

9794

**REPORT**  
OF THE  
**INTERIM COMMISSION**  
TO  
**REVISE AND RECODIFY**  
**GAME AND FISH LAWS**



SUBMITTED TO:  
Hon. Chester S. Wilson, Commissioner of Conservation  
and the  
Legislature of the State of Minnesota of 1945

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HON. CHESTER S. WILSON, *Commissioner of Conservation*  
AND THE  
LEGISLATURE OF THE STATE OF MINNESOTA OF 1945

MEMBERS OF THE MINNESOTA INTERIM COMMISSION  
TO REVISE AND RECODIFY GAME AND FISH LAWS

FROM THE SENATE

SENATOR WENDELL LEDIN, *Chairman*  
BETHEL, MINNESOTA

SENATOR J. V. WEBER  
SLAYTON, MINNESOTA

FROM THE HOUSE

REPRESENTATIVE ED. MARTINSON, *Vice Chairman and Secretary*  
ORTONVILLE, MINNESOTA

REPRESENTATIVE FRED ARNOLDT  
JANESVILLE, MINNESOTA

APPOINTED BY ATTORNEY GENERAL

MR. MANDT TORRISON, *Special Assistant Attorney General*

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## ACT CREATING COMMISSION

Chapter 105—S. F. No. 157

AN ACT CREATING A COMMISSION COMPOSED OF MEMBERS OF THE HOUSE AND SENATE AND ONE APPOINTEE OF THE ATTORNEY GENERAL, AUTHORIZING AND DIRECTING SUCH COMMISSION TO MAKE A STUDY AND INVESTIGATION OF LAWS RELATING TO WILD ANIMALS, AND PREPARE A BILL REVISING AND CODIFYING SUCH LAWS FOR PRESENTATION AT THE NEXT LEGISLATIVE SESSION, AND APPROPRIATING MONEY THEREFOR.

*Be it enacted by the Legislature of the State of Minnesota:*

Section 1. COMMISSION TO REVISE AND CODIFY GAME AND FISH LAWS CREATED.—That a commission of five members be and hereby is created to consist of two members of the house of representatives to be appointed by the speaker, two members of the senate to be appointed by the committee on committees of the senate, and one attorney from the attorney general's force, to be designated by the attorney general to revise and codify the laws of this state relating to wild animals and to the preservation, protection and propagation thereof. Such appointments shall be made forthwith upon the passage of this act and the commission shall designate one of its members to act as chairman.

Sec. 2. DUTIES OF COMMISSION.—It shall be the duty of said commission to examine and compare the existing laws relating to wild animals and to the preservation, propagation and protection thereof in force in this state, in adjoining states and provinces of Canada, together with the judicial interpretation and construction thereof and to propose and recommend such revision and codification of such laws of this state as shall in their opinion simplify, harmonize and complete the same and secure such uniformity with the laws of the neighboring and bordering states and provinces as may be practicable. The commission shall prepare the same in the form of a bill for presentation at the next regular legislative session. The commission shall file with the conservation commissioner their report of such revision and codification including the full text of all laws recommended by them together with a list of all laws and parts of laws for repeal, giving the chapter number and title of each with a full and complete index of the whole. Said report shall be filed not later than 30 days before the next legislative session and the commissioner of conservation shall cause copies of said report to be made and delivered to the attorney general and to each house of the legislature as soon as convened. Additional copies of said report may be made for distribution among the legislators.

Sec. 3. POWERS AND AUTHORITY.—The commission shall have the authority and power to hold hearings at such times and places as they may designate for the purpose of taking evidence and testimony necessary or helpful in effectuating the purposes of this act.

Sec. 4. COMMISSIONERS TO RECEIVE ACTUAL TRAVELING EXPENSES.—The members of the commission shall serve without pay, but shall be allowed and paid their actual traveling and other expenses necessarily incurred in the performance of their duties, not to exceed the sum of \$5,000.00 in all. The commission is further vested with full power and authority to employ expert and clerical aid and assistance, to purchase stationery and other supplies, to rent or otherwise provide for the use of offices and equipment and do any and all things reasonably necessary or convenient in carrying out the purposes of this act.

Sec. 5. APPROPRIATION.—There is hereby reappropriated out of the moneys in the game and fish fund the sum of \$5,000.00 or so much thereof as may be necessary to pay all expenses incurred pursuant to this act. For the payment of such expenses, the commission shall draw its warrants upon the state treasurer, which warrants shall be signed by the chairman and at least two other members of said commission, and the state auditor shall then approve, and the state treasurer shall pay such warrants as and when presented, but not exceeding in the aggregate the amount herein appropriated. A general summary or statement of the expenses so incurred or paid shall be included with the report of the commission to the legislature.

Approved March 5, 1943.

## STATEMENT OF COMMITTEE AND RECOMMENDATIONS

*To the Honorable Chester S. Wilson, Commissioner of Conservation and  
To the Honorable Members of the 1945 Legislature of the State of Minnesota:*

By Laws 1943, Chapter 105, the Legislature of the State of Minnesota created the Interim Commission on Game and Fish to Codify and Revise the Game and Fish Laws. The functions of the committee as contemplated by said Act are incorporated therein. Pursuant to said Act, the Committee on Committees of the Senate appointed the following members to act on behalf of the Senate:

SENATOR WENDELL L. LEDIN  
SENATOR J. V. WEBER

The Speaker of the House appointed the following members to act on said committee on behalf of the House of Representatives:

REPRESENTATIVE ED. MARTINSON  
REPRESENTATIVE FRED ARNOLDT

The Attorney General appointed the following representative upon the committee:

MANDT TORRISON

The first meeting of the committee was held on July 9, 1943, and it was organized by the election of the following as officers of the committee:

SENATOR WENDELL L. LEDIN, *Bethel,*  
*Chairman,*  
REPRESENTATIVE ED. MARTINSON, *Ortonville*  
*Vice-Chairman and Executive Secretary.*

At said meeting a motion was made and carried for the employment of the necessary clerical assistance. Pursuant to such authority the committee employed Violet A. Crawford as Clerk-stenographer.

The committee consulted with the Revisor of Statutes, and with his approval and advice, came to an agreement as to the form of the proposed game and fish code. It was determined to use the chapters and chapter numbers as contained in Minnesota Statutes of 1941, to recommend the repeal of all the substantive matters contained within those chapters and to re-write and retain all desirable provisions of existing game and fish laws, said laws to be divided into sections and subdivisions and allocated to the proper and logical place within those chapter numbers now allocated to that purpose in the revised statutes.

It was further determined that in connection with its work the committee prepare a brief explanation of the source of all material to be contained within the proposed code, and also to prepare an explanation of the disposition of the various provisions now within the game and fish laws, each of which explanations was to be printed in conjunction with the subject matter of the proposed code.

The committee secured from each state of the United States, a copy of the game and fish or conservation laws of that state. In its deliberations over form, content and substance of the proposed code, frequent reference was made to the similar provisions of other states, particularly those affording conditions for game and fish similar to those prevailing in Minnesota.

The committee found the game and fish laws, as they now exist, to be in a state of considerable confusion, overlapping, and to contain a great deal of duplication, conflict and contradiction. The last complete code was passed in the 1919 session of the Legislature. Since that time, following legislatures added many new and constructive provisions to the game and fish laws and passed many Acts covering the subject matter of former laws, without specifically repealing the former. The result has been a great number of special

provisions applying only to one specific game and fish activity with similar or near similar provisions, intended to accomplish the same general purpose applying to other activities.

The committee first assembled all of the provisions of the present game and fish laws and allocated them to a position within the proposed code which appeared most logical. Similar provisions of the various acts of the legislature were then combined or rephrased so as to express the general purpose of each of them in as clear and understandable language as possible. Thereafter, consideration was given to the elimination of obsolete material, of material which had proven unnecessary and was not used in the administration of the game and fish laws, and of matters consisting primarily of special or local legislation.

The committee received and considered numerous suggestions from sportsmen's clubs and conservation groups, from law enforcement officials, from the research and scientific employees of the Conservation Departments of Minnesota, Wisconsin and South Dakota, and from groups and associations interested in and engaged in commercial activities regulated by the game and fish laws. The suggestions and requests of those interested persons in many instances have been incorporated in the proposed code.

Acting within the limits of the appropriation for the activities of this committee, it was impossible for the committee to travel extensively or to personally visit the many places throughout the state to which it was invited and urged to come. However, the committee did hold a meeting at Grand Rapids on August 6th to August 9th, 1943, for the purpose of consulting and advising with the state game wardens while they were in annual school session. The committee further issued a general invitation through the courtesy of the Minnesota Conservation Federation to all interested conservationists and sportsmen's clubs to attend an open meeting held at St. Paul during a regularly scheduled meeting of the committee, for the purpose of receiving recommendations and requests relative to substantive changes of the game and fish laws which had been proposed and urged upon the committee. The committee held a similar meeting and open hearing at Duluth, Minnesota, on September 11th, 1944, at which interested civic organizations and conservation clubs appeared, and received suggestions and recommendations of those groups upon proposed substantive changes in the laws. Continuing that trip the committee made a special investigation and study of commercial fishing operations on Lake Superior, holding a public hearing at Beaver Bay on September 12th, 1944, and on the following day made a special investigation and study of commercial fishing activities upon Lake of the Woods. Interested citizens and clubs in the Baudette area were consulted and the methods of sale and marketing of fish taken in the commercial fishing activities were investigated at Warroad.

The committee spent the following days in session for the purpose of considering the code: July 9th, August 5th, 6th, 7th, 8th, 9th, September 2nd, October 14th, 15th, 16th, December 3rd, 4th, 1943, and January 12th, 13th, 14th, 15th, February 9th, 10th, 11th, 12th, March 30th, 31st, July 26th, 27th, 28th and 29th, August 29th, 30th and 31st, September 10th, 11th, 12th, 13th, 14th, 15th and 16th, October 11th, 12th, 13th and 14th, and December 4th, 1944.

At the conclusion of its consideration, and in order to assure itself that no important omissions existed in the proposed code, the committee employed the services of Frank N. Whitney. Mr. Whitney was a special assistant attorney general assigned to perform the legal services for the Department of Conservation during the years 1931 and 1932. He has, for the past five sessions been the head of the Legal Bureau of the House of Representatives of the State of Minnesota, employed primarily to assist in the proper drafting of House bills, and he has more recently been acting as a special assistant attorney general to work with the Revisor of Statutes in preparing his report to the 1945 session of the Minnesota Legislature. Mr. Whitney made a careful comparison of each section of the proposed code with the source from which it was derived, and a careful analysis of the disposition of all matters now contained in the game and fish laws, some of which

are omitted from the proposed code. The committee further requested that he give particular consideration to the effect of any omissions upon the unity of the code, and to give particular attention to such omissions or changes in language as might alter or change the intention of the legislature as it appeared from the existing provisions of the law. Mr. Whitney compiled three elaborate tables. He made certain suggested changes which were given consideration by the committee and in most instances were approved and incorporated within the proposed code. Mr. Whitney's report to the committee follows:

October 12, 1944.

“  
INTERIM COMMISSION ON GAME AND FISH TO  
CODIFY AND REVISE GAME AND FISH LAWS  
325 State Capitol  
Saint Paul, Minnesota

Gentlemen:

As requested by you, I have made an examination of the proposed new state code relating to wild animals. In doing so I have checked the existing state laws on the subject, sentence by sentence, with the new code, being particularly anxious to examine and analyze every omission in the new law with respect to its importance and the reasons for such omissions.

The results of my work are embodied in three tables submitted herewith. Table A takes the present existing sections in their numerical order and gives the section numbers of the corresponding provisions in the proposed bill, with a notation of the substantive changes made by the new provisions. Table B shows the section numbers of the provisions in the proposed bill which are not contained in the present law, with the substantive changes made thereby. Table C contains certain suggested changes in the proposed new law.

These tables were compiled for my own information and as a basis for my conclusions and recommendations, but tables A and B may be of assistance to persons who desire to make comparisons between the old and the new laws.

In conclusion, kindly permit me to state that in my opinion you have done a mighty fine job, which, if adopted by the legislature, will constitute an improved, up-to-date, workable and complete code of the game and fish laws. The new law will be more readily understood by the general public, and more easily enforced by the law enforcing agencies. You have eliminated much dead material, ironed out many conflicts, and added many new and progressive provisions.

It appears to me that there are sound reasons for supporting the elimination of the matters omitted and for the constructive substantive changes which have been inserted.

Thanking you for this opportunity to be of service to you and the State, I remain

Very truly yours,

(Signed) FRANK N. WHITNEY  
Chief of Legal Bureau  
House of Representatives.”

The committee desires to explain its position on certain suggestions and the treatment accorded those suggestions in the proposed code. Certain additional authority has been delegated to the commissioner of conservation. The committee believes that authority over administrative details should in many cases be delegated rather than outlined at length in statutory law. For that reason the proposed code contains certain delegations of authority with respect to administrative details. The committee has not seen fit to go as far in the

matter of delegating authority as a large proportion of the sportsmen and conservationists appeared to desire.

It is the sincere belief of this committee as well as the belief expressed by all organizations appearing before the committee or consulted, that the present commissioner of conservation will not abuse any of the authority vested in him under the proposed code. It is obvious that any abuses of such authority or discretion can be readily remedied by subsequent legislatures.

The committee has also been concerned with the fact that certain commercial activities, particularly commercial fishing, have in the past failed to provide revenue by way of license fees adequate to pay the cost of regulating the industry. To that end the committee has felt it highly desirable in some instances to substantially increase commercial fishing license fees. Other matters regarding commercial fishing are contained in recommendations to follow.

The committee does not assume that each provision of the code can meet unanimous agreement. The committee does submit the proposed code as a workable entity and believes that each provision incorporated therein is in the best interests of the majority of the interested people of this state.

In conclusion, the committee wishes to express its great appreciation for the assistance and advice furnished to the committee by Chester S. Wilson, Commissioner of Conservation, his staff and his game wardens; the Conservation Department of Wisconsin and South Dakota; and to the public spirited sportsmen and conservationists, individually and collectively, and with particular reference to the active and helpful support of the following groups:

Agricultural Extension Division, University Farm ..... St. Paul  
 American Legion Conservation Committee ..... Aurora  
 American Legion, 5th District Conservation Committee ..... Minneapolis  
 American Legion ..... Duluth  
 Anoka County Sportsmen Club .....  
     Columbia Heights  
 Arrowhead Civic Club .....  
 Belle Plaine Rod and Gun Club ..... Belle Plaine  
 Bemidji Sportsmen's Club ..... Bemidji  
 Benton County United Sportsmen Club .....  
     Sauk Rapids  
 Blooming Prairie Gun Club, Inc. ....  
     Blooming Prairie  
 Bovey Sportsmen's Club ..... Bovey  
 Buffalo Lake Sportsmen's Club ..... Buffalo Lake  
 Calhoun Beach Club Sportsmen ..... Minneapolis  
 Cass Lake Sportsmen's Club ..... Cass Lake  
 Cedar Valley Conservation Club ..... Austin  
 Clearwater Sportsmen's Conservation Club .....  
     Clearwater  
 Cold Spring Sportsmen's Club ..... Cold Spring  
 Courtland Game Protective League ..... Courtland  
 Crow Wing Co. Tourist Boosters Assn. .... Brainerd  
 Cyrus Conservation Unit ..... Cyrus  
 Duluth Junior Chamber of Commerce ..... Duluth  
 Duluth Conservation Club ..... Duluth  
 Duluth Athletic Club ..... Duluth  
 Duluth Rotary Club ..... Duluth  
 Duluth Kiwanis Club ..... Duluth  
 Duluth Retail Merchants Assn. .... Duluth  
 Duluth Retail Meat Dealers and Grocers Assn. .... Duluth

East Grand Forks Rod and Gun Club .....  
     East Grand Forks  
 Eden Valley Chamber of Commerce Eden Valley  
 Ely Commercial Club ..... Ely  
 Evan Rod and Gun Club ..... Evan  
 Fox Lake Conservation League ..... Fox Lake  
 Fur, Fin and Feathers ..... Minneapolis  
 Forest Lake Sportsmen's Club ..... Forest Lake  
 Gibbon Sportsmen's Club ..... Gibbon  
 Glenwood Sportsmen's Club ..... Glenwood  
 Henderson Game Protective League ..... Henderson  
 Houston Co. Rod and Gun Club ..... Caledonia  
 Hunters, Anglers & Sportsmen's Club .....  
     Minneapolis  
 Isanti County Rod and Gun Club ..... Cambridge  
 Izaak Walton Leagues:  
     Carver County Chapter ..... Waconia  
     Chisholm Chapter ..... Chisholm  
     Dodge County Star Chapter ..... Kasson  
     Dr. Preston Bradley Chapter ..... Soudan  
     Duluth Chapter ..... Duluth  
     Faribault Chapter ..... Faribault  
     First District ..... St. Charles  
     Glencoe Chapter ..... Glencoe  
     Grand Rapids Chapter ..... Grand Rapids  
     Hibbing Chapter ..... Hibbing  
     Kelly Lake Chapter ..... Kelly Lake  
     Midway Chapter ..... St. Paul  
     Minneapolis Chapter ..... Minneapolis  
     Minnehaha Chapter ..... Minneapolis  
     Minnehaha Women's Chapter ..... Minneapolis  
     North Minneapolis Chapter ..... Minneapolis  
     Owatonna Chapter ..... Owatonna  
     Pine County Chapter ..... Sturgeon Lake  
     Red Wing Chapter ..... Red Wing  
     Rochester Chapter ..... Rochester

