

CHAPTER 98

LICENSES

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98.01-98.44 [Repealed by Laws 1945, Chapter 248, Section 7.]

98.45 REQUIREMENT OF LICENSES. Subdivision 1. Except as specifically permitted in chapters 97 to 102, no person shall take, buy, sell, transport or possess any protected wild animals of this state, or aquatic plants, without first having procured a license as provided therefor in section 98.46 or 98.48. Every license shall be issued for the calendar year and shall be void after the last day of the open season or the lawful time within that calendar year during which the acts authorized may be performed. No license to take deer with a firearm, or beaver, shall be issued to any person after the third day of the open season provided therefor for that year. Only one license of each kind shall be issued to any one person in any calendar year, and no license shall be transferable except as expressly authorized.

Subd. 2. Every person to whom a license has been issued shall have the same upon his person while doing any act for which the license is required and while traveling to and from the grounds upon which such acts are performed, and shall exhibit the same to any game warden or peace officer upon his request 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 the license.

Subd. 3. No person shall at any time lend or transfer to another, or borrow or solicit from another, any license, coupon, or seal attached thereto or issued therewith, or use any license, coupon, or seal not issued to him, unless otherwise expressly authorized.

Subd. 4. Any person, whether a resident or not, who is not a citizen of the United States, may take, buy, sell, transport, or possess wild animals in this state, only as a non-resident. Any firearm in possession of such alien for any purpose, other than hunting as a non-resident, is contraband and subject to confiscation.

Subd. 5. When provision is not made for a license for non-residents to engage in activities requiring a license of residents, non-residents may not engage in such activities.

[1945 c. 248 s. 2]

98.46 LICENSES, FEES. Subdivision 1. Subject to all applicable provisions of chapters 97 to 102, the following licenses shall be issued to residents only, upon payment of the fees herein specified:

- (1) To take small game, \$1.00;
- (2) To take deer with firearms and bow and arrows, \$2.25;
- (3) To trap fur bearing animals, except beaver, \$1.00;
- (4) To take fish, \$1.00;
- (5) Sportsmen's license, to include all the privileges granted by licenses issued under (1), (2), (3) and (4), \$5.00, plus any additional fee the licensee, at his option, desires to pay;
- (6) Combination husband and wife, to take fish, \$1.50;
- (7) Individual or family license to harvest wild rice, \$1.00. Identification cards shall be issued without fee to each member of the immediate family of the purchaser of a license to harvest wild rice. The term "immediate family" shall include husband and wife and minor children having their abode and domicile with the parent or legal guardian;
- (8) To engage in the business of buying or selling raw furs at a definitely established place of business, \$5.00;

- (9) To engage in the business of buying or selling raw furs anywhere within the state, \$10.00;
- (10) To trap beaver during an open season or by permit when doing damage, \$2.50;
- (11) To take moose, \$5.25;
- (12) To spear fish from a dark house, or angle from a fish house, or a shelter, \$1.00;
- (13) To net whitefish, tullibees or herring from inland lakes or international waters, for domestic use only, for each net, \$1.00;
- (14) To conduct a taxidermist business, \$2.00;
- (15) To maintain fur and game farms, including deer, \$5.00;
- (16) To net for commercial purposes in the boundary waters between Wisconsin and Minnesota from Lake St. Croix to the Iowa border:
- (a) For each 100 feet of seine not exceeding 500 feet, \$1.00;
- (b) For each 100 feet of seine in excess of 500 feet, but not over 1,000 feet, \$2.00;
- (c) For each 100 feet of seine in excess of 1,000 feet, but not over 1,500 feet, \$3.00;
- (d) For each 100 feet of seine in excess of 1,500 feet, but not over 2,000 feet, \$4.00;
- (e) For each 100 feet of seine in excess of 2,000 feet, but not over 2,500 feet, \$5.00;
- (f) For each 100 feet of seine in excess of 2,500 feet, but not over 4,000 feet, \$6.00;
- (g) For each gill net not exceeding 500 feet in length, \$2.50;
- (h) For each gill net exceeding 500 feet, but not over 1,000 feet, \$5.00;
- (i) For each fyke net or hoop net, \$5.00;
- (j) For each bait or turtle net, \$1.00;
- (k) For each set line, \$5.00.
- (17) To take mussels or clams, \$5.00;
- (18) To take rough fish with set lines, or seines, in the Mississippi River from the St. Croix River Junction to St. Anthony Falls:
- (a) For each seine, \$10.00;
- (b) For each set line, \$5.00;
- (19) To take rough fish with one set line containing not more than ten hooks in the Minnesota River from Mankato to its junction with the Mississippi River, and in the Mississippi River from St. Anthony Falls to the St. Croix junction, for domestic use, \$1.00;
- (20) To net fish in Lake of the Woods, \$20.00 for restocking the lake, and
- (a) For each pound net or trap net, \$35.00;
- (b) For each fyke net, with both wings or lead, four feet or less, \$5.00;
- (c) For each fyke net with either wings or lead, over four feet, an additional \$5.00 for each additional two feet or fraction thereof;
- (d) For each 100 feet of gill net, \$1.50;
- (e) For helper's license, \$1.00;
- (21) To net fish in Rainy Lake:
- (a) For each pound net, \$35.00;
- (b) For each 100 feet of gill net, \$1.50;
- (c) For helper's license, \$1.00;
- (22) To fish commercially in Lake Superior:
- (a) From a boat 18 feet or less in length, \$10.00;
- (b) From a boat over 18 feet, but not more than 24 feet in length, \$25.00;
- (c) From a boat over 24 feet in length, but not more than 35 feet in length, \$50.00;
- (23) To fish commercially in Namekan Lake:
- (a) For each 100 feet of gill net, \$1.50.
- (b) For helper's license, \$1.00.

