.39, 101.30 to 101.32, and 101.34 and the cost of propagation and conservation of fish in these lakes, and these moneys are hereby appropriated therefor, so far as may be necessary.

[1929 c. 84 s. 6] (5592-6)

98.43 INCOME FROM GAME REFUGES. All income which may be received from the sale of timber, hay stumpage, right of way leases, home site and resort leases, or any other special use permits from lands acquired by the state, which have been designated, or will be designated, as public hunting grounds and game refuges, shall be paid to the director and by him transmitted to the state treasurer, who shall credit such funds to a "public hunting grounds and game refuges revolving fund," which fund is hereby created and the same is hereby annually appropriated for the purpose of defraying expenses in the management of such public hunting grounds and game refuges; provided, that this section shall not apply to state trust lands and lands acquired under the system of rural credit; and, provided, that should the income received from the sale of timber, hay stumpage, right of way leases, home site and resort leases, or any special use permits, be insufficient to defray expenses in the management of such public hunting grounds and game refuges, then the director may transfer from the public shooting grounds fund to the public hunting grounds and game refuges revolving fund sufficient funds to defray such management expenses.

[1919 c. 400 s. 124; 1925 c. 340 s. 1; 1925 c. 419 s. 1; 1929 c. 319; 1931 c. 376 ss. 1, 2; 1931 c. 391; 1933 c. 392 s. 22] (5630)

98.44 PERCENTAGE OF RECEIPTS PAID TO COUNTY. The state of Minnesota shall hereafter pay annually to each county in which there are now or hereafter shall be situated any public shooting grounds and game refuges a sum equal to 35 per cent of the gross receipts of these public hunting grounds and game refuges located within such counties, which payment shall be received and distributed by the county treasurer among the various funds of the county, the respective towns and school districts therein and where such grounds and refuges lie, on the same basis as if the payment had been received as taxes on such lands payable in the current year; provided, that this section shall not apply to state trust lands.

The director shall annually draw warrants, in favor of the respective counties entitled thereto, upon the state auditor for the proper amounts, and the state treasurer shall pay such warrants from the public hunting grounds and game refuges revolving fund.

[1919 c. 400 s. 124; 1925 c. 340 s. 1; 1925 c. 419 s. 1; 1929 c. 319; 1931 c. 376 ss. 1, 2; 1931 c. 391; 1933 c. 392 s. 22] (5630)