St. Michael Chapter.....	St. Michael	Pelican Rapids Game and Fish Club.....	Pelican Rapids
South Minneapolis Chapter.....	Minneapolis	Pennington County Sportsmen's Club.....	Thief River Falls
White Water Valley Chapter.....	St. Charles	Pequot Lakes Commercial Club.....	Pequot Lakes
Keewatin Sportsmen's Club.....	Keewatin	Perham Game and Fish Protective League.....	Perham
Kent Sportsmen's Club.....	Kent	Plainview Field and Stream Assn.....	Plainview
Kimball Rod and Gun Club.....	Kimball	Ramsey County Sportsmen's Assn.....	St. Paul
Kittson County Conservation Club.....	Hallock	Red Lake County Sportsman Club.....	Red Lake Falls
Lake Benton Sportsmen's Club.....	Lake Benton	Robbinsdale Sportsmen's Club.....	Robbinsdale
Lakeside Community Club.....	Duluth	Rothsay Rod and Gun Club.....	Rothsay
Lake City Sportsmen's Club.....	Lake City	Royalton Sportsman Club.....	Royalton
Lewiston Sportsmen's Club.....	Lewiston	St. Croix Valley Rod and Gun Club.....	Stillwater
Little Falls Sportsmen's Club.....	Little Falls	St. Louis County Club.....	Gilbert
Mahnomen Game and Fish Assn.....	Mahnomen	Sauk Centre Conservation Club.....	Sauk Centre
Mahnomen Game and Fish Conservation Club.....	Mahnomen	Sauk Rapids Sportsmen's Club.....	Sauk Rapids
Maple Lake Sportsmen's Club.....	Maple Lake	Scandia Rod and Gun Club.....	Scandia
Melrose Game and Fish Club.....	Melrose	Smiths Mill-Janesville Sportsman Club.....	Janesville
Milaca Rod and Gun Club.....	Milaca	Sportsmen's Game and Fish Conservation Club.....	Madison Lake
Minneapolis Junior Assn. of Commerce.....	Minneapolis	Twin Valley Sportsmen's Club.....	Twin Valley
Minnesota Arrowhead Association.....	Duluth	United Sportsmen Association.....	Minneapolis
Minnesota Emergency Conservation Committee.....	Minneapolis	Vernon Center Sportsmen's Club.....	Vernon Center
Minnesota Farm Bureau Federation.....	Deer River	Virginia Junior Chamber of Commerce.....	Virginia
Minnesota Ornithologists Union.....	Duluth	Wadena Rod and Gun Club.....	Wadena
Minnesota Ornithologists Union.....	St. Cloud	Watsonwan Game and Fish Club.....	St. James
Montevideo Rod and Gun Club.....	Montevideo	West Duluth Business and Civic Club.....	Duluth
Moorhead Rod and Gun Club.....	Moorhead	West Duluth Sportsmen Club.....	Duluth
Morris Rifle Club, Inc.....	Morris	West End Business Men's Assn.....	Duluth
Newfolden Sportsmen's Conservation Club.....	Newfolden	White Bear Rod and Gun Club.....	White Bear Lake
New Richland Sportsmen's Club.....	New Richland	Winthrop Game Protective League.....	Winthrop
Nicollet County Conservation Club.....	St. Peter	Worthington Civic and Commerce Assn.....	Worthington
Nisswa Commercial Club.....	Nisswa	Worthington Sportsman Club.....	Worthington
Norman County Rod and Gun Club.....	Ada		
North Shore Game and Fish Club.....	Long Lake		
Northwestern Association of Conservation Club.....	Baudette		
Ortonville Rod and Gun Club.....	Ortonville		
Osseo Rod and Gun Club.....	Osseo		

We are also appreciative of the many letters from individual sportsmen throughout the state, many of whose ideas are incorporated in the code.

### RECOMMENDATIONS

The committee further wishes to express its belief that there are large and important bodies of water, particularly upon the boundary of this state where commercial fishing is permitted, which, under the authority conferred upon the Commissioner of Conservation, should be partially reserved for sports fishing only. Attention is called to the fact that by order of the Commissioner, an important area of Lake of the Woods, adjacent to the Northwest Angle, and in the island section of the lake, has been reserved for sports fishing. The committee wishes to endorse this policy and to urge the further exercise of the authority so granted to the commissioner. The committee further wishes to urge that every effort be made by administrative officials of the conservation department to manage boundary waters under uniform agreements and regulations with adjoining states and provinces of Canada, in a way which will best serve the mutual interests of the citizens of the state or territories affected, not in conflict with other recommendations.

The committee further wishes to express its belief that a valuable game resource, particularly big game, on the Northwest Angle has not been fully utilized in the past and that an earlier open season as authorized under the proposed code will be beneficial to the people of Northern Minnesota, and to the sportsmen generally.

The committee further wishes to emphasize its belief in the great importance of rough fish removal. The committee believes that this activity should be prosecuted vigorously.

We are mindful of the fact that this activity is self-supporting and that substantial revenues are derived from the sale of rough fish. The committee believes that rough fish removal operations should be strictly supervised by qualified and trained state game wardens whose expenses, however, should be defrayed from the revenue received from the activities.

Study and analysis was made of the field of the commercial fishermen in connection with rough fish removal. It was found that there are many citizens and residents of the state who have a considerable amount of valuable equipment for such work and who have been engaged in that activity for many years giving them considerable experience. It is recommended that private enterprise be allowed full competition in that field and be given a full opportunity to use their equipment and experience in assisting in rough fish removal, leaving to the state the control of rough fish in other bodies of water. It is recommended that in rough fish removal work and in commercial fishing that private enterprise be given full recognition.

The committee further wishes to recommend the introduction and consideration by this legislature of an Act to clarify and simplify the present provisions of Chapter 348, relating to the payment and collection of bounties.

The committee further recognizes the principle that the imposition of license fees is based upon the theory of regulating and maintaining the wild life resources of the state. To that end, the committee wishes to recommend that the revenues derived from license fees be at all times maintained separately and not diverted to other governmental activities.

The committee is further impressed with the tremendous importance of eliminating the pollution in our public waters. The committee commends the past efforts of certain communities and industries to accomplish this desirable result. It wishes to call attention to the fact that the disposition of industrial and municipal wastes in the Rainy River and in other important water systems of the state, including certain portions of the Mississippi and Minnesota Rivers and their tributaries, has not been completely solved. The committee urges the desirability of greater efforts and of more stringent legislation tending to accomplish this desirable end.

The committee further wishes to point out its belief in the desirability of state-owned and operated rearing facilities for game fish, together with the necessity of expanding its program of cooperative rearing ponds with sportsmen's clubs.

The committee calls attention to the fact that the legislature raised the fishing license fee in the 1941 session, upon the recommendation of the sportsmen of this state who desired to bear a portion of the financial burden of re-stocking the public waters of this state with desirable fish. Recognizing the fact that construction work has been curtailed during the war emergency, the committee expresses the hope and belief that adequate reserves are being established and maintained for the purpose of launching a vigorous program as soon as conditions, materials and manpower will permit.

The committee wishes to express its belief in the necessity and importance of artificial propagation of game birds upon state game farms and the desirability of increasing the program of production on such farms as rapidly as can be done under any prevailing conditions. The committee has in mind in so recommending, the desirability of having available at all times as adequate a supply as possible of birds so raised for the purpose of supplementing natural populations in areas where birds may be shot, burned, or frozen out or depleted from other causes. The committee believes further that certain areas of the state can afford fair shooting of upland game birds only when the natural populations are supplemented by a vigorous artificial stocking program.

## THE PROPOSED CODE

### CHAPTER 97

#### Division of Game and Fish; General Provisions

<i>Sec.</i>	
97.40	Definitions
97.41	Construction
97.42	State ownership of wild animals and aquatic vegetation
97.43	General restrictions
97.44	Possession restricted
97.45	Transportation
97.46	Possession or shipment of comingled goods
97.47	Wanton waste
97.48	General powers
97.49	Funds
97.50	Police powers
97.51	Rewards
97.52	Assistance to and obstruction of commissioner
97.53	Publication of orders and laws
97.54	Prosecutions and burden of proof
97.55	Violations, penalties

**97.40 DEFINITIONS.** Subdivision 1. **WORDS, TERMS, AND PHRASES.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases shall, for the purposes of chapters 97 to 102, be given the meanings hereinafter subjoined to them.

Subdivision 2. **COMMISSIONER.** "Commissioner" means the commissioner of conservation of the state of Minnesota.

Subdivision 3. **DIVISION.** "Division" means the division of game and fish of the department of conservation of the state of Minnesota.

Subdivision 4. **DIRECTOR.** "Director" means the director of the division of game and fish.

Subdivision 5. **WILD ANIMALS.** "Wild animals" means all living creatures, not human, wild by nature, endowed with sensation and power of voluntary motion, and includes quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks.

Subdivision 6. **PROTECTED WILD ANIMALS.** "Protected wild animals" includes all wild animals which are accorded some measure of protection in the time or manner of taking, other than restrictions in the use of artificial lights or poison.

Subdivision 7. **FUR BEARING ANIMALS.** "Fur bearing animals" includes all protected mammals, except deer, moose, elk and caribou.

Subdivision 8. **BIG GAME.** "Big game" includes deer, moose, elk and caribou.

**97.40 SUBDIVISION 1.**  
*Identical with Section 97.01, Subdivision 1.*

*Subdivision 2—New definition, but word is used so frequently as to require defining.*

*Subdivision 3—Derived from Section 97.01, Subdivision 2.*

*Subdivision 4—Derived from Section 97.01, Subdivision 3.*

*Subdivision 5—Derived from Section 97.01, Subdivision 21, but is now believed completely comprehensive.*

*Subdivision 6—A new definition of a phrase so frequently used as to make a definition advisable.*

*Subdivision 7—Derived from Section 97.01, Subdivision 15.*

*Subdivision 8—Derived from Section 97.01, Subdivision 23.*

Subdivision 9. **SMALL GAME.** "Small game" includes all protected wild mammals and birds not included in "big game."

Subdivision 10. **WHOLE TO INCLUDE ANY PART.** Every provision relating to any wild animal shall be deemed to apply to any part thereof with the same force and effect as it applies to the whole.

Subdivision 11. **ROUGH FISH.** "Rough fish" includes carp, buffalofish, perch, suckers, redhorse, sheepshead, dogfish, celpout, tullibees, garfish, goldeyes, bullheads and turtles.

Subdivision 12. **MINNOWS.** "Minnows" includes chubs, shiners, suckers, dace, stonerollers, mudminnows, redhorse, blunt-nose, fat-head, and other small fish commonly used for bait, which have only one dorsal fin, and yellow perch.

Subdivision 13. **OPEN SEASON.** "Open season" means the time during which protected wild animals may be taken.

Subdivision 14. **CLOSED SEASON.** "Closed season" means the time during which protected wild animals may not be taken.

Subdivision 15. **TAKING OR HUNTING.** "Taking or hunting" includes pursuing, shooting, killing, capturing, trapping, snaring and netting wild animals, and all lesser acts such as disturbing, harrying or worrying or placing, setting, drawing or using any net, trap or other device used to take wild animals, and includes every attempt to take and every act of assistance to any other person in taking or attempting to take wild animals.

Subdivision 16. **POSSESSION.** "Possession" means both actual and constructive possession and any control of the things referred to.

Subdivision 17. **TRANSPORT OR TRANSPORTATION.** "Transport, transportation" means carrying or moving by any instrumentality, causing to be carried or moved by any instrumentality, attempting to do so, or accepting or receiving wild animals for transportation or shipment.

Subdivision 18. **SALE OR SELL.** "Sale, sell" includes barter, exchange for consideration, offer to sell, or possession with intent to sell.

Subdivision 19. **BUY.** "Buy" includes barter, exchange for consideration, offer to buy, or attempt to buy.

Subdivision 9—*Derived from Section 97.01, Subdivision 24.*

Subdivision 10—*Rephrased from Section 97.01, Subdivision 20.*

Subdivision 11—*Derived from Section 102.22, Subdivision 1.*

Subdivision 12—*Substituted for Section 97.01, Subdivision 14, on recommendation of Bureau of Fisheries.*

Subdivision 13—*Derived from Section 97.01, Subdivision 7.*

Subdivision 14—*Derived from Section 97.01, Subdivision 8.*

Subdivision 15—*Combines and condenses Section 97.01, Subdivisions 9 and 10.*

Subdivision 16—*Derived from Section 97.01, Subdivision 18.*

Subdivision 17—*A new definition compiled from definitions contained in the codes of other states and considered necessary because of the frequent use of the term.*

Subdivision 18—*Derived from Section 97.01, Subdivision 19, but slightly more comprehensive and in accordance with the definition in other codes.*

Subdivision 19—*A new definition, but required because of the frequent use of the word, and one which embodies the concepts of the use of the word in the present law.*

Subdivision 20. **PERSON.** "Person" includes any individual, and except when used in reference to issuing licenses to take wild animals, any firm, copartnership, joint stock company, association, or municipal or private corporation.

Subdivision 21. **RESIDENT.** "Resident" means any citizen of the United States who has maintained a legal residence in the state of Minnesota for a period of six months immediately preceding the date of application for license, a domestic corporation, or a foreign corporation authorized to do business in the state which has conducted the business licensed at an established place within the state for a period of at least ten years.

Subdivision 22. **WATERS OF THIS STATE.** "Waters of this state" includes all boundary and inland waters.

Subdivision 23. **DARK HOUSE.** "Dark house" is a structure set on the ice and so darkened as to permit the discernment of fish in the water beneath such structure.

Subdivision 24. **CONTRABAND.** "Contraband" means any wild animal taken, bought, sold, transported, or possessed in violation of chapters 97 to 102, and all instrumentalities and devices used in taking wild animals in violation thereof as are subject to confiscation.

Subdivision 25. **UNDRESSED BIRDS.** "Undressed birds" means birds with heads and feet intact, but does not prohibit the removal of entrails or feathers, other than on the head.

Subdivision 26. **UNDRESSED FISH.** "Undressed fish" means fish with heads, tails, fins, scales and skins intact, but does not prohibit the removal of entrails and gills.

Subdivision 27. **ITINERANT MINNOW DEALER.** "Itinerant minnow dealer" includes all persons engaged in transporting minnows for a distance of 15 miles or more for the purpose of sale. Any other person who catches or buys minnows for resale shall be known as a local minnow dealer.

Subdivision 28. **DATES.** All dates specified in chapters 97 to 102 and all periods prescribed as open season or for the doing of certain things shall be inclusive.

97.41 **CONSTRUCTION.** Subdivision 1. Any of the provisions of chapters 97 to 102 inconsistent with the existing code of criminal procedure or of penal law shall be effective for the purposes of chapters 97 to 102 only.

Subdivision 2. All provisions of chapters 97 to 102 shall be construed as subject to, and not changing or modifying the authority of the commissioner to delegate powers, duties and functions as conferred by sections 84.083 and 84.088.

Subdivision 20—Derived from Section 97.01, Subdivision 17.

Subdivision 21—Combines definitions contained in Section 97.01, Subdivision 16, and Section 98.09, but with the additional qualification with respect to aliens embodied in Section 98.01. Inclusion of non-resident corporations with established places of business for 10 years is new and self-explanatory.

Subdivision 22—Derived from Section 97.01, Subdivision 22.

Subdivision 23—Derived from Section 97.01, Subdivision 25.

Subdivision 24—Derived from Section 97.01, Subdivision 5.

Subdivision 25—Derived from Section 97.13, Subdivision 4.

Subdivision 26—Derived from Section 97.13, Subdivision 8.

Subdivision 27—Derived from Section 98.055, Subdivision 3.

Subdivision 28—A new definition required by reason of the fact that a similar definition in the revised statutes of 1941 has been dropped on the theory that it was unauthorized.

97.41 **SUBDIVISION 1.**  
Derived from Section 97.02.

Subdivision 2—New material believed necessary to protect the provisions of Laws 1943, Chapter 60.

**97.42. STATE OWNERSHIP OF WILD ANIMALS AND AQUATIC VEGETATION.** The ownership of wild animals, and of all wild rice and other aquatic vegetation growing in the public waters of the state, insofar as they are capable of ownership, is in the state in its sovereign capacity for the benefit of all its people, and no person shall acquire any property therein, or destroy the same, except as authorized by chapters 97 to 102 or sections 84.09 to 84.15.

**97.43 GENERAL RESTRICTIONS.** No person shall at any time, take, buy, sell, transport, or possess any protected wild animals except as permitted by chapters 97 to 102. The legal title to all wild animals shall remain in the state, except where it has been lawfully acquired by permission of those chapters, and the title to any wild animals lawfully acquired shall revert to the state whenever any law relating to its sale, transportation or possession is violated.