Subd. 2. Subject to all applicable provisions of chapters 97 to 102, the following licenses shall be issued to non-residents upon payment of the fees herein specified:

- (1) To take small game and unprotected quadrupeds, except by trapping, \$25.00;
- (2) To take deer with firearms and bow and arrows, \$50.25;
- (3) To take deer with a bow and arrows only, \$10.25;

- (4) To take moose in the Northwest Angle, \$50.25;
- (5) To take fish, \$3.00;
- (6) Combination husband and wife, to take fish, \$4.50;
- (7) To engage in the business of buying or selling raw furs, \$200.

Subd. 3. Subject to all applicable provisions of chapters 97 to 102, the following licenses shall be issued to either residents or non-residents upon payment of the fees herein specified:

- (1) To sell live minnows:
 - (a) Local minnow dealer, \$2.50;
 - (b) Itinerant minnow dealer, \$25.00;
- (2) To raise fish in a private hatchery, \$5.00;
- (3) To buy wild rice for the purpose of resale from a person who has harvested the same, \$1.00, if the amount purchased in a single year does not exceed 1,000 pounds; in excess of 1,000 pounds, \$25.00;
- (4) To buy fish from licensed commercial fishermen on Lake Superior for the purpose of resale, \$25.00;
- (5) To handle or buy fish taken by commercial fishermen licensed under this act on Lake of the Woods, Namekan, or Rainy Lake;
 - (a) Wholesale fish buyer's license, \$100;
 - (b) Resident fish buyer's license to ship from one place to another on international waters only, \$10.00;
 - (c) Fish peddler's license to peddle fish with the use of a motor vehicle, within the state only, \$5.00;
- (6) To tan or dress raw furs, \$2.00.

Subd. 4. Coupons, tags, or seals may be obtained upon payment of the following fees:

- (1) One non-resident shipping coupon for each individual or combination non-resident fishing license, \$1.00;
- (2) Beaver or otter seals, \$1.00;
- (3) Tags or seals to be attached to each net as required by section 101.42, subdivision 3, (10), 25 cents.

Subd. 5. Within the time designated by the commissioner, not exceeding ten days after the close of a beaver or otter trapping season, or the expiration of a beaver trapping permit, every licensee or permittee having taken beaver or otter, shall present each skin and such other portions of every such beaver or otter as may be required by the commissioner, to the inspection of a state game warden, who shall affix to each skin a metal locking seal, in the presence of the licensee or permittee.

Subd. 6. No deer taken in this state shall be transported or possessed unless a metal locking seal bearing the license number of the owner and the year of its issue has been affixed to its carcass between the tendon and the bone and around the bone of the leg so that such seal cannot be removed without breaking the lock. The seal must be so placed and locked at the time the deer is brought into any hunting camp, dwelling, farm yard, or other place of abode of any kind occupied overnight, or in the event such deer is brought out to a road, then before the same is placed upon or in any vehicle of any kind.