**97.44 POSSESSION RESTRICTED.** Subdivision 1. No person shall possess within this state any wild animal which has been unlawfully taken, bought, sold or possessed outside of the state, or unlawfully shipped therefrom into the state.

Subdivision 2. No person shall possess within this state any protected wild animal except during the open season and for five days thereafter, without having obtained permission from the commissioner or his authorized agent so to do. Such permit shall be in the form of a tag or seal as the commissioner may prescribe, and when such wild animals are so tagged or sealed, they may be retained until June 30th, following the season in which they were taken, subject, however, to the exceptions contained in section 100.27, subdivision 6, and section 102.23.

Subdivision 3. Wild animals lawfully taken, bought, sold or possessed outside this state may be brought or shipped into this state, whether taken in or out of the period prescribed for the open season in Minnesota, and possessed during the periods prescribed in subdivision 2 upon obtaining the commissioner's permit.

Subdivision 4. No person except the commissioner or his agents shall place or store or receive or accept for storage in a commercial cold storage warehouse, any protected wild animals except fish or furs lawfully taken. Protected wild animals lawfully taken and possessed may be stored in refrigerators or cooling rooms in butcher shops or in locker plants or other places not classified as commercial cold storage warehouses, but all packages of protected wild animals so stored shall be plainly marked in ink, showing the name and address of the owner, the number of license under which they were taken, and the number and species therein.

Subdivision 5. Protected wild animals may be disposed of by gift, without consideration, and when so disposed of, may be possessed or transported without license, provided, if they are transported beyond the boundaries of the county in which the possessor lives, there shall be attached a tag marked in ink, showing the name and address of the owner

97.42

*Combines the provisions of Section 97.03 and Section 97.033, with the addition of a declaration of ownership in other aquatic vegetation which is assuming value particularly as duck food.*

97.43 *Condenses and covers the scope and purpose of Section 97.04.*

97.44 **SUBDIVISION 1.**  
*Derived from Section 97.08.*

*Subdivision 2—Derived from, combines and condenses Sections 97.09, 98.16, and portions of 97.10, but authorizes retention of game until June 30th in all normal years.*

*Subdivision 3—Derived from and combines portions of Sections 97.10 and 97.08.*

*Subdivision 4—Derived from Section 97.07 and combines portions of Section 97.10 with insertion of the additional phrase "locker plants," which is believed advisable to eliminate argument notwithstanding an attorney general's opinion that locker plants are included within the meaning of the types of buildings named.*

*Subdivision 5—Derived from Section 97.11, but clarified in accordance with opinions of attorney general.*

and the number of the license under which they were taken, or in lieu thereof the possessor shall furnish an affidavit showing the name and address of the donor, but subject to all other restrictions and limitations on possession, transportation and sale imposed by chapters 97 to 102.

Subdivision 6. Mounted specimens of wild animals, tanned hides, and dressed furs lawfully taken, are excepted from the provisions of this section.

Subdivision 7. Licensed tanners, upon receipt of any raw beaver or muskrat hides or pelts, shall immediately procure a tag or seal, as prescribed by the commissioner, which tag or seal shall be attached to the hide or pelt and remain thereon during the entire process of tanning and dressing, and so long as retained in the possession of the tanner.

97.45 TRANSPORTATION. Subdivision 1. No person shall transport any wild animals taken, bought, sold or possessed in violation of chapters 97 to 102.

Subdivision 2. Any person may transport within the state, or from a point within to a point without, during the open season, any protected wild animals which may be lawfully sold, except as otherwise expressly prohibited.

Subdivision 3. Any resident, except agents or employees of a common carrier while engaged in the performance of their duties, may carry with him in any vehicle or as baggage on a common carrier, to any place within the state, wild animals, including undressed game birds and dressed or undressed fish, lawfully in his possession and subject to all other applicable restrictions, and common carriers may transport such wild animals as baggage within the limits prescribed.

Subdivision 4. Any licensed resident may transport by common carrier to any point in the county of his residence, consigned to himself only, not more than three separate shipments of undressed birds, each of which may contain all of the birds which could lawfully be taken within the state on any single day, but not to contain more than a single day's limit of any species. Such resident may transport one deer during any one open season, which has been lawfully taken and possessed, and may transport the head or hide of such deer for mounting or tanning purposes to a point within or without the state, provided that all such shipments shall be accompanied by shipping coupons to be detached from the licenses.

Subdivision 5. A resident may transport by common carrier dressed or undressed fish lawfully taken and possessed by him during the open season for taking such fish, to any point within the state, consigned to himself only.

Subdivision 6. A licensed non-resident may transport by common carrier to a point within or without this state, in any one season, one shipment containing not more than 10 pounds of undressed fish, or one fish of any size, which have been lawfully taken by him in this state. A coupon designed to carry out the purposes of this act may be issued for each

Subdivision 6—*Derived from the last sentence of Section 97.09.*

Subdivision 7—*Derived from Section 98.19.*

97.45 SUBDIVISION 1.  
*Derived from Section 97.12.*

Subdivision 2—*Combines and covers the contents of Section 97.13, Subdivisions 1 and 6.*

Subdivision 3—*Derived from Section 97.13, Subdivision 2.*

Subdivision 4—*Derived from Section 97.13, Subdivision 3 and 4 and the applicable portions of Section 97.14, but contains a substantive change authorizing shipment on each coupon of a single day's limit of birds instead of restricting such shipments to 12 waterfowl and 3 upland game birds.*

Subdivision 5—*Derived from Section 97.13, Subdivision 9.*

Subdivision 6—*Combines the provisions of Section 97.13, Subdivision 8, with the applicable portions of Section 98.05, (8), but contains a substantial substantive change in that shipment of fish by*

non-resident fishing license, combination or otherwise, and such shipping coupon shall be cancelled by the shipping clerk of the carrier to whom the shipment is first delivered, in a manner prescribed by the commissioner. Such non-resident is further authorized to carry with him to any point within or without the state, the limit of undressed fish which he is authorized to possess within the state.

Subdivision 7. Any non-resident, except agents and employees of common carriers while engaged in the performance of their duties, may transport by any means, consigned to himself only, to any point within or without this state, not to exceed 25 undressed game birds and one deer, lawfully taken and possessed within this state, provided they are accompanied by appropriate coupons to be detached from the non-resident hunting licenses. Common carriers are hereby permitted to carry such wild animals as baggage.

Subdivision 8. Wild animals, lawfully taken and possessed in Canada, may be brought into the state if declared through the customs, and may be shipped from Minnesota to any point within or without the state by either residents or non-residents, by common carrier, provided all such shipments shall bear such shipping coupons as would be required if the shipment originated from the province where the animals were taken.

Subdivision 9. Undressed game birds, lawfully taken and possessed in adjacent states, may be brought into the state, and may then be shipped by common carrier to any point within the state by residents of this state, or by non-residents to any point without the state, provided each such shipment shall be tagged or sealed by a state game warden in the manner prescribed by the commissioner, and shall be accompanied by a license coupon if such coupon would be required if the shipment originated in the state where the animals were taken.

Subdivision 10. All wild animals, while in transit, or at their destination after shipment, shall be deemed in the possession of the shipper.

Subdivision 11. No shipment of small or big game shall be accepted by any carrier until the agent thereof shall have examined the license of the shipper, who shall sign his name in ink to each section of one of the coupons attached to his license, in the presence of the agent, who shall also sign his name in ink thereto. Coupons detached from the license when so presented shall be void.

*common carrier is limited to ten pounds or one fish, instead of twenty pounds or one fish, but the fact that the shipment has been made will not preclude the non-resident from carrying his possession limit with him. The present statute authorizing shipment by common carrier up to twenty pounds precludes a non-resident who has used that shipping privilege from carrying any fish out of the state with him.*

*Subdivision 7—Derived from Section 97.13, Subdivision 5, combined with the applicable portions of Section 97.14.*

*Subdivision 8—Derived from Section 97.13, Subdivision 10.*

*Subdivision 9—A new provision believed desirable to facilitate shipment of game birds taken in adjoining states from border towns in Minnesota because of poor shipping facilities in adjacent states.*

*Subdivision 10—Derived from Section 97.13, Subdivision 11, and portions of the latter subdivision which have been omitted are merely duplication of matter already covered by this section.*

*Subdivision 11—Derived from Section 97.14, but omits the detailed description of coupons which is conceived to be merely an administrative matter to be worked out under the authority conferred by section 98.49, subdivision 1.*

Subdivision 12. All shipments of protected wild animals by common carrier, or carried as baggage, shall have attached license coupon tags, properly filled out, when required by chapters 97 to 102, or when coupon tags are not required, a statement signed by the licensee showing his name, address and license number and the number and species of wild animals contained, and if fish are contained, the number of pounds thereof.

Subdivision 13. No protected wild animals, except big and small game, taken in any other state or country, shall be transported through this state, except by common carrier, during the closed season for the taking of such animals in Minnesota, or in excess of the possession limit as prescribed by chapters 97 to 102, unless the same are tagged, sealed, or otherwise marked as prescribed by the commissioner.

Subdivision 14. All wild animals being transported shall be made available to full inspection by any game warden upon his demand, and in the absence of the licensee, any receptacle or container may be opened by such warden by such means as is reasonably necessary for the purpose of inspection and counting. The way bill or receipt issued by any common carrier to a shipper shall specify the number and species of wild animals so shipped.

Subdivision 15. No minnow dealer shall transport any minnows beyond the boundaries of the state.

97.46 POSSESSION OR SHIPMENT OF COMINGLED GOODS. Confiscation of any part of a shipment shall include the entire shipment, and when two or more wild animals of the same or different species are possessed or contained in the same package, bag, crate, box, automobile, airplane, vehicle, room, or other receptacle, or are in any other way mixed or comingled, and one or more thereof are contraband, then the whole shipment or parcel shall be deemed contraband.

97.47 WANTON WASTE. Except as expressly permitted, no person shall wantonly waste or destroy any usable part of any wild animal.

97.48 GENERAL POWERS. Subdivision 1. The commissioner may extend protection to any species of wild animal in addition to that accorded by chapters 97 to 102, by further limiting or closing open seasons, areas of the state, or by reducing limits with respect to any or all areas of the state, whenever he finds such action necessary to guard against undue depletion or extinction, or to promote the propagation and reproduction of such animals, provided he may shorten the season for taking game fish or any species thereof by angling or spearing through the ice, only so as

Subdivision 12 — Incorporates the requirements of the first sentence of Section 97.15, with the shipping requirements of that section, together with the last sentence of Section 97.13, Subdivision 2.

Subdivision 13—New matter, believed essential to properly regulate transportation in commercial quantities of game and fish through the state.

Subdivision 14—Contains the substance of the second sentence of the first paragraph of Section 97.15, together with the last sentence of the second paragraph of that section.

Subdivision 15—New matter, believed desirable to protect the minnow supply in the state.

97.46  
Derived from Section 97.28  
It is to be noted that the words "automobile", "airplane", "vehicle" and "room" have been added, largely for the sake of clarity, but also to strengthen the provision. (Automobile has been interpreted by the courts as a receptacle. See Decision of Judge Loevinger of the Ramsey County District Court in Northwest Hide and Fur Co., vs. Joslin.)

97.47  
Derived from Section 97.06

97.48 SUBDIVISION 1.  
Derived from and contains all the essential matter covered by Section 97.05, but eliminates the restriction that orders are applicable only to a single season. That restriction has required much expense in renewing and republishing orders. Also includes authority contained

to close at any given time not more than 50% of the waters of any county.

Subdivision 2. The commissioner is authorized to enter into contracts with North and South Dakota, Wisconsin and Iowa, relating to the removal of rough fish in boundary waters between Minnesota and those states, and providing for the letting of contracts to remove such fish, and for the inspection and division of proceeds of such work, and for regulating matters relating to such fishing in such boundary waters, provided, if no such agreement can be made, the commissioner may remove rough fish from such boundary waters in the same manner as he is authorized to remove them from any of the waters of this state.

Subdivision 3. The commissioner is authorized and shall have the power to make any and all regulations for the taking of fish and mussels from any boundary waters between Minnesota and adjacent states, and from international waters.

Subdivision 4. The commissioner is authorized to take rough fish and turtles from any of the waters of this state by means of day labor or contract through the use of seines, nets, or any other devices, under such rules, regulations and contracts as he shall prescribe. All rough fish and turtles so removed by the commissioner shall be disposed of in such form and in such manner as he, by regulation or contract, shall prescribe.

Subdivision 5. The commissioner is authorized to close any areas of the state to mussel fishing and to prescribe any other rules, regulations or orders relating to the taking thereof, but not more than 50% of the mussel producing waters of the state shall be closed during the open season at any one time.

Subdivision 6. The commissioner is authorized to close any waters of the state to the taking of minnows for commercial purposes upon a finding that the minnows in such waters are necessary as forage for game fish.

Subdivision 7. The commissioner shall be charged with the execution and the enforcement of all the laws of this state relating to wild animals.

Subdivision 8. The commissioner shall have the power, and it shall be his duty, within the limits of funds provided therefor:

(1) To do all things deemed by him desirable in the preservation, protection and propagation in their natural state, and artificially, of all desirable species of wild animals;

in Section 101.25 and Section 101.135.

Subdivision 2—Combines Section 102.08 and Section 102.09, but adds North Dakota and Wisconsin agreements to those now authorized with South Dakota and Iowa.

Subdivision 3—Includes authority now granted by Section 97.05 with respect to Wisconsin and Minnesota boundary waters; Section 102.07, Subdivision 3 (c) as to Lake Superior waters; Section 102.04 with respect to mussels; Sections 101.11 and 101.36, with respect to international boundary waters, and Section 101.10 with respect to Minnesota-South Dakota waters.

Subdivision 4—Retains all provisions believed essential in Section 102.22, and constitutes practically the adoption of the Wisconsin Rough Fish Removal Law.

Subdivision 5—Derived from Section 102.04, Subdivision 2.

Subdivision 6—New matter, believed desirable.

Subdivision 7—Derived from the first sentence of Section 97.22.

Subdivision 8 (1)—Derived from Section 97.22(1).

- (2) To dispose of or destroy, as he deems advisable, undesirable or predatory wild animals;
- (3) To acquire by purchase, gift, exchange, or other arrangement, wild animals or their eggs, for breeding or stocking purposes;
- (4) To set aside and reserve for any period he deems advisable, any waters of the state, in the aid of propagation and protection of any wild animals;
- (5) To acquire by gift, lease, purchase, or condemnation in the manner prescribed under section 117.20, in the name of the state, any personal or real property required for game farms or hatcheries, and to construct, maintain, operate and alter suitable buildings or other works thereon;
- (6) To acquire by gift, lease, purchase, or condemnation in the manner prescribed under section 117.20, in the name of the state, lands or any interest in lands suitable and desirable for establishing and maintaining public hunting grounds and game refuges, and to make all improvements thereon deemed by him advisable, provided that not more than one-third of each area so acquired shall be established as a refuge;
- (7) To sell or dispose of any land acquired for public hunting grounds and found to be not necessary or suitable therefor, at a price not less than that for which they were purchased, or to exchange such lands for lands of equal value, which are suitable for rounding out, enlarging, filling in, or adding to areas upon which public shooting grounds have been established, providing all such sales or exchanges shall first receive the approval of the Executive Council;
- (8) To acquire by gift, lease, purchase, or condemnation in the manner prescribed by section 117.20, in the name of the state, and to maintain from public hunting ground funds, parking or camping areas of not to exceed 5 acres, adjacent to public waters to which the public theretofore had no access and upon which the public has a right to hunt and fish, and such easements and rights of way as may be required to connect such areas with public highways, provided, no acquisition costing over \$1000 shall be made without first obtaining the approval of the Executive Council;
- (9) To rescue, transfer, or otherwise dispose of or sell fish found in waters, which by reason of their shallowness, will endanger such fish to smothering in winter, or by published order, or in cases of emergency by notice posted conspicuously around the shores upon any such waters, to authorize the taking of fish in any quantity and in any manner, except with the use of seines, hoop nets, fyke nets, or explosives, by residents of the state of Minnesota, for personal use only, but not for sale;
- (10) To prohibit the taking of turtles during such periods as he may deem necessary, from any waters of the state in which he is conducting operations in aid of the fish propagation program;
- (2) *Derived from Section 97.22 (1).*
- (3) *Combines and condenses Section 97.22 (2) and (3).*
- (4) *Derived from Section 97.22 (6).*
- (5) *Derived from Section 97.22 (5).*
- (6) *Derived from Section 97.22 (8), and it is believed contains all essential and desirable provisions thereof.*
- (7) *Derived from Section 97.235.*
- (8) *New matter. The authority to acquire camping or parking sites on public waters so as to preserve a right of access to the public, is believed highly important.*
- (9) *Derived from Section 97.25.*
- (10) *Derived from the last sentence of Section 101.28.*

(11) To prescribe rules and regulations for the harvesting and possession of wild rice;

(12) To collect, compile, disseminate and publish statistics, bulletins and information germane to conservation.

97.49 FUNDS. Subdivision 1. All unexpended balances and moneys hereafter received from licenses of any kind issued by the commissioner on behalf of the division, together with all receipts from fines, sale of contraband or property of any kind, including wild animals, under the control of the division, reimbursements of expenditures or contributions to the division, and all other moneys accruing to the state by virtue of chapters 97 to 102, shall be credited by the state treasurer to a special fund known as the game and fish fund, and all such moneys are hereby annually appropriated for the maintenance and conduct of the activities of the division, subject, however, to any special provisions which may be contained from time to time in appropriation acts.

Subdivision 2. Not less than 60% of all moneys received from resident fishing licenses shall be made available for the purpose of fish propagation, acquiring, creating, maintaining, improving and repairing state owned fish hatcheries and rearing ponds and appertinent equipment, and for the purpose of making stream and lake surveys, scientific surveys relating to fishes, and improving the waters of this state as a habitat for fishes, but nothing in subdivisions 2, 3, and 4 shall preclude the commissioner from expending greater sums annually than the percentage of receipts therein dedicated to the purposes contemplated in those subdivisions.

Subdivision 3. Not less than 50% of the moneys received from the sale of licenses to take small and big game by hunting and trapping, together with all income received from the sale of timber, hay stumpage, right of way leases, home site and resort leases, or other special use permits of lands acquired for public hunting grounds and game refuges, shall be used for the acquisition and maintenance of public hunting grounds, game farms and game refuges, and the improvement of natural propagation and breeding grounds, provided, however, that a sum equal to 35% of the gross receipts from all special use permits of those lands actually used for public hunting grounds and game refuges shall be distributed annually to the county in which the lands producing such income lie, to be distributed by the county treasurer among the various funds of the county, the respective towns and school districts wherein such grounds and refuges lie, on the same basis as if the payments were received as taxes on such lands, payable in the current year, but this provision shall not apply to state trust lands.

Subdivision 4. All moneys received from the sale of fish and turtles taken under rough fish removal operations shall be continuously available for continuing the work of rough fish removal.

(11) *Derived from Section 98.153, Subdivision 1.*

(12) *Derived from Section 97.22 (4), and is believed to contain everything essential therein.*

97.49 SUBDIVISION 1.

*Directs all revenue of the Division of game and fish into a single fund described as the game and fish fund, now established by Section 98.36. The bookkeeping procedures of the division will be greatly simplified in the elimination of the special funds established by Sections 97.251, 98.43, 98.36 (public shooting ground fund), 99.09, and 102.22, subdivision 6.*

*Subdivision 2—Retains the principle of earmarking certain receipts from fishing licenses for the purpose of fish propagation, which principles are now embodied in Section 97.251.*

*Subdivision 3—Retains the principle of earmarking certain receipts from hunting licenses for the purpose of maintaining public hunting grounds and game farms as embodied in Section 98.36.*

*Subdivision 4—Earmarks proceeds from rough fish removal operations for the continuation of that work as now accomplished through the rough fish removal fund established under Section 102.22, Subdivision 6.*

Subdivision 5. All fines collected for violation of any law relating to wild animals shall be paid to the treasurer of the county where the conviction was had. One-half of such fines shall be transmitted by that officer to the commissioner, who shall pay the same into the state treasury to be credited to the game and fish fund. The remaining half shall be credited to the general revenue fund of the county, but the board of county commissioners of any county may, by resolution, direct the payment of all such funds to the state, and where such county action has been taken, the cost of keeping and maintaining prisoners for violating any law relating to wild animals shall be reimbursed to the county from the game and fish fund upon monthly itemized statements certified by the county auditor to the commissioner.

97.50 POLICE POWERS. Subdivision 1. The commissioner, director, game refuge patrolmen, and game wardens are hereby authorized and empowered:

(1) To execute and serve all warrants and processes issued by any justice of the peace or magistrate or by any court having jurisdiction under any law relating to wild animals, in the same manner as any constable or sheriff may do so, and to arrest, without a warrant, any person detected in the actual violation of any provisions of chapters 97 to 102, and to take such person before any court in the county in which the offense was committed and make proper complaint;

(2) To enter upon any lands within the state for the purpose of carrying out the duties and functions of the division, or to make investigations of any violations of the game and fish laws, and in aid thereof to take affidavits upon oath administered by them, and to cause proceedings to be instituted if proofs at hand warrant it;

(3) To enter and inspect any commercial cold storage warehouse and any hotel, restaurant, ice house, locker plant, butcher shop or other plant or building used for the storage of dressed meats, game or fish, for the purpose of determining whether wild animals are kept or stored therein in violation of chapters 97 to 102; to examine and inspect the books and records of all persons, firms or corporations which they have reason to believe have violated the laws relating to wild animals; and to open, enter and examine all camps, vessels, boats, wagons, automobiles, airplanes, or other vehicles, cars, stages, tents, suit cases, valises, packages, crates, boxes and other receptacles and places where they have reason to believe wild animals unlawfully taken, or possessed, are to be found;

Subdivision 5—Derived from and contains the essential elements of Section 98.34.

97.50 SUBDIVISION 1.

(1) Derived from Section 97.26 (1).

(2) Derived from Section 97.26 (2), but expressly authorizes entry upon lands within the state for the purpose of carrying out the functions of the division. This authority has not heretofore been expressed in the code but has been held to exist by opinion of the attorney general dated March 6, 1940 and similar authority is held to exist by Supreme Court decisions of other states.

(3) Derived from Section 97.26 (3). The phrase "locker plant" has been added to the list of places which may be inspected, for the sake of clarity and in conformity with interpretation of the present law.

(4) To enter and inspect at all reasonable times the premises whereon is being conducted any business or activity requiring a license under chapters 97 to 102;

(5) To seize and confiscate in the name of the state, any wild animals taken, bought, sold, transported or possessed, in violation of chapters 97 to 102, and to seize, confiscate and dispose of all guns, firearms, nets, boats, lines, rods, poles, fishing tackle, lights, lanterns, snares, traps, spears or dark houses used, by the owner or any other with his knowledge, in unlawfully taking or transporting such wild animals. Articles which have no lawful use may be summarily destroyed. All other articles may be retained for use of the division, or sold at the highest price obtainable, in the manner prescribed by the commissioner.

Subdivision 2. The commissioner, director, game refuge patrolmen and game wardens shall seize all motor vehicles, trailers, and airplanes, used in violation of section 100.29, subdivision 1, (10) and (11), and all boats, motors and motor boats used or possessed in violation of sections 98.46, subdivision 1, (19) and (20) or 102.26, or any order of the commissioner relating thereto, and hold them, subject to the order of the district court of the county in which the offense was committed. Such equipment so held shall be confiscated after conviction of the person from whom they were seized, upon compliance with the following procedure: the commissioner, director, or his agents, shall file with the court, a separate complaint against the property, describing the same and charging its use in violation of the provisions of section 100.29, subdivision 1, (10) and (11), or 98.46, subdivision 1, (19) and (20), or 102.26, and specifying substantially the time and place of the unlawful use. A copy of the complaint shall be served upon the defendant or person in charge of the property at the time of seizure, if any. If the person so arrested shall be acquitted, the court shall dismiss the complaint against the property and order the same returned to the persons legally entitled thereto. Upon conviction of the person arrested, the court shall issue an order directed to any person known or believed to have any right or title or interest in, or lien upon, any of such property, and to persons unknown claiming any such right, title, interest or lien, describing the property and stating that the same was seized and that a complaint against the same, charging violation of the provisions of sections 98.46, subdivision 1, (19) and (20), or 102.26, or section 100.29, subdivision 1, (10) and (11), as the case may be, has been filed with the court, and requiring such persons to file with the clerk of the court their answer to the complaint, setting forth any claim they may have to any right or title to, interest in, or lien upon any such property, within 10 days after the service of such order as herein provided, and notifying them in substance that if they fail to so file their answer within that time, the property will be ordered sold by the commissioner or his agents. The court shall cause the order

(4) Was specifically granted as to game and fur farms in Section 99.19. It is believed desirable to extend that provision to other licensed businesses.

(5) Derived from Section 97.26 (4) and is believed to contain all the essential provisions of that section.

Subdivision 2—Combines the provisions of Section 100.057 and Section 102.06, Subdivision 21, but adds "airplanes" to "automobiles" and "motor boats" as subject to seizure and confiscation under court order when used in certain violations.

to be served upon any person known or believed to have any right, title, interest or lien as in the case of a summons in a civil action, and upon unknown persons by publication, as provided for service of summons in a civil action. If no answer is filed as and within the time prescribed, the court shall, upon affidavit by the clerk of the court, setting forth such fact, order the property sold by the commissioner or his agents, and the proceeds of the sale, after deducting the expense of keeping the property and fees and costs of sale, paid into the state treasury, to be credited to the game and fish fund. If answer is filed as and within the time herein provided, the court shall fix a time for hearing, which shall be not less than 10 nor more than 30 days after the time for filing answer expires. At the time so fixed for hearing, unless continued for cause, the matter shall be heard and determined by the court, without a jury, as in other civil actions. If the court shall find that the property, or any part thereof, was used in violation of the provisions of sections 98.46, subdivision 1, (19) and (20), or 102.26, or section 100.29, subdivision 1, (10) and (11), as the case may be, he shall order the property so unlawfully used, sold as herein provided, unless the owner shall show to the satisfaction of the court that he had no notice or knowledge or reason to believe that the property was used or intended to be used in violation of sections 98.46, subdivision 1, (19) and (20), or 102.26, or section 100.29, subdivision 1, (10) and (11), as the case may be. The officer making any such sale after deducting the expense of keeping the property, the fee for seizure, and the costs of the sale, shall pay all liens according to their priority, which are established at the hearing as being bona fide and as existing without the lienor having any notice or knowledge that such property was being used or was intended to be used for or in connection with any violation of sections 98.46, subdivision 1, (19) and (20), or 102.26, or section 100.29, subdivision 1, (10) and (11), and shall pay the balance of the proceeds into the state treasury to the credit of the game and fish fund. Any sale under the provisions of this section shall operate to free the property sold from any and all liens thereon, and appeal from such order of the district court will lie to the supreme court as in other civil actions. At any time after seizure of the articles specified in this subdivision, and before the hearing herein provided for, the property shall be returned to the owner or person having a legal right to possession thereof, upon execution by him of a good and valid bond to the State of Minnesota, with corporate surety, in the sum of not less than \$100 and not more than double the value of the property seized, to be approved by the court in which the case is triable, or a judge thereof, conditioned to abide any order and the judgment of the court, and to pay the full value of the property at the time of seizure.

Subdivision 3. Upon complaint made to any magistrate, who has authority to issue warrants in criminal cases, by any person that he knows or has good reason to believe that any wild animal taken, bought, sold, transported or possessed, contrary to the provisions of chapters 97 to 102,

Subdivision 3—Derived from  
Section 97.27.

or any article declared contraband therein, is concealed or illegally kept in any home, building or other receptacle, not otherwise authorized herein to be entered, inspected and searched, such magistrate shall issue a search warrant and cause a search to be made of such place, and may cause any such home, building or other receptacle to be entered, broken open and examined. Property seized under such warrant shall be safely kept under the direction of the court or magistrate so long as necessary for the purpose of being used as evidence on any trial, and thereafter disposed of as otherwise provided.

Subdivision 4. Courts in counties contiguous to boundary waters, and law enforcement officers of the division, shall have jurisdiction over the entire boundary waters. Concurrent jurisdiction of the courts and administrative officers of North Dakota, South Dakota, Iowa, Wisconsin, and Michigan, over all such boundary waters, is hereby recognized.

97.51 REWARDS. Rewards may be paid by the commissioner to others than salaried game wardens or peace officers, for information leading to the arrest and conviction of any person for violating provisions relating to moose, in the sum of \$50; for violating provisions relating to deer, \$25; for violating provisions relating to other wild animals, \$10.

97.52 ASSISTANCE TO AND OBSTRUCTION OF COMMISSIONER. Subdivision 1. County attorneys, constables and all other peace officers are hereby required, and it is made their duty, to enforce the provisions of chapters 97 to 102.

Subdivision 2. No person shall wilfully hinder, resist, or obstruct the commissioner, director, game wardens, agents or other employees of the division in the performance of their official duties, or refuse to submit any wild animals or licenses in his possession to inspection.

Subdivision 3. In addition to criminal prosecution, a civil action in the name of the state to recover damages resulting from violation of subdivision 2, and to enjoin the continuance thereof, may be instituted against any person violating that subdivision, by the attorney general, on the request of the commissioner.

97.53 PUBLICATION OF ORDERS AND LAWS. Subdivision 1. As soon as practicable after each legislative session, the commissioner, under the direction of the attorney general, shall make a compilation of the laws relating to wild animals, brought up to date and properly indexed. This compilation shall be printed in pamphlet form of pocket size, and 50 copies distributed to each senator, 25 copies to each representative, and 10 copies to each county auditor. Not more than 10,000 copies in addition shall be printed for general distribution. The commissioner shall also prepare syllabi of the laws and deliver to county auditors a sufficient supply to furnish one copy to each person procuring a hunting, fishing or trapping license.

Subdivision 4—Derived from Section 97.36.

97.51  
Derived from Section 97.31.

97.52 SUBDIVISION 1.  
Derived from Section 97.29.

Subdivision 2—Combines provisions of Sections 97.30, 97.26 (3), 98.29, and 97.15.

Subdivision 3—Derived from the last sentence of Section 97.30.

97.53 SUBDIVISION 1.  
Derived from Section 97.34.

Subdivision 2. All orders and all rules and regulations promulgated by the commissioner or the director which affect matters in more than three counties, shall be published once in a qualified legal newspaper in Minneapolis, St. Paul and Duluth. All such orders, rules and regulations not affecting more than three counties shall be published once in a qualified legal newspaper in each county affected. No order, rule or regulation shall be effective until seven days after such publication, and when so executed and published, shall have the force and effect of law, and violation shall entail the same penalties as though such order, rule or regulation has been duly adopted by the legislature.

**97.54 PROSECUTIONS AND BURDEN OF PROOF.**  
Subdivision 1. No prosecution under chapters 97 to 102 shall be commenced more than three years after commission of the offense complained of.

Subdivision 2. In any prosecution, under the provisions of chapters 97 to 102, the burden of establishing the fact that animals alleged to have been unlawfully taken, bought, sold, transported or possessed, were domesticated or were reared in a private preserve, raised in a private fish hatchery, taken for scientific purposes, or lawfully taken without this state, shall rest upon the defendant.

Subdivision 3. Possession of wild animals more than 5 days after the close of the season, or in excess of the limits prescribed herein, shall be presumptive evidence that the same were unlawfully taken, except as to those tagged, sealed or identified as provided by chapters 97 to 102.

**97.55 VIOLATIONS, PENALTIES. Subdivision 1. MISDEMEANORS.**

(1) Unless a different penalty or punishment is specifically prescribed, a person who takes, buys, sells, transports or possesses any wild animal in violation of any provisions of chapters 97 to 102, or who councils, aids, or assists in such violation, or knowingly shares in the proceeds thereof, or who fails to perform any duty or comply with any of the requirements or provisions imposed by chapters 97 to 102, or who violates any duly adopted order, rule or regulation of the commissioner or director, or who attempts to do so, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$10 nor more than \$100 for the first offense, not less than \$25 nor more than \$100 for subsequent offenses, committed within three years of the former, or by imprisonment in the county jail for not less than 30 days nor more than 90 days. Each wild animal taken, bought, sold, transported or possessed in violation of law shall constitute a separate and distinct offense.

(2) The punishment for violating any of the provisions of law or commissioner's order, relating to commercial fish-

*Subdivision 2—Combines the provisions of Section 97.33 with the requirements of publication contained in Section 97.05 and several other sections of the present law. It may be noted that Section 97.33 does not provide for an effective date following publication, whereas, Section 97.05 requires thirty days published notice. It is believed that fourteen days is adequate and should apply to all publications.*

**97.54 SUBDIVISION 1.**  
*Derived from Section 97.16.*

*Subdivision 2—Derived from Section 97.33.*

*Subdivision 3—Derived from Section 97.17.*

**97.55 SUBDIVISION 1.**

*(1) Derived from Section 97.39, Subdivision 1 (1) without substantial change in meaning.*

*(2) Derived from Section 97.39, Subdivision 1 (2).*

ing, shall be a fine of not less than \$50 nor more than \$100, or imprisonment in the county jail for not less than 60 days nor more than 90 days.

(3) Except where it becomes a gross misdemeanor under subdivision 2, a person who takes, transports or possesses deer in violation of any of the provisions of chapters 97 to 102, shall be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment in the county jail for not less than 30 days nor more than 90 days.

(4) Violation of any provision relating to game and fur farms, to unlawfully taking or possessing wild animals on state parks, to hunting deer with bow and arrows, to hunting with prohibited types of guns or ammunition, or of section 101.42, subdivision 3, (9) and (10) relating to certain prohibited methods of fishing, shall be punishable by a fine of not less than \$50 nor more than \$100, or by imprisonment in a county jail for not less than 30 days nor more than 90 days.

Subdivision 2. GROSS MISDEMEANORS. (1) Any person convicted of violating any provisions of chapters 97 to 102, which are defined as gross misdemeanors, shall be punished by a fine of not less than \$100 nor more than \$1000, or by imprisonment in the county jail for not less than 90 days nor more than one year, or by both such fine and imprisonment.