Subd. 7. All applicants for licenses to buy raw furs shall, at the time of application for a license, furnish a corporate surety bond in favor of the state in the sum of \$1,000, conditioned upon the observance of all laws of this state relating to wild animals.

[1945 c. 248 s. 2]

98.47 EXCEPTIONS TO LICENSE REQUIREMENTS. Subdivision 1. Residents under the age of 18 years may fish without procuring a license, and residents under the age of 16 may hunt without procuring a license. Non-residents under the age of 16 years may take fish without procuring a license, if accompanied by a parent or legal guardian who has obtained a non-resident fishing license.

Subd. 2. Any resident in the military or naval forces of the United States, or in any reserve or component thereof, either now or hereafter organized, who is stationed outside of the state and is within the state upon regularly granted leave or furlough, may hunt and fish at such times without having procured the regular license so to do, provided he or she carries on his person his official leave or fur-

lough papers in lieu of the license required of other residents, and provided further such hunting and fishing be in conformity with all other provisions of Chapters 97 to 102, and he obtains the seals, tags, or coupons required of other licensees, to be furnished without charge.

Subd. 3. A resident license for taking fish or small game may be issued, in the discretion of the commissioner, to any person in the military or naval forces of the United States, or any reserve or component thereof, now or hereafter organized, who has been officially transferred to, and is stationed within the state.

Subd. 4. A courtesy non-resident license for taking fish or game may be issued in the discretion of the commissioner, without charge, to any person officially employed in the game and fish or conservation department of another state or of the United States, who is within the state to assist or consult or cooperate with the commissioner, or to the officials of other states, the United States, or Canada, who are in the State of Minnesota as guests of the Governor or commissioner.

Subd. 5. A license to take fish or small game in or upon Big Stone Lake, Lakes Hendricks and Traverse, and Lake Superior may be issued to residents of South Dakota or Wisconsin upon the same terms and conditions as are granted to residents of this state by South Dakota and Wisconsin, respectively.

Subd. 6. Except as otherwise expressly provided, the license to take small game shall be required of all persons taking the same, and the license to trap fur bearing animals shall be required in addition where traps are used. The license to take fish shall be required of all persons taking the same, but spearing and netting licenses shall be required in addition where those means are used.

Subd. 7. No license to trap beaver shall be issued to any person to whom a fur buyer's license shall have been issued and in force, and no license to take fish commercially in international waters extending from Pigeon Point West to the North Dakota boundary line shall be issued to any person or member of his household, or employee, engaged in the business of conducting a summer resort.

Subd. 8. A license to take fish shall be issued to any citizen of Minnesota receiving old age assistance, or who is blind, without charge.

Subd. 9. Helpers' licenses shall be issued under Section 98.46, Subdivision 1 (20) (e), (21) (c), and (23) (b), to the holder of a master's license, and shall be transferable upon his application. Every person assisting the holder of a master's license, in going to and from fishing locations, or in setting or lifting nets, or removing fish from nets, shall have a helper's license, unless he be the holder of a master's license.

Subd. 10. The resident owner or lessee of any lands occupied by himself as a permanent abode, and any member of such person's immediate family residing with him, may take small game by hunting upon such lands without procuring a license, in any manner and at any time not otherwise prohibited by law.

[1945 c. 248 s. 2]

98.48 SPECIAL PERMITS. The commissioner may, in his discretion, issue special permits under such rules and regulations and in such form as may be prescribed by him, but without fee, except as authorized in (4) and (6), as follows:

(1) To collect specimens of eggs, nests, or wild animals for scientific or exhibition purposes, to any municipal corporation, incorporated society of natural history, high school, college or university, maintaining a zoological collection;

(2) To hold field dog trials by any responsible association organized for that purpose;

(3) To take, possess and transport protected wild animals for scientific, educational or exhibition purposes, or for use as pets, provided no wild or native deer may be taken or possessed for propagation, exhibition or pet purposes, except those now lawfully possessed for such purposes. All animals possessed under authority of this provision, as well as deer now contained on game farms, private and public parks and zoos, and their progeny, or possessed as pets, may be disposed of only as prescribed by the commissioner;

(4) To take any unprotected wild animals or fur bearing animals from game refuges or state parks in accordance with rules, regulations or fees as prescribed by the commissioner;

(5) To take any protected wild animals which are doing damage to private or public property, except that as to beaver the regular license and seal provisions shall apply;

(6) To take muskrats from shallow marshes or sloughs when the danger of freezing out or starving in the winter, in accordance with rules, regulations or fees as prescribed by the commissioner;

(7) To keep and possess a raccoon and to use the same for the purpose of training dogs for hunting raccoons;

(8) To establish and conduct rifle ranges or trap shooting premises by duly organized gun clubs of ten or more members on lands owned or leased for that purpose by such clubs within two miles of any city of the first class;

(9) To gather or harvest any aquatic plants or bulbs other than wild rice from public waters of the state, to transplant the same into other public waters, or to destroy any aquatic vegetation or plants in public waters;

(10) To take animals on which the state pays a bounty from an airplane.

[1945 c. 248 s. 2]

98.49 FORMS. Subdivision 1. The form of all licenses and applications therefor shall be determined, and blanks shall be furnished to all agents authorized to issue licenses, by the commissioner. Coupons or stubs with proper markings and designations, as may be necessary to carry out the provisions of law relating thereto, shall be attached to the license blanks.

Subd. 2. Applications for all licenses shall be made on oath in writing, and all information required by the form, as prescribed by the commissioner, shall be furnished. Any officer or agent authorized to issue licenses shall have authority to administer oaths upon such application, and no licenses shall be issued by any agent without actually administering the oath.

[1945 c. 248 s. 2]

98.50 ISSUANCE OF LICENSES. Subdivision 1. County auditors are hereby appointed agents of the commissioner for the sale of licenses to take big and small game and fish, and to trap fur-bearing animals, to residents of their respective counties, and to take big and small game and fish, to non-residents of the state. Each county auditor may appoint sub-agents within his county to sell such licenses, and upon such appointment, the auditor shall notify the commissioner forthwith of the name and address of the sub-agent. Such appointments may be revoked by the auditor at any time and he may require such security of the agent as he deems advisable, and he shall revoke any agency upon demand of the commissioner. The county auditor shall be responsible for all license blanks issued to, and license fees received by, his agents.

Subd. 2. The commissioner may require county auditors to furnish such additional corporate surety bonds as in his opinion may be required to secure the state, in addition to the auditor's official bond. The commissioner shall prescribe rules and regulations setting up such accounting and procedural requirements as he may deem necessary to assure the efficient handling of licenses and license fees, and all county auditors and other agents shall strictly comply therewith.

Subd. 3. The commissioner may appoint agents to issue non-resident licenses of any kind outside of the state, require adequate security to insure a proper accounting therefor, and revoke such appointments at any time.

Subd. 4. The commissioner may appoint agents throughout the state to sell resident licenses to take fish, large or small game, or trap fur bearing animals, to residents of the state living in counties other than the county in which the agent is appointed. Before any such license shall be sold, the agent shall require the submission of documentary evidence positively identifying the applicant as a resident of the state. Such agent shall pay cash to the commissioner for all books of licenses obtained by him and may deduct eight per cent from the price established by law as his commission.

Subd. 5. Any resident desiring to sell the licenses referred to in subdivision 1 may purchase blanks from the county auditor in groups of not less than five non-resident, and ten resident license blanks, for cash, and he shall be entitled to a discount of eight per cent from the price established by law. In reselling such licenses, he shall be deemed an agent of the county auditor and the commissioner, and he shall observe all rules and regulations promulgated by the commissioner for the accounting for and handling of such licenses.

The county auditor shall promptly deposit all moneys received from the sale of licenses with the county treasurer, and shall promptly transmit such reports as may be required by the commissioner, together with his warrant on the county treas-

urer for 90 per cent of all license fees received during the accounting period. The other ten per cent shall be the agent's commission, the county auditor retaining two per cent of the fees for licenses sold for cash and resale, and five per cent of licenses not sold for cash. Unsold license blanks in the hands of any agent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner therefor. Any license blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the agent possessing the same or to whom they are charged shall be accountable therefor.