(2) The following shall be guilty of a gross misdemeanor:

(a) Every person who shall falsely impersonate a game warden or a game refuge patrolman or other officer acting by or under authority of laws relating to wild animals, or who shall falsely claim to have special authority under those laws to perform any act affecting the rights or interests of another, or who, without authority, shall assume any uniform or badge by which such an officer or person is lawfully distinguished, and in such assumed character shall do an act purporting to be official whereby another is injured or defrauded.

(b) Every person who violates any provision relating to set guns or swivel guns.

(c) Every person who shall unlawfully take, buy, sell, transport or possess beaver, martin, otter, fisher, moose, elk or caribou.

(3) *Derived from Section 97.39, Subdivision 1 (3) (a).*

(4) *Gathers together and embraces all of the penalty provisions contained in Sections 99.11 to 99.22, 99.23, 99.24, 100.043, 100.053. Since those penalties are all the same, they can be embraced in a single provision.*

Subdivision 2 (1)—*Defines a standard penalty for game and fish violations described as gross misdemeanors. In the present code the minimum penalty for a gross misdemeanor varies from \$50 to \$300. It is believed they should all be standardized at a minimum of \$100.*

(2) (a) *Derived from Section 97.39, Subdivision 2 (1)*

(b) *Combines Section 97.39, Subdivision 2 (3) and (6).*

(c) *With respect to beaver is derived from Section 97.39, Subdivision 2 (5), but martin, otter, fisher, moose, elk and caribou have been added upon the theory that these valuable and important animals need the protection of higher penalties. Violation of the laws with respect to most of those animals under the present code carry the minimum fine of \$75, and the maximum of \$100, under Section 97.39, Subdivision 1 (3) (b) and (4).*

(d) Every person violating the provisions of section 100.29, subdivision 1, (10) and (11), relating to using an artificial light to locate wild animals, while in possession of a firearm capable of killing big game animals, or knowingly transporting a big game animal illegally killed, or provisions relating to buying or selling deer.

(e) Every person violating the provisions of section 100.29, subdivision 1, (6), relating to hunting while visibly intoxicated, under the influence of narcotics, or who is an habitual user of narcotics.

Subdivision 3. FELONIES. (1) Any person making a false statement under oath in any affidavit given in connection with a game law violation, or in any application for any license authorized to be issued under chapters 97 to 102 shall be guilty of perjury.

(2) Any person who shall at any time alter in any material manner any license issued under the provisions of chapters 97 to 102 shall be guilty of a forgery.

(d) Combines Sections 100.055 and 100.056, and adds buying and selling of deer, which was formerly a misdemeanor.

(e) Derived from Section 100.035, Subdivision 2.

Subdivision 3 (1) Derived from Section 98.09 with respect to the false statement in application for license. The penalty provision for a false statement under oath in affidavits in connection with game law violations is new matter.

(2) Derived from Section 98.30.

## CHAPTER 98

### Division of Game and Fish; Licenses

Sec.	
98.45	Requirement of licenses
98.46	Licenses, fees
98.47	Exceptions to license requirements
98.48	Special permits
98.49	Forms
98.50	Issuance of licenses
98.51	Reports and records
98.52	Loss and revocation of licenses

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. 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.

98.45 SUBDIVISION 1.  
Derived from combining provisions of Sections 98.04, 98.05 and 98.08.

Subdivision 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.

Subdivision 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.

Subdivision 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.

Subdivision 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.

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) Combination husband and wife, to take fish, \$1.50;
- (6) 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;

Subdivision 2—*Derived from Section 98.29.*

Subdivision 3—*Derived from Section 98.30.*

Subdivision 4—*Derived from Section 98.01, but omits the provision authorizing resident licenses to be issued to aliens who have taken out first papers, a concept inconsistent with the definition of a resident contained in Section 97.40, Subdivision 21.*

Subdivision 5—*New matter, believed desirable for clarity, in view of the method used in Section 98.46 of segregating resident and non-resident licenses.*

98.46 SUBDIVISION 1.

(1) *Derived from Section 98.05 (1).*

(2) *Derived from Section 100.043, Subdivision 2.*

(3) *Derived from Section 98.05 (5).*

(4) *Derived from Section 98.05 (6).*

(5) *Derived from Section 98.05 (6).*

(6) *Derived from Section 98.153, Subdivision 2, but raises the fee from 50c to \$1.00.*

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| (7) To engage in the business of buying or selling raw furs at a definitely established place of business, \$5.00;                  | (7) <i>Derived from Section 98.12.</i>   |
| (8) To engage in the business of buying or selling raw furs anywhere within the state, \$10.00;                                     | (8) <i>Derived from Section 98.12.</i>   |
| (9) To trap beaver during an open season or by permit when doing damage, \$2.50;  | (9) <i>Derived from Sections 98.13 and 100.101.</i>  |
| (10) To take moose in the Northwest Angle, \$5.25;  | (10) <i>Derived from Section 98.14.</i>  |
| (11) To spear fish from a dark house, or angle from a fish house, or a shelter, \$1.00;   | (11) <i>Derived from Section 98.05 (10).</i>   |
| (12) To net whitefish, tullibees or herring from inland lakes or international waters, for domestic use only, for each net, \$1.00; | (12) <i>Derived from Section 98.05 (9) but provides for this license in international waters also.</i>                     |
| (13) To conduct a taxidermist business, \$2.00;   | (13) <i>Derived from Section 98.20.</i>  |
| (14) To maintain fur and game farms, including deer, \$5.00;  | (14) <i>Derived from Section 99.16, but provides for only one standard license instead of 3 licenses at separate fees.</i> |
| (15) To net for commercial purposes in the boundary waters between Wisconsin and Minnesota from Lake St. Croix to the Iowa border:  | (15) <i>Derived from Section 102.02, subdivision 2.</i>  |
| (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 1000 feet, but not over 1500 feet, \$3.00;  |  |
| (d) For each 100 feet of seine in excess of 1500 feet, but not over 2000 feet, \$4.00;  |  |
| (e) For each 100 feet of seine in excess of 2000 feet, but not over 2500 feet, \$5.00;  |  |
| (f) For each 100 feet of seine in excess of 2500 feet, but not over 4000 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 1000 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, \$1.00.  |  |
| (16) To take mussels or clams, \$5.00;  | (16) <i>Derived from Section 102.04, Subdivision 3.</i>  |

(17) 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;

(17) *Derived from Section 102.05, Subdivision 1, but eliminates provision for pound or dip net licenses.*

(18) To take rough fish with one set line, containing not more than 10 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;

(18) *Derived from Section 102.05, Subdivision 2.*

(19) To net fish in Lake of the Woods, \$20.00, and

- (a) For each pound 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 2 feet or fraction thereof;
- (d) For each 100 feet of gill net, \$1.50;
- (e) For helper's license, \$1.00;

(19) *Derived from Section 102.06, Subdivision 2.*

(20) 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;

(20) *Derived from Section 102.06, Subdivision 2.*

(21) 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.

(21) *A substitute for the license provided in Section 102.07, Subdivision 3 and places the fees upon the basis of amount of equipment used.*

(22) To fish commercially in Namekan Lake:

- (a) For each 100 feet of gill net, \$1.50.

Subdivision 2—

Subdivision 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;

(1) *Derived from Section 98.05 (2), and last sentence of Section 98.03.*

(2) *Derived from Section 98.05 (4).*

(3) *Derived from Section 100.048, Subdivision 2.*

(4) *Derived from Section 98.14.*

- (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, \$200.00.

Subdivision 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 1000 pounds; in excess of 1000 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 licensed commercial fishermen on Lake of the Woods, Namekan, or Rainy Lake:
  - (a) Wholesale fish buyer's license, \$100.00, plus 2% of the gross sales, payable at accounting periods prescribed by regulation of the commissioner;
  - (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;
  - (d) Shipper's license to transport fish taken by license beyond the boundaries of the state, 2% of the gross sales, payable at accounting periods prescribed by regulation of the commissioner, provided such licenses shall not be required of licensed commercial fishermen who sell or peddle their own fish only within the state of Minnesota;
- (6) To tan or dress raw furs, \$2.00.

Subdivision 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;

(5) Derived from Section 98.05 (8).

(6) Derived from Section 98.05 (8).

(7) Derived from Section 98.12.

Subdivision 3—

(1) Derived from Section 98.055, Subdivision 4.

(2) Derived from Section 98.11.

(3) Derived from Section 98.154, but changes the fee basis from \$5 to \$1 for the small operator, and \$15 to \$25 for the large operator.

(4) Derived from Section 102.07, Subdivision 9.

(5) Derived from Section 102.06, Subdivision 15, but greatly increases fees, largely through the addition of a gross sales percentage fee.

(6) Derived from Section 98.19.

Subdivision 4—

(1) Derived from Section 98.05 (8), but reduces the authorized number of shipping coupons from two to one.

(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), 25c.

Subdivision 5. Within the time designated by the commissioner, not exceeding 10 days after the close of a beaver or otter trapping season, or the expiration of a beaver or otter 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.

Subdivision 6. No deer 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 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.

Subdivision 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 \$1000, conditioned upon the observance of all laws of this state relating to wild animals.

**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.

Subdivision 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 furlough 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.

Subdivision 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.

(2) Derived from Sections 98.13 and 100.102.

(3) Applies the tag fee found in Section 102.02, Subdivision 2, to all licensed nets.

Subdivision 5—Combines certain provisions of Section 98.13 with similar provisions of Section 100.102.

Subdivision 6—Derived from Section 100.06, Subdivision 2.

Subdivision 7—Derived from Section 98.12.

**98.47 SUBDIVISION 1.**  
Derived from Section 98.04.

Subdivision 2—Derived from Section 98.05 (7).

Subdivision 3—Derived from Section 98.05 (6).

Subdivision 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.

Subdivision 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.

Subdivision 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.

Subdivision 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 shall be issued to any person or member of his household, or employee, engaged in the business of conducting a summer resort or renting boats for fishing purposes.

Subdivision 8. A license to take fish shall be issued to any citizen of Minnesota receiving old age assistance or aid for the blind, without charge.

Subdivision 9. Helpers' licenses shall be issued under section 98.46, subdivision 1 (19) (e), and (20) (c), 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.

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;

*Subdivision 4—Derived from Section 98.05 (6), but enlarges the scope to include officials of other states, the United States, or Canada, who are in the state as guests of the Governor or commissioner.*

*Subdivision 5—Combines provisions of Section 98.22 and Section 98.05 (8).*

*Subdivision 6—The last sentence is derived from the last sentence of Section 98.05 (10), and the first sentence applies the same theory to trapping and hunting licenses.*

*Subdivision 7—Derived from Section 98.12, but adds a prohibition against summer resort owners obtaining a commercial fishing license in international waters.*

*Subdivision 8—Derived from Section 98.05 (6).*

*Subdivision 9—Derived from Section 102.06, Subdivision 6.*

98.48  
*Fees for following permits have been abolished. Under present law most of these fees are left to the discretion of the director—believed undesirable.*

*(1) Derived from Section 98.10.*

*(2) Derived from Section 98.21.*

(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, with the exception of beaver, where the regular license and seal provisions shall apply;

(6) To take muskrats from shallow marshes or sloughs when in 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 10 or more members on lands owned or leased for that purpose by such clubs within 2 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.

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.

Subdivision 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.

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

(3) *Derived from Section 99.22 and incorporates the prohibition against deer as pets as contained in Section 99.15.*

(4) *Combines similar provisions now repeated in Sections 99.01, 99.02, and 99.09 and 99.23.*

(5) *Combines provisions contained and repeated in Sections 97.32, 99.01, 99.02 and 99.09.*

(6) *Derived from Section 100.11 (last paragraph.)*

(7) *Derived from Section 100.15.*

(8) *Derived from Section 100.03.*

(9) *New matter made necessary by the inclusion of aquatic vegetation in Section 97.42.*

98.49 SUBDIVISION 1.  
*Derived from Section 98.07.*

Subdivision 2—*Derived from Section 98.09, but contains the requirement that an oath be actually administered in view of the fact that prosecuting officers will not enforce a perjury provision where an oath is not actually administered.*

98.50 SUBDIVISION 1.  
*Derived from Section 98.06.*

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.

Subdivision 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.

Subdivision 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.

Subdivision 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 8% from the price established by law as his commission.

Subdivision 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 5 non-resident, and 10 resident license blanks, for cash, and he shall be entitled to a discount of 8% 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 treasurer for 90% of all license fees received during the accounting period. The other 10% shall be the agents' commission, the county auditor retaining 2% of the fees for licenses sold for cash and resale, and 5% 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

*Subdivision 2—Combines portions of Section 98.06 with provisions of Section 98.27.*

*Subdivision 3—Derived from Section 98.06.*

*Subdivision 4—Derived from Section 98.06.*

*Subdivision 5—Derived from Section 98.35.*

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.

Subdivision 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.

Subdivision 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.

**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 such a report a receipt thirty days prior to the succeeding hunting season. Persons not presenting such a receipt upon applying for a license shall pay an additional amount equal to the prescribed license fee as a penalty, except that a receipt shall not be required if the report is turned in to a license agent in January, together with application for a new license, or when persons, not licensed during the preceding year, shall so state in their application. No other penalty shall be imposed for failure to make reports.

Subdivision 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 postoffice 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.

Subdivision 6—*Derived from Section 98.28.*

Subdivision 7—*Derived from Section 98.06, but provides a limited period for the forfeiture of the agency.*

**98.51 SUBDIVISION 1.**  
*Substituted for provisions of Section 98.31. Attention is called to the fact that the penalties herein provided are much less severe than those now contained.*

Subdivision 2—*The language is derived from Section 98.12 relating to fur buyers and imposes the same uniform requirements on other licensed commercial businesses instead of the varying requirements contained in Section 98.19, 98.20, 99.15, 102.07, Subdivision 7, 102.06, Subdivisions 16 and 17.*

Subdivision 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.

**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 any thing 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.

Subdivision 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.

Subdivision 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.

Subdivision 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.

Subdivision 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.

*Subdivision 3—Imposes a uniform requirement almost identical with the requirement repeated in the present laws in Sections 98.12, 98.19, 99.19, 102.06, Subdivision 11, 102.07, Subdivision 7.*

**98.52 SUBDIVISION 1.**  
*Combines essential provisions of Sections 98.32 and 98.33.*

*Subdivision 2—Retains the exception contained in the last clause of Section 98.32 with respect to a first offense only, and adds small game hunting licenses and non-resident fishing licenses to the exception.*

*Subdivision 3—Embodies the exception contained in Section 102.06, Subdivision 20, but extends it to certain other licenses where the business licensed may require large investments, the exception, however, is limited to first offenses.*

*Subdivision 4—Derived from Section 100.035, Subdivision 3.*

*Subdivision 5—Derived from Section 100.051, Subdivision 2.*

## CHAPTER 99

### Division of Game and Fish; Game Refuges and Game and Fur Farms

Sec.	
99.25	Game refuges, establishment or vacation
99.26	Game refuges, protection of animals
99.27	Game and fur farms

**99.25 GAME REFUGES, ESTABLISHMENT OR VACATION.** Subdivision 1. All state parks are hereby designated as state game refuges.

Subdivision 2. The commissioner may designate by order any land or water areas, more than 50% of which are in public ownership, as state game refuges.

Subdivision 3. All lands, or any part thereof, described in a petition which is subscribed by either the owner, the lessee, or the person in possession of each tract in the area, may be designated a state game refuge by order of the commissioner, provided the certificate of the treasurer of the county where the lands are situated stating that the persons named in the petition are all of the owners, lessees or persons in possession of the land described, according to the records of the county, and his information, shall accompany said petition.

Subdivision 4. All lands, or any part thereof, described in a petition, subscribed by 50 or more residents of the county or counties wherein the lands are situated, may be declared a state game refuge by order of the commissioner, after he has held a public hearing upon the petition and has found that by reason of the depletion of protected wild animals the same are in danger of extermination or that the public interest will be best served by the establishment of the refuge. Such public hearing shall be held at a time and place designated in notices posted in five of the most conspicuous places within the proposed game refuge at least 15 days in advance of the hearing, and published at least once in a legal newspaper in each county in which the lands are situated at least 15 days in advance of the hearing.

Subdivision 5. No game refuge of less than 640 acres of contiguous lands and water shall be established under any of the provisions of subdivisions 2, 3, and 4.

Subdivision 6. All refuges established under this section shall include all public waters, all state, federal or public lands, railroad lines, railroad rights of way, and public highways within the boundaries thereof, and may include adjacent public waters, state, federal or public lands, in the discretion of the commissioner.

**99.25 SUBDIVISION 1.**  
*A combination of a similar provision now repeated in Sections 99.07, 99.08, and 99.23.*

Subdivision 2—*Derived from similar authority contained in Section 99.07 but imposing the qualification that 50% of the area must be in public ownership.*

Subdivision 3—*Follows the procedural theory in establishing refuges now contained in Section 99.01.*

Subdivision 4—*Follows the procedural requirements for establishing a refuge as now prescribed by Section 99.02 but increases the number of petitioners required from 25 to 50.*

Subdivision 5—*Derived from Section 99.03.*

Subdivision 6—*Derived from Section 99.06.*

Subdivision 7. No state game refuge shall become effective as such until the boundaries thereof have been posted with notices consisting of black letters upon a white background at least 12 inches in diameter. Such signs shall proclaim the area as a state park, or state game refuge, as the case may be, and shall be posted at intervals of not more than 30 rods around the boundaries, as well as at all public road entrances to such areas. The certificate of the director, stating the completion of such posting, shall be prima facie evidence thereof.

Subdivision 8. Any state game refuge created under subdivisions 2, 3, or 4 shall expire at a time designated in the order establishing it, and may be vacated, or modified as to boundary, by order of the commissioner, upon observance of the same formalities as are required for its establishment.

99.26 GAME REFUGES, PROTECTION OF ANIMALS. Subdivision 1. Except as otherwise permitted by chapters 97 to 102, no person shall take any wild animal, except fish, upon any state game refuge, nor carry any firearm thereon for the purpose of taking any wild animal.

Subdivision 2. Whenever the commissioner shall find that any species of protected wild animal on any refuge, including state parks, has attained an abundance in excess of the capacity of such refuge to support it, or is causing substantial damage to agricultural crops in the vicinity, or is threatening the well-being and continued production of that species or of other protected wild animals, he may include such refuge or any part thereof in the open territory prescribed for the taking of such species, during the succeeding regular open season, and may prescribe any reasonable regulations for the hunting or trapping thereof.

Subdivision 3. Removal or defacement of any state park or state game refuge sign, except under the authority of the commissioner, is prohibited.

99.27 GAME AND FUR FARMS. Subdivision 1. Breeding and propagating fur bearing animals, game birds or deer, shall be authorized under license only upon privately owned or leased lands and waters. "Private waters", as used herein, includes all bodies of waters or streams, whether meandered or not, of a shallow, swampy, marshy, or boggy nature, not navigable in fact, and of no substantial beneficial use to the general public. The owner or lessee, applying for the license, shall have first enclosed the area, in the manner approved by the commissioner, sufficiently to confine the respective birds or animals to be raised thereon. Licenses shall be granted only in cases where the commissioner finds the application is made in good faith with intention to actually carry on the business described in the application and where the facilities, in his judgment, are adequate therefor.

Subdivision 2. Upon issuance of a license, the licensee of a game or fur farm shall be deemed the owner of all wild animals and their progeny, of the kinds specified in the license, which are within the enclosure, except wild game birds.

Subdivision 7—*New material believed desirable for the purpose of adequately advising the public of the existence of refuges.*

Subdivision 8—*Combines the provisions for vacating refuges as now contained in Sections 99.01 and 99.02.*

99.26 SUBDIVISION 1.  
*A combination of provisions heretofore duplicated in each of the following Sections: 99.01, 99.02, 99.05, 99.07, 99.08, 99.09 and 99.23.*

Subdivision 2—*Derived from Section 99.025, but extends the authority to include refuges other than those established by order of the commissioner, including state parks.*

Subdivision 3—*Derived from Section 99.06.*

99.27 SUBDIVISION 1.  
*Derived from Section 99.11.*

Subdivision 2—*Derived from Section 99.12, Subdivision 4.*

Subdivision 3. Any such license, shall be transferable with the title or leasehold of the lands used for the purposes of the license, provided a verified written report thereof is made to the commissioner, accompanied by a copy of any deed, assignment, lease or other instrument transferring the corresponding title or leasehold in the premises. No transfer of less than the whole interest in the license shall be valid. Every bona fide partner or associate in the ownership or operation of the farm or ranch shall obtain a separate license. When a portion of the title or leasehold of the land or water is transferred and such portion complies with the original requirements for obtaining the license, the entire license may be transferred by complying with all the provisions hereof.

Subdivision 4. Every application for license, and every report of transfer, shall be filed with the commissioner.

Subdivision 5. No foxes or mink shall be bought or sold by any licensee for breeding or propagating purposes that have not been pen-bred for two successive generations. No live beaver shall be transported, except under special permit from the commissioner, to be issued in accordance with rules and regulations prescribed by him.

Subdivision 6. No sale or contract for sale of any live animals raised or contained on any licensed fur or game farm shall be valid unless such animals are actually delivered to the purchaser, or if not delivered, unless and until they are segregated, identified, and kept separately, subject to the rights of the purchaser under the sale or contract for sale, which sale or contract must be in writing. After such segregation and identification, the animals sold, and their offspring, shall be assessed as personal property of the purchaser. The licensee must notify such purchaser within 30 days of the death of any animal, and must notify him of the number of increase before July 20th of each year.

Subdivision 7. The pelts and products of all wild animals raised on fur or game farms may be sold or transported only in such manner and with such tags or seals affixed thereto as shall be prescribed by the commissioner. Failure to comply with any of the provisions of this section shall subject to confiscation all wild animals owned by the licensee which are found upon the premises of such game or fur farm.

*Subdivision 3—A condensation of the material provisions of Section 99.12, Subdivisions 5 and 6.*

*Subdivision 4—A modified filing provision formerly required by Section 99.12, Subdivision 6.*

*Subdivision 5—First sentence derived from Section 99.14, Subdivision 2, and the last sentence from Subdivision 4 of that section.*

*Subdivision 6—Derived from Section 99.14, Subdivision 3.*

*Subdivision 7—Derived from Section 99.15.*

## CHAPTER 100

### Division of Game and Fish; Quadrupeds and Birds

Sec.	
100.26	Unprotected animals
100.27	Seasons
100.28	Limits
100.29	Restrictions and prohibitions
100.30	Possession, sale and transportation

100.26 UNPROTECTED ANIMALS. Subdivision 1. Weasel, wild cat, lynx, wolves, foxes, bears, gophers, porcupines, and all other quadrupeds for which no closed season or other protection is accorded by chapters 97 to 102, are unprotected animals and may be taken either in the daytime or at night, and in any manner, except with the aid of artificial lights, and possessed, bought, sold or transported in any quantity, provided that for the safety of humans and domestic stock, poison may not be used in the taking thereof, and steel traps may not be used in the taking of bear, except when and in the manner prescribed by the commissioner. The taking of bear may be prohibited by order of the commissioner in such areas of the state and during such periods as he may deem necessary.

Subdivision 2. The English sparrow, blackbird, crow, starling, magpie, cormorant, and all species of hawks and owls are unprotected wild animals, but all other birds, including their nests and eggs, shall be taken only as authorized by chapters 97 to 102.

100.27 SEASONS. Subdivision 1. Except as otherwise specifically provided, there shall be no open season on moose, elk, caribou, marten, fisher, Canada spruce grouse, or wild turkeys.

Subdivision 2. Deer and moose may be taken in such areas of the state, under such restrictions and on such dates within the periods hereafter prescribed as the commissioner may, by order, provide:

- (1) Deer, by bow and arrows only, from October 16th to November 1st;
- (2) Deer, by legal firearms and with bow and arrows, between November 10th and December 1st;

100.26 SUBDIVISION 1.  
*Derived chiefly from Section 100.12, but with the addition of the prohibition against taking these animals with the aid of artificial lights, believed essential as a law enforcement measure.*

Subdivision 2—*Combines provisions heretofore duplicated in Sections 100.22, 100.23, and 100.25, but adds starling, magpie and cormorant to the list of unprotected birds.*

100.27 SUBDIVISION 1.  
*Grants protection to the animals listed as now contained in Sections 100.04, 100.10, Subdivision 1, and 100.17, with the exception that otter have been omitted from this list and are now classified with beaver in Subdivision 4.*

Subdivision 2 (1) *Same as the bow and arrow season now established by Section 100.043, Subdivision 1, except that the commissioner is authorized to limit the season so established.*

(2) *Setting the regular deer season is a new and substantive change granting the authority to the commissioner to establish the season annually within limitations.*

- (3) One antlered moose or one deer, or both, in the Northwest Angle only, between October 10th and October 20th.

Subdivision 3. The following animals may be taken and possessed, subject to all other provisions of chapters 97 to 102, between the dates set opposite the species:

- (1) Grey and fox squirrels, October 15th and December 31st;
- (2) Raccoon, October 20th and December 1st;
- (3) Skunk and badger, October 20th and March 1st;
- (4) Cottontail rabbits and varying hare or snowshoe rabbits, September 16th and March 1st.

Subdivision 4. Muskrats may be taken for a period not exceeding 30 days in the aggregate for the area, beaver or otter for a period not exceeding 15 days, and mink for a period not exceeding 90 days, only by trapping, in such areas of the state and during such times and subject to such regulations as the commissioner shall prescribe, between November 1st and April 30th following.

Subdivision 5. Quail, partridges or ruffed grouse, pheasants, prairie chicken or pinneated grouse, white breasted or sharp tailed grouse, Hungarian partridge or Chukar partridge, may be taken and possessed, subject to all other provisions of chapters 97 to 102, only in such areas of the state and during such times between September 16th and November 30th, as the commissioner shall prescribe.

Subdivision 6. All migratory game birds may be taken and possessed whenever and so long as the taking or possession is not prohibited by federal laws or regulations, subject, however, to all requirements of chapters 97 to 102, and to all other restrictions imposed by any federal law or duly authorized regulation.

Subdivision 7. Skunk, badger, mink, squirrels, rabbits, hares, or beaver may be taken in any manner, except by poison, or artificial lights in closed season, by the actual occupant or owner of any land whereon the animals so killed are causing any damage or injury. Upon so killing any such animal, the entire carcass, including the hide, shall be turned over and surrendered to the nearest warden or employee of the division within 24 hours of the time such animal was killed.

(3) *Derived from provisions of Sections 98.14 and 100.04, but authority for the deer season has been added.*

Subdivision 3—

(1) *Derived from Section 100.08, Subdivision 1.*

(2) *Derived from Section 100.08, Subdivision 3, but opening date has been changed from November 1st to October 20th.*

(3) *Derived from Section 100.09, Subdivision 3.*

(4) *Derived from Section 100.13.*

Subdivision 4—*A condensation of the provisions now contained in Sections 100.09, Subdivision 2, and 100.10, Subdivision 2, but includes authority for a mink season to be not longer than that now provided in Section 100.09, Subdivision 1. It also authorizes an otter season not exceeding 15 days.*

Subdivision 5—*Derived from Section 100.17, but eliminates the restriction there contained on the length of the season which may be established between the prescribed dates.*

Subdivision 6—*Derived from Section 100.19.*

Subdivision 7—*Combines provisions now duplicated in Section 100.09, Subdivision 1 and Subdivision 3, and Section 98.13.*

100.28 LIMITS. Subdivision 1. Not more than one deer or 10 beaver shall be taken by any licensee during any one year.

Subdivision 2. Unless the numbers are reduced by order of the commissioner, no person shall take in any one day, or shall have in possession at any one time, a greater number of any species than prescribed by the following table:

Species	Daily	Possession
Grey and fox squirrels	7	14
Quail	10	15
Partridge (ruffed grouse), prairie chicken (pinnated grouse), pheasant, white breasted grouse (sharp tailed grouse), Hungarian partridge or Chukar partridge	5	10

provided that not more than one hen pheasant shall be taken in any one day, nor more than two had in possession.

100.29 RESTRICTIONS AND PROHIBITIONS. Subdivision 1. It shall be unlawful:

(1) To take protected wild animals, except raccoon, with the use of a gun or bow and arrows between sunset and one-half hour before sunrise;

(2) To take protected wild animals with a gun larger in bore than a 10 gauge or not fired from the shoulder;

(3) To have in possession out of doors, unless unloaded and contained in a gun case, or unloaded and broken down, any rifle, or shotgun with slugs, in any territory wherein there is an open season for taking deer with firearms, for a period of ten days preceding and five days succeeding such season;

(4) To use, own or possess any type of silencer for a firearm, or to possess any firearm equipped or designed to have a silencer attached;

(5) To take any wild animal or discharge any firearm thereat from a motor vehicle or airplane, or to carry any firearm except a pistol or revolver in a motor vehicle or airplane, unless the same is unloaded in both barrels and magazine and taken apart or contained in a gun case;

(6) To hunt any protected wild animal with a firearm or bow and arrows while visibly intoxicated, under the influence of narcotics, or if an habitual user of narcotics;

(7) To hunt deer during the bow and arrow season while in possession of, or having under control, any firearm, or with any bow drawn, held or released by a mechanical device, or to hunt deer with any poisoned arrow or arrow with explosive tip or with an arrow other than a sharpened steel, broad head blade, not less than 7/8ths inches nor more than 1 1/2 inches in width;

100.28 SUBDIVISION 1.  
*Derived from Section 100.05 with respect to deer and Section 98.13 with respect to beaver.*

Subdivision 2—*A table prescribing bag limits now found in the following places: Section 100.08, Subdivision 1, as to squirrels; Section 100.18, as to upland game birds, but makes some minor changes in the bag limits.*

100.29 SUBDIVISION 1.

(1) *Derived from Section 100.01.*

(2) *Derived from Section 100.01.*

(3) *A new provision similar to provisions of Wisconsin and Michigan laws.*

(4) *Derived from Section 100.01.*

(5) *Derived from Section 100.01, and extends the prohibition to airplanes.*

(6) *Derived from Section 100.035, Subdivision 1.*

(7) *Derived from Section 100.043, Subdivision 3.*

(8) To hunt or trap, or assist therein, in any territory open for the taking of deer with the use of firearms, during such open season, unless at least 50% of the visible portion of the hunting cap, and at least 50% of the jacket, excluding the sleeves, shall be red or covered with red;

(9) To take deer or any other wild animal during deer season in open deer hunting territory with a rifle or firearm which discharges a projectile, the diameter of which is less than 23/100ths of an inch, or to use any cartridge less than 1 3/4ths inches in length, and not containing a soft point or expanding bullet, the measurement to include the cartridge or shell and the bullet seated in the usual manner, provided cartridges of 35 caliber or larger may be used, regardless of length, or to use shells containing buckshot or fine shot;

(10) To throw or cast the rays of a spotlight, headlight, or other artificial light on any highway, or in any field, woodland or forest, for the purpose of spotting, locating or taking any wild animal, except raccoons when treed, with the aid of dogs, while having in possession or under control, either singly or as one of a group of persons, any firearm or other implement whereby big game could be killed, unless the same is unloaded in both barrels and magazine and properly encased or broken down;

(11) To knowingly transport, either singly or as one of a group of persons, any big game animal taken in violation of chapters 97 to 102;

(12) To take deer with the aid of any snare, trap, set gun or swivel gun;

(13) To snare for wolves or other wild animals in any runway used by deer, or to use any snare with a greater maximum diameter than 12 inches, or with the top of the loop higher than 24 inches above the ground, or to use a spring pole with any snare;

(14) To take deer from any artificial scaffold, platform, or other construction higher than six feet above the ground, or with the aid of dogs or horses;

(15) To take any raccoon in any manner in a den or hollow tree or cut down any tree inhabited or occupied by raccoon; or to set any trap for raccoon in or under water or in any muskrat runway;

(16) To trap, net or snare any protected birds, or to use any bird line, swivel or set gun, for taking such birds; to flush protected birds by dragging a rope, wire, or other instrumentality across a field inhabited by them;

(17) To take migratory waterfowl and rails in open water when the hunter is not within a natural growth of weeds, rushes, flags or other vegetation sufficient to partially conceal the hunter or boat, or from a permanent artificial blind or sink box built in public waters, provided pursuing or shooting wounded birds in open water in a boat or canoe is permitted;

(8) *Derived from Section 100.051, Subdivision 1.*

(9) *Combines Section 100.053, Subdivisions 1 and 2.*

(10) *Derived from Section 100.055, Subdivision 1.*

(11) *Derived from Section 100.055, Subdivision 2.*

(12) *Derived from Section 100.06, Subdivision 1.*

(13) *Derived from Section 100.06, Subdivision 1.*

(14) *Derived from Section 100.06, Subdivision 1.*

(15) *Derived from Section 100.08, Subdivision 3.*

(16) *Derived from Section 100.21.*

(17) *Derived from Section 100.20.*

(18) To place decoys or erect blinds in public waters more than one hour before the open season for waterfowl.

(18) *Derived from Section 100.20, but grants a leeway of one hour prior to the season.*

Subdivision 2. (1) Any person may, and it shall be the duty of every game warden to, kill any dog pursuing or killing deer or moose, and no action for damages shall be maintained against the person for the killing.

Subdivision 2.  
(1) *Derived from Section 100.07.*

(2) Hunting dogs may not be taken afield for the purpose of training between April 16th and July 14th, and no person taking a dog afield for training purposes except in open season for game birds, who carries any firearm, shall have any cartridges or shells, except blanks, on his person.

(2) *Derived from Section 100.16, but advances the season for taking dogs afield from August 15th to July 14th.*

Subdivision 3. No person shall enter any growing or standing grain not his own, with intent to take any wild animal, or permit any dog with which he shall be hunting to do so, without permission of the owner or person in charge thereof. No person shall at any time enter upon any land not his own with intent to take any wild animals after being notified, either orally or by printed notices, by the owner, occupant, or lessee, not to do so. No person, while hunting, fishing or trapping wild animals, shall enter or leave the lands of another, or pass from one portion of such lands to another portion, through a closed gate, without returning said gate to its original position, nor shall any person cut any wire or tear down or destroy any fence. Where printed notices are used, they shall bear letters not less than two inches high and shall be signed by the owner, occupant, or lessee, and shall be posted at intervals of not more than 30 rods upon the boundaries of the area so protected.

Subdivision 3—*Covers essential provisions of Sections 100.02, 99.17, and 99.18.*

100.30 POSSESSION, SALE AND TRANSPORTATION. The skins of all fur bearing animals, the hides of deer or moose, and the flesh of beaver, muskrat, raccoon, rabbits and hares, legally taken and bearing such seals or tags as may be required by chapters 97 to 102, may be bought, sold and transported at any time, provided the flesh of animals enumerated herein shall not be transported outside of the state of Minnesota.

100.30  
*Derived from Sections 100.135 and 100.14 and includes duplicate material now contained in many sections, such as Sections 100.09, Subdivision 4, 100.102 and 97.13.*

## CHAPTER 101

### Division of Game and Fish; Fish

- Sec.*  
 101.41 Seasons and limits  
 101.42 Restrictions and prohibitions  
 101.43 Fish screens  
 101.44 Frogs, season and regulations  
 101.45 Turtles and tortoises  
 101.46 Dead fish disposal

101.41 SEASONS AND LIMITS. Subdivision 1. Rock or lake sturgeon, shovelnose sturgeon or hackleback, spoon-bill, or paddlefish, may not be taken, bought, sold, transported or possessed at any time except as may be specifically provided by order of the commissioner for boundary waters.

Subdivision 2. Except as otherwise provided, the following fish may be taken only by angling with a single line, transported and possessed, subject to all other provisions of chapters 97 to 102, between the dates set opposite each species, and the number which may be taken each day or which may be possessed at any one time, subject to the aggregate limits imposed by subdivision 3, shall be as prescribed in the following table:

<i>Specie</i>	<i>Dates</i>	<i>Daily Possession</i>
Large and small mouthed black bass	June 20th and Nov. 30th	6 12
Trout (except lake trout)	May 1st and Sept. 15th	15 25
Lake trout (land-locked salmon)	May 1st and Sept. 15th	5 10
Wall-eyed pike	May 15th and Feb. 15th	8 12
Saugars (sand pike)	May 15th and Feb. 15th	8 12
Great northern pike or pickerel	May 15th and Feb. 15th	8 12
Muskellunge	May 15th and Feb. 15th	2 2
Rock bass and white bass	May 15th and Feb. 15th	15 30
Crappies	May 15th and Feb. 15th	15 25
Sunfish or blue gill	May 15th and Feb. 15th	15 30
Catfish	May 15th and Feb. 15th	10 15

101.41 SUBDIVISION 1.  
*Derived from Section 101.08.*

Subdivision 2—*Establishes in table form the seasons and limits prescribed for fish. The present seasons and limits are prescribed in the present law as follows: Section 101.03, as to black bass; Section 101.04, as to brook trout; Section 101.06, as to lake trout; Section 101.07 as to Wall-eyed pike, saugars, pickerel and muskellunge; Section 101.09, as to crappies; Section 101.12 and 101.14, as to sunfish, rock bass and catfish; 101.14, as to bullheads and other specie of rough fish. Closing dates and limits have not been substantially changed except the closing date for rock bass and sunfish, and the closing date for rough fish. Opening dates have been changed and the present zone limit has been eliminated.*

Bullheads May 15th and 50  
Feb. 15th

Carp, dogfish, redhorse, May 15th and no limit  
sheepshead, suckers, eel Feb. 15th  
pout, garfish, perch,  
whitefish, tullibeas, buf-  
falofish

Subdivision 3. No person shall take more than 15 game fish of all kinds in any one day, or have in possession more than 20 game fish of all kinds at any time, except that where the possession limit of a single species exceeds 20 and the bag is not mixed, such greater possession limit is permitted. Game fish shall include all fish except rough fish and minnows.

Subdivision 4. Subject to the limits prescribed in subdivision 2, all rough fish, catfish, whitefish, tullibeas, and northern pike or pickerel may be taken by spearing from dark houses through the ice, and rough fish may be taken by spearing, with or without dark houses, through the ice, between December 1st and February 15th, following. Minnows may be taken at any time by any means not prohibited; and all rough fish, except tullibeas, and minnows legally taken and possessed may be bought and sold at any time.

Subdivision 5. Whitefish, tullibeas and herring may be taken, under the license provided therefor, from such inland waters or international waters of the state and at such times between October 15th and December 31st as the commissioner shall declare open by order, and possessed without limit, but neither bought nor sold, subject, however, to the following restrictions:

- (1) No licensee may use more than 2 nets or any net exceeding 100 feet in length or three feet in width.
- (2) The size of mesh of whitefish or tullibee nets shall not be less than 3½ inches, extension measure, and of herring nets not less than 1¾ inches, extension measure.
- (3) No net shall be set in water deeper than 6 feet and one end thereof shall have a pole or stake projecting at least 2 feet above the surface of the water or ice.
- (4) No net shall be set within 50 feet of another net, or set or raised between sunset and sunrise.

101.42 RESTRICTIONS AND PROHIBITIONS. Subdivision 1. Except where a size limit is provided, all fish taken, regardless of size, may be possessed subject to all provisions of chapters 97 to 102.

Subdivision 2. No line used in angling shall contain more than 1 hook, except that 3 artificial flies may be used in

Subdivision 3—Derived from Section 101.20, but attention is called to the fact that limits apply only to game fish, and fish such as bullheads will not be counted in aggregate bag limits.

Subdivision 4—A combination of provisions of Sections 101.14 and 101.25, but changing the closing date from March 1st to February 15th.

Subdivision 5—Derived from Section 101.26.

101.42 SUBDIVISION 1.  
Provision now repeated in Sections 101.03, 101.04, 101.06, 101.07, 101.09 and 101.12. Will eliminate the size limit now prescribed on whitefish and buffalofish in Section 101.14.

Subdivision 2—Combines provisions of Section 97.01,

angling for large and small mouthed bass, trout, crappies, sunfish, or rock bass, and except that a single artificial bait or trolling spoon may contain more than one hook.

Subdivision 3. Except as otherwise specifically permitted, it shall be unlawful:

(1) To take fish of any kind in any manner, by the use or with the aid of artificial lights of any kind;

(2) To take fish with the use of any snagline or snag-pole, snaghook or cluster of fish hooks, designed to be placed in or drawn through the water for the purpose of catching such hooks into the body of fish.

(3) To take minnows with a seine more than 25 feet in length or more than 4 feet in depth, or from waters inhabited by trout; to possess or transport minnows for sale except with the use of equipment approved by regulations of the commissioner; to take minnows from any lake containing game fish from one hour after sunset to one-half hour before sunrise;

(4) To use game fish or carp minnows, or any live minnows imported from other states for bait purposes, or to possess or transport the same for sale;

(5) To buy or sell any fish taken from the waters of this state, except rough fish, and minnows, fish raised in a private hatchery when tagged or labeled as prescribed by the commissioner, fish taken under licensed commercial fishing operations, or lawfully taken and subject to sale from other states or countries; provided, black bass, rock bass, muskellunge, crappies, sturgeon and sunfish may not be bought or sold in this state;

(6) To take trout, except lake trout, between 9:00 o'clock P. M., Central Standard Time, and one hour before sunrise;

(7) To take fish of any variety from any stream designated by order of the commissioner as a trout stream, except during the open season for taking trout;

(8) To place carp of any size in any public waters of the state, or to return carp to any such waters after they are caught;

(9) To take fish by means of explosives, drugs, poisons, lime, medicated bait, fish berries, or other deleterious substances, or by nets, traps, tip-ups, trot lines, set lines, wires, springs, ropes or cables, except as expressly authorized. Possession of any such substances or contrivances by any person on any waters of this state, their shores or islands, shall be presumptive evidence that the same are possessed in violation of this provision; provided, a line with a single hook, used for angling through the ice, shall not be deemed a set line if the owner of the line is within sight of the line;

(10) To possess any fish net, except minnow nets, landing nets, dip nets, or nets held in stock for sale by dealers,

*Subdivision 4, and provisions contained in Section 101.03 and 101.04.*

Subdivision 3—

*(1) Derived from Section 101.01 and duplicated in Section 101.04, with respect to trout.*

*(2) Derived from Section 101.01.*

*(3) Derived from Sections 101.02 and 98.055.*

*(4) Combines certain provisions of Sections 101.02 and 98.055, Subdivision 5.*

*(5) A general provision which is duplicated in many parts of the present code including Sections 101.03, 101.04, 101.06, 101.07, 101.09, 101.12, 101.14, 101.21 and 101.26, Subdivision 1.*

*(6) Derived from Section 101.04.*

*(7) Derived from Section 101.05.*

*(8) Derived from Section 101.18.*

*(9) Derived from Section 101.22.*

*(10) Derived from Section 101.22, but contains the ad-*

unless there is attached a tag or seal issued by the commissioner for the current year, in accordance with regulations to be prescribed by him. Nets so tagged or sealed may not be loaned to, transferred to, or possessed by another, except upon written permission from the commissioner;

(11) To construct or maintain any dam in any public stream or river without complying with all written directions of the commissioner concerning the construction or modification of any fishway around or over such dam;

(12) To take any fish within 50 feet of any fishway;

(13) To take fish from any waters designated or marked as spawning beds or fish preserves, or to remove or mutilate any such posted notices, except under the direction of the commissioner;

(14) To use a dark house or fish house without the number of the dark house or fish house license, and the name of the owner of the house, plainly marked on its exterior; or to permit such house to remain on the ice more than 10 days after the close of the season;

(15) To throw or allow to run into any of the waters of this state any refuse, sawdust, shavings, tan bark, lime, or other deleterious or poisonous substances or chemicals in quantities injurious to fish life therein, or injurious to the propagation of fish therein. Each day during which an act or operation in violation of this provision occurs shall constitute a separate and distinct offense. Recurrent violations shall be deemed a public nuisance and an action may be brought by the attorney general on the request of the commissioner to enjoin and abate such nuisance.

**101.43 FISH SCREENS.** No person, except with the permission of the commissioner, shall obstruct any creek, stream, or river, thereby preventing the passage of fish, by means of any rack or screen, and any obstructions in any such creek, stream or river shall be removed forthwith upon order of the commissioner, by the person erecting the same, or by the owner of the land upon which it is located.

**101.44 FROGS, SEASON AND REGULATIONS.** Except as otherwise permitted, frogs may not be taken or possessed during the months of April and the first 15 days of May. During the open season, frogs not exceeding 6 inches in length, measured from tip of nose to tip of hind toes, legs fully extended, may be possessed in any numbers, bought, sold and transported for angling purposes only. Not to exceed 150 frogs over six inches in length may be possessed in or transported through the state, except by common carrier, but frogs or parts thereof, lawfully taken outside of the state, may be imported into this state by common carrier and may be possessed in any quantity and sold during the open season. It shall be unlawful to use cloth screens or

*ditional provision requiring a report of the transfer of ownership of nets.*

(11) *Derived from Section 101.29.*

(12) *Derived from Section 101.29.*

(13) *Derived from Section 101.39.*

(14) *Derived from Section 101.25, but includes the provision compelling removal of houses within 10 days after the close of the season, a provision formerly contained in the law and the restoration of which is believed desirable.*

(15) *Derived from Section 101.23, but containing the additional provision that each day during which acts of pollution are continued shall constitute a separate offense. This provision is in conformity with laws of other states.*

**101.43**  
*A combination of Sections 101.24 and 101.40.*

**101.44**  
*Derived essentially from Section 101.271, with changes in language and arrangement so as to avoid the misconception applied to Section 101.271 by the Supreme Court in a recent decision.*

other similar contrivances in catching frogs. Provided, the taking of frogs may be prohibited in such areas of the state and during such periods as the commissioner may by order prescribe. Provided, further, that no person shall be permitted to take or possess frogs unless legally entitled to take fish within the state.

101.45 **TURTLES AND TORTOISES.** Except as otherwise prohibited, turtles and tortoises may be taken, possessed, bought, sold and transported in any manner at any time, provided, that every net, trap or other device used in the taking of turtles or tortoises in any of the public waters of this state shall be so constructed as freely to permit the escape of fishes through openings having at least a diameter of not less than three and one-half inches, or, in case of a net, having a mesh of not less than three and one-half inches bar measure, or seven inches extension measure; provided, further, that any fish which may be caught in any such net, trap, or other device shall be promptly released and returned to the water unharmed.

101.45  
*Derived from Section 101.28.*

101.46 **DEAD FISH DISPOSAL.** It shall be the duty of the commissioner to remove, bury or otherwise dispose of dead fish which have accumulated in any public waters or upon their shores in such quantities as to constitute a public nuisance or to be detrimental to game fish in the waters.

101.46  
*Derived from Section 101.35.*

## CHAPTER 102

### Division of Game and Fish; Commercial Fishing

*Sec.*

- 102.23 Possession, sale and transportation
- 102.24 Mussels and clams
- 102.25 Inland, Mississippi and Minnesota River Fishing
- 102.26 Lake of the Woods and Rainy Lake Fishing
- 102.27 Namekan Lake Fishing
- 102.28 Lake Superior Fishing
- 102.29 Interference with commercial fishing

102.23 **POSSESSION, SALE AND TRANSPORTATION.** Subject to all applicable provisions of chapters 97 to 102, mussels and clams and all fish taken under commercial fishing licenses may be possessed in any quantity, bought, sold or transported during any open seasons provided for such fishing, and for 7 days thereafter. Such fish may be frozen or cured during the open season, and when so cured, may be transported, bought and sold at any time.

102.23  
*Combines provisions now found in Sections 102.04, Subdivision 1; 102.05, Subdivision 5; 102.06, Subdivision 9; 102.07, Subdivision 1.*

102.24 **MUSSELS AND CLAMS.** Subdivision 1. Except as changed from time to time by order of the commissioner, under authority of section 97.48, subdivision 5, mussels of not less than  $1\frac{3}{4}$ ths inches in greatest dimensions, including the pearly fresh water mussel, or clam, or Naiad, and the shells thereof, may be taken at any time except be-

102.24 **SUBDIVISION 1.**  
*Derived from Section 102.04, Subdivision 1.*

tween March 1st and May 15th, subject to all other provisions of chapters 97 to 102.

Subdivision 2. Except as otherwise authorized, not more than one boat or rig may be used for taking mussels by any licensee, and an additional boat for towing may be used when no mussel-taking apparatus is attached thereto. Not more than 4 crow-foot bars or bars having hooks attached thereto, such bars to be not more than 20 feet in length, shall be possessed by any licensee while taking mussels at any one time, and not more than 2 such bars shall be placed in the water by a licensee at any one time. Not more than one dredging apparatus shall be used, and no dredge, the openings of which are more than 3 feet in length, or the prongs or forks of which are more than 4 inches, shall be used, provided pitchforks may be used in gathering clam shells. All under-sized mussels, except pig-toes, shall be returned to the water without injury.

102.25 INLAND, MISSISSIPPI AND MINNESOTA RIVER FISHING. Subdivision 1. Licensees, to take rough fish from the Mississippi River from the St. Croix River junction to St. Anthony Falls, shall be restricted to the use of the following equipment and methods:

- (1) Seines may be used not exceeding 300 feet in length and having meshes of not less than 2½ inches on the bar, or not less than 5 inches when extended;
- (2) Set lines may be used having not more than 100 hooks, but no licensee may operate more than 1 set line;
- (3) Operations shall be conducted only in the flowing waters of the river;
- (4) No nets shall be used within 500 feet of the mouth of any tributary stream;
- (5) The location of any net or seine shall not be changed from the place specified in the application for a license, without first notifying the commissioner of the proposed change;
- (6) No net shall be raised, laid out, or landed, between sunset and sunrise the following morning;
- (7) Seines shall be hauled to a landing immediately after being placed, and no two seines shall be joined together in the water.

Subdivision 2. Licensed set lines to take rough fish, containing not more than 10 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 River junction, shall be set in the flowing waters of the river only, staked only at one end, and the location thereof shall not be changed from the place designated in the application for license except after notice to the commissioner and his approval thereof. No person shall use more than one such set line.

Subdivision 2—Derived from Section 102.04, Subdivision 4.

102.25 SUBDIVISION 1.  
Derived from Section 102.05,  
Subdivisions 1, 5 and 6.

Subdivision 2—Derived from Section 102.05, Subdivision 2.

**102.26 LAKE OF THE WOODS AND RAINY LAKE FISHING.** Subdivision 1. Unless otherwise changed by order of the commissioner under authority of Section 97.48, subdivision 3, the following regulations and restrictions shall apply to all commercial fishing operations conducted in Lake of the Woods and Rainy Lake:

(1) Any variety of fish, except black bass, rock bass, muskellunge, crappies, sturgeon and sunfish, may be taken subject to all other restrictions contained in chapters 97 to 102.

(2) Pound nets shall be of not less than 1½ inches bar measure or 3 inches stretch measure in the pound.

(3) Gill nets for taking pickerel, wall-eyed pike, saugars, sand pike and perch shall be not less than 4 inches stretch measure, and for taking whitefish, not less than 5 inches stretch measure, but no such net shall be greater in width than nine feet.

(4) Fyke nets shall be of not less than 2 inches extension measure and the hoop shall be not more than 6 feet in height. The wings leading from the hoop shall be not more than 100 feet in length. A single lead may be used in addition to the wings, but shall not be more than 300 feet in length.

Subdivision 2. No licensee shall be permitted to operate more than 6 pound nets or more than 4000 feet of gill nets, or more than 10 fyke nets, and no person licensed to use one type of net may be granted a license to use another type. No licensee shall operate more than one pound net station. Each licensee shall devote his personal attention to fishing under such license, and no net of any kind shall be set except at a place consented to by the commissioner.

Subdivision 3. The maximum amount of nets permitted to be licensed shall be as follows:

(1) In Lake of the Woods, 60 pound nets, 90,000 feet of gill nets, 100 fyke nets;

(2) In Rainy Lake, 20 pound nets, and 20,000 feet of gill nets;

(3) When any licensee has lost or surrendered his license for any reason, the commissioner shall not be required to issue licenses for the amount of netting previously authorized under such licenses;

(4) At any time when commercial fishing is prohibited in any of the international waters by Canadian authorities, such fishing may be prohibited in the Minnesota portions of such waters.

Subdivision 4. The commissioner may require any person licensed to take fish for commercial purposes in the waters covered by this section, when it can be done in connection with the licensed commercial fishing, to take eggs for propagation purposes under such regulations as he shall prescribe.

**102.26 SUBDIVISION 1.**

(1) *Derived from Section 102.06, Subdivision 1.*

(2) *Derived from Section 102.06, Subdivision 3.*

(3) *Derived from Section 102.06, Subdivision 3.*

(4) *Derived from Section 102.06, Subdivision 3.*

*Subdivision 2—Derived from Section 102.06, Subdivisions 4 and 5.*

*Subdivision 3—Derived from Section 102.06, Subdivision 4, but contains a new provision authorizing the commissioner to refuse to issue licenses to new applicants when the old licenses are lost or surrendered. This is done upon the theory that commercial fishing may require further limitation with respect to amount of netting in the lakes if the areas opened are further restricted.*

*Subdivision 4—Derived from Section 102.06, Subdivision 12.*

Subdivision 5. Possession of any net or equipment declared illegal under the provisions of this act or under any order of the commissioner issued by authority of section 97.48, subdivision 3, at any place within 10 miles of any portion of Lake of the Woods or Rainy Lake, shall be unlawful, and such nets or equipment shall be confiscated whenever found.

Subdivision 5—*Derived from the first sentence of Section 102.06, Subdivision 21.*

**102.27 NAMEKAN LAKE FISHING.** Subdivision 1. Unless otherwise changed by order of the commissioner, under authority of section 97.48, subdivision 3, whitefish, tullibees and rough fish may be taken by licensed commercial fishermen from Namekan Lake.

102.27  
*Derived from Section 102.06.*

Subdivision 2. The maximum amount of nets permitted to be licensed shall be 6,000 feet of gill net, with a mesh not less than five inches stretch measure, only.

**102.28 LAKE SUPERIOR FISHING.** Subdivision 1. Herring, lake trout, ciscoes, pickerel and whitefish may be taken by licensed commercial fishermen from Lake Superior at such times and under such regulations and restrictions as shall be prescribed by the commissioner, by authority conferred in section 97.48, subdivision 3.

102.28  
*Substituted for such portions of Section 102.07 as are not covered by the licensing and penalty provisions of preceding chapters.*

Subdivision 2. Bait nets for taking chubs and live bait may be used under such regulations and restrictions as shall be prescribed by the commissioner.

Subdivision 3. No boat in excess of 35 feet in length shall be used.

**102.29 INTERFERENCE WITH COMMERCIAL FISHING.** No person shall knowingly place or maintain any obstruction which will hinder, prevent, or interfere with any licensed commercial fishing operation, or take or remove any fish from nets licensed under chapters 97 to 102, or knowingly injure, disturb, or interfere with such nets.

102.29  
*Combines essential provisions now contained in Sections 102.11, 102.12, 102.06, Subdivision 10, and 102.07, Subdivision 6.*

## EXPLANATION OF DISPOSITION OF PRESENT GAME AND FISH LAWS

*(showing (1) section numbers of the present laws, and  
(2) disposition of material with omissions noted.)*

This table is not designed to indicate substantive additions and changes, or to show the method of condensing duplicated material. It is merely designed to show the section in the proposed code in which the subject matter of the old section numbers has been treated. It is not intended to show changes in language or omission of phrases or words which have been made for the purpose of clarification, simplification or brevity. It is designed rather to refer those who are interested in the subject matter of the former sections to the method of treatment of that matter in the proposed code. Combinations of provisions of the present law will not be apparent from this table, but should be revealed by the explanation of the source of material.

### CHAPTER 97

<i>Present Number</i>	<i>Disposition of Material</i>
97.01, sub. 1.....	97.40, sub. 1
97.01, sub. 2.....	97.40, sub. 3
97.01, sub. 3.....	97.40, sub. 4
97.01, sub. 4.....	Omitted, but covered in part by 101.41, sub. 2, and 101.42, sub. 2
97.01, sub. 5.....	97.40, sub. 24
97.01, sub. 6.....	Omitted as unnecessary
97.01, sub. 7.....	97.40, sub. 13
97.01, sub. 8.....	97.40, sub. 14
97.01, sub. 9.....	97.40, sub. 15, combined with provisions of 97.01, sub. 10
97.01, sub. 10.....	97.40, sub. 15, and combined with provisions of 97.01, sub. 9
97.01, sub. 11.....	Omitted as unnecessary and as covered by definitions of "small game" and "big game"
97.01, sub. 12.....	Omitted as unnecessary
97.01, sub. 13.....	Omitted as unnecessary
97.01, sub. 14.....	97.40, sub. 12, (definition changed)
97.01, sub. 15.....	97.40, sub. 7
97.01, sub. 16.....	97.40, sub. 21, (combines concepts contained in 98.01 and 98.09)
97.01, sub. 17.....	97.40, sub. 20
97.01, sub. 18.....	97.40, sub. 16
97.01, sub. 19.....	97.40, sub. 18, (definition broadened)
97.01, sub. 20.....	97.40, sub. 10

97.01, sub. 21.....97.40, sub. 5, (definition clarified)  
 97.01, sub. 22.....97.40, sub. 22  
 97.01, sub. 23.....97.40, sub. 8  
 97.01, sub. 24.....97.40, sub. 9  
 97.01, sub. 25.....97.40, sub. 23  
 97.02 .....97.41, sub. 1  
 97.03 .....97.42  
 97.038 .....97.42  
 97.04 .....97.43  
 97.05 .....97.48, sub. 1, but omits the restriction that orders are applicable only to a single season. The provision requiring 30 days' published notice is modified by the provision of section 97.53, sub. 2, requiring 2 weeks' published notice. The penalty for violating commissioner's orders is covered by 97.55, sub. 1  
 97.06 .....97.47  
 97.07 .....97.44, sub. 4  
 97.08 .....97.44, sub. 1 and sub. 3  
 97.09 .....97.44, sub. 2 and sub. 6  
 97.10 .....97.44, sub. 2, sub. 3 and sub. 4, (changes date to which game may be retained, from April 30th to June 30th)  
 97.11 .....97.44, sub. 5  
 97.12 .....97.45, sub. 1  
 97.13, sub. 1.....97.45, sub. 2  
 97.13, sub. 2.....97.45, sub. 3. Provision relating to a tag on baggage is believed covered by 97.45, sub. 12  
 97.13, sub. 3.....97.45, sub. 4. (Limit of birds in single shipments changed.)  
 97.13, sub. 4.....97.40, sub. 25; 97.45, sub. 3 and sub. 9  
 97.13, sub. 5.....97.45, sub. 7  
 97.13, sub. 6.....Covered by 97.45, sub. 2  
 97.13, sub. 7.....Covered by 102.23  
 97.13, sub. 8.....97.45, sub. 6. (Changes amount of fish that may be transported by non-resident)  
 97.13, sub. 9.....97.45, sub. 5  
 97.13, sub. 10.....97.45, sub. 8. Omits requirement of attaching customs receipt as unnecessary and unworkable  
 97.13, sub. 11.....97.45, sub. 10  
 97.14 .....97.45, sub. 11. Detailed provisions relating to form of coupons omitted as properly matters of administrative detail to be prescribed by commissioner under 98.49, sub. 1

- 97.15 ..... 97.45, sub. 12 and sub. 14 (shortened and simplified)
- 97.16 ..... 97.54, sub. 1
- 97.17 ..... 97.54, sub. 3
- 97.18 ..... Omitted as unnecessary and unused
- 97.19 ..... Superseded or repealed by Laws 1943, Chapter 60
- 97.20 ..... Superseded or repealed by Laws 1943, Chapter 60
- 97.21 ..... Superseded or repealed by Laws 1943, Chapter 60
- 97.22 (preliminary statement) ..... 97.48, sub. 7
- 97.22 (1) ..... 97.48, sub. 8, (1) and (2)
- 97.22 (2) ..... 97.48, sub. 8, (3)
- 97.22 (3) ..... 97.48, sub. 8, (3)
- 97.22 (4) ..... 97.48, sub. 8, (12). Provisions relating to self-sustaining magazine omitted as undesirable
- 97.22 (5) ..... 97.48, sub. 8, (5)
- 97.22 (6) ..... 97.48, sub. 8, (4). Omits power to open seasons within 13 miles of zone line as zones have been eliminated from the proposed code. Reference to orders designating trout streams are covered by 101.42, sub. 3, (7)
- 97.22 (7) ..... Omitted as meaningless, with the general authority conferred by 97.48 sufficient to cover the probable purpose
- 97.22 (8) ..... 97.48, sub. 8, (6). Omits power to select, set aside and reserve lands owned by the state as public hunting grounds as unworkable in view of the trust fund lands situation. Eliminates requirement of approval by Executive Council as cumbersome and unnecessary. Eliminates provision that refuges established within public hunting grounds must be completely surrounded by state owned lands as unnecessary and unworkable.
- 97.23, sub. 1 to sub 6, inclusive ..... Omitted because authority has never been exercised and is believed to be unnecessary
- 97.23, sub. 7 ..... Omitted as not properly a part of the game and fish laws. If commissioner's consent to establishment of drainage systems is desirable, that requirement should be inserted in the drainage laws.
- 97.23, sub. 8 ..... 97.48, sub. 8 (6)
- 97.235 ..... 97.48, sub. 7, (7). Disposition of funds covered by 97.49, sub. 1
- 97.25 ..... 97.48, sub. 8, (9)
- 97.251 ..... 97.49, sub. 2
- 97.26 (1) ..... 97.50 (1). Omits authority to arrest without a warrant persons whom officer has "reasonable cause to believe guilty of a violation"
- 97.26 (2) ..... 97.50 (2)
- 97.26 (3) ..... 97.50 (3). Penal provisions covered by 97.55, sub. 2.

- 97.26 (4) ..... 97.50, (5). Direction as to disposition of proceeds from sales of  
contraband articles is covered by general provisions of 97.49, sub. 1
- 97.27 ..... 97.50, sub. 3. Direction of disposition of property seized omitted  
as unnecessary in view of authority to confiscate contained in 97.50,  
sub. 1 (5)
- 97.28 ..... 97.46
- 97.29 ..... 97.52, sub. 1
- 97.30 ..... 97.52, sub. 2 and sub. 3
- 97.31 ..... 97.51
- 97.32 ..... 97.48, sub. 8, (3)
- 97.33 ..... 97.53, sub. 2, but shortens the period of publication of some orders  
from 30 days to 14 days
- 97.34 ..... 97.53, sub. 1
- 97.35 ..... Omitted as undesirable because of failure of neighboring states to  
adopt similar provisions or if they have done so, to enforce Minne-  
sota restrictions
- 97.36 ..... 97.50, sub. 4
- 97.37 ..... Omitted as unnecessary in view of general statutory provisions.
- 97.38 ..... 97.54, sub. 2
- 97.39, sub. 1, (1) ..... 97.55, sub. 1, (1)
- 97.39, sub. 1, (2) ..... 97.55, sub. 1, (2)
- 97.39, sub. 1, (3) (a) .. 97.55, sub. 1, (3)
- 97.39, sub. 1, (3) (b) .. Omitted because penalty is made a gross misdemeanor under 97.55,  
sub. 2, (2) (c)
- 97.39, sub. 1, (3) (c) .. Omitted as inequitable and in conflict with penalty theory
- 97.39, sub. 1, (3) (d) .. Omitted as unnecessary and in conflict with the provisions of  
100.055, now contained in 97.55, sub. 2, (2) (d)
- 97.39, sub. 1, (4) ..... Omitted as in conflict with provisions now contained in 97.55, sub.  
2, (2) (c)
- 97.39, sub. 1, (5) ..... Omitted because offense to which it applies has been eliminated.
- 97.39, sub. 1, (6) ..... Covered by 97.39, sub. 1, (1)
- 97.39, sub. 1, (7) ..... Omitted as unnecessary and as a duplication or conflict with other  
penalty provisions relating to the use of artificial lights.
- 97.39, sub. 2, (1) ..... 97.55, sub. 2, (1) and (2)
- 97.39, sub. 2, (2) ..... Omitted because repealed by Laws 1943, Chapter 229, Sec. 8.
- 97.39, sub. 2, (3) ..... 97.55, sub. 2, (2) (b)
- 97.39, sub. 2, (4) ..... Omitted because repealed by Laws 1943, Chapter 63
- 97.39, sub. 2, (5) ..... 97.55, sub. 2, (c)
- 97.39, sub. 2, (6) ..... 97.55, sub. 2, (2) (b)

CHAPTER 98

- 98.01 .....98.45, sub. 4. Omits provision that aliens who have taken out first citizenship papers may obtain resident licenses.
- 98.02 .....Omitted as special legislation favoring a particular class and imposing embarrassing obstacles upon law enforcement.
- 98.03 .....98.45, sub. 1. Provision that wolf trappers need not obtain license omitted. Provision that red fox cubs shall not be dug or taken from dens omitted, as inconsistent with theory of fox bounty law.
- 98.04 .....98.45, sub. 1, and 98.47, sub. 1. Prohibition against issuing trapping licenses, whitefish netting or inland herring netting licenses to non-residents is retained through arrangement of resident and non-resident licenses in 98.46 and the specific provision of 98.45, sub. 5.
- 98.05 (1) .....98.46, sub. 1, (1)
- 98.05 (2) .....98.46, sub. 2, (1)
- 98.05 (3) .....98.46, sub. 1, (2)
- 98.05 (4) .....98.46, sub. 2, (2)
- 98.05 (5) .....98.46, sub. 1, (2)
- 98.05 (6) .....98.46, sub. 1, (4) and (5), and sub. 2, (6), and sub. 8.
- 98.05 (7) (a) .....98.47, sub. 2
- 98.05 (7) (b) .....Omitted because covered by general penalty provisions of 97.55, sub. 1.
- 98.05 (8) .....98.46, sub. 2, (5) and (6) and sub. 4 (1) and 98.47, sub. 5. Omits authority for two shipping coupons for non-resident fishermen and substitutes one coupon in lieu thereof.
- 98.05 (9) .....98.46, sub. 1, (12), and 101.45, sub. 5.
- 98.05 (10) .....98.46, sub. 1, (11), and 98.47, sub. 6. Omits details as to form of licenses as administrative matters to be taken care of properly under authority of 98.49, sub. 1.
- 98.055, sub. 1.....98.46, sub. 3, (1), but omits exception that persons under 16 are not required to obtain licenses.
- 98.055, sub. 2.....101.42, sub. 3, (3). Omits requirement of advance inspection of premises or equipment for purpose of determining whether a license should be issued. Changed to require compliance with rules for standard equipment.
- 98.055, sub. 3.....97.40, sub. 27
- 98.055, sub. 4.....98.46, sub. 3, (1)
- 98.055, sub. 5.....101.42, sub. 3, (4)
- 98.055, sub. 6.....Omitted because covered by general penalty provisions of 97.55, sub. 1.
- 96 .....98.50, sub. 1, sub. 2, sub. 3, sub. 4, and sub. 7, and 97.49.
- 7 .....98.49, sub. 1

- 98.08 ..... 98.45, sub. 1
- 98.09 ..... 97.55, sub. 3, (1), and 98.49, sub. 2. Detailed provisions as to form of license applications are omitted as being a matter of administrative detail properly left to the commissioner as provided under 98.49, sub. 2. Definition of "resident" covered by 97.40, sub. 21:
- 98.10 ..... 98.48 (1). Provisions relative to U. S. Commissioner of Fisheries omitted as unnecessary.
- 98.11 ..... 98.46, sub. 3, (2) and 101.42, sub. 1, (5).
- 98.12 ..... 98.46, sub. 1, (7) and (8); sub. 2, (7); sub. 7; 98.51, sub. 2 and sub. 3; 98.47, sub. 7. Provision directing commissioner to revoke licenses for certain reasons omitted as inconsistent with the general revocation provision as contained in 98.52, sub. 1.
- 98.13 ..... 98.46, sub. 1, (7); sub