Subd. 6. The commissioner shall prescribe rules and regulations for the issuance of duplicate licenses to persons whose licenses have been lost or destroyed, but no such duplicate license shall be issued until the applicant has taken oath covering the facts of loss or destruction of the license.

Subd. 7. In addition to other penalties, any agent to sell licenses, who violates any provision of law or regulation of the commissioner relating to the sale, handling or accounting for such licenses, shall forfeit his agency or his right to sell or handle licenses for a period of one year.

[1945 c. 248 s. 2]

98.51 REPORTS AND RECORDS. Subdivision 1. Every person who has taken any protected quadruped or bird shall on or before the last day of January each year, mail or deliver to the commissioner a written report on a form furnished him, stating the number and kind of each protected quadruped or bird taken during the preceding calendar year. The commissioner shall mail to each person making a report under a big game license a receipt 30 days prior to the succeeding hunting season. Persons not presenting such a receipt upon applying for a big game license shall pay an additional amount equal to the prescribed license fee as a penalty, except that a receipt shall not be required when persons not licensed during the preceding year shall so state in their application. No other penalty shall be imposed for failure to make any report.

Subd. 2. Every person who is required by Chapters 97 to 102 to obtain a license to engage in the business of buying or selling any wild animals, tanning or dressing raw furs, or mounting specimens of wild animals, shall keep a correct and complete book record in the English language of all transactions in the buying and selling, and handling of the wild animals as carried on by the licensee. Such records shall and must show from whom obtained and to whom disposed of, giving the post-office addresses, together with the date of receipt, shipping or sale of such animals, a detailed account as to the number and kinds thereof contained in each shipment, purchase, or sale, and the serial number of each seal, tag, or permit, where such seal, tag, or permit is required to be affixed to the wild animals handled. Provided a licensed fur dealer, buying for one employer only, at his established place of business, need not keep a separate book record if the employer shall first notify the commissioner in writing of the fact of such employment and his agreement to identify in his own records each transaction of the employee so excepted. All records required hereby shall be open for inspection by the commissioner, director, or their agents at all reasonable hours. They shall be kept intact for a period of two years after the expiration of any license issued.

Subd. 3. Every person who is required to keep the records provided for in subdivision 2 shall furnish the commissioner such reports as he may require for statistical purposes, on blanks to be furnished by the division for that purpose.

[1945 c. 248 s. 2]

98.52 LOSS AND REVOCATION OF LICENSES. Subdivision 1. Except as otherwise provided herein, the license of any person who is convicted of violating any provisions of Chapters 97 to 102, or any order or regulation duly prescribed by the commissioner under authority thereof, relating to the license or to the wild animals covered thereby, shall immediately become null and void, and no license of the same kind shall be issued to such person for one year after the date of conviction. Every person convicted of doing anything without a license for which Chapters 97 to 102 require a license, shall forfeit his right to secure such a license for a period of one year from conviction.

Subd. 2. The provisions of subdivision 1 shall apply to licenses to take small game or to take fish by angling or by spearing, only upon a second conviction within a period of three years.

Subd. 3. Where, in his opinion, the public welfare will not be injured, the commissioner may reinstate the following types of licenses which have become null and void by operation of subdivision 1, provided such authority to reinstate shall not extend to persons who have been so convicted during the preceding three year period:

- (1) To maintain and operate fur and game farms or private fish hatcheries;
- (2) To take fish commercially in Lake of the Woods, Rainy Lake, Namekan Lake, or Lake Superior;
- (3) To buy fish from licensed commercial fishermen in Lake of the Woods, Rainy Lake, Namekan Lake, or Lake Superior.

Subd. 4. Any person convicted of violating the provisions of Section 100.29, Subdivision 1, (6), shall not be licensed to hunt with a firearm or bow and arrows for five years from date of conviction.

Subd. 5. The hunting or trapping license of any person failing to wear the red as required by Section 100.29, Subdivision 1, (8), shall be cancelled, and no such licenses shall be issued to any person found violating those provisions, for one year from the date of violation. Any officer authorized to inspect licenses shall take the licenses of any offender of that provision into his possession, mark them void, together with the date of the offense, and turn them in to the director. No other penalty shall be imposed.

[1945 c. 248 s. 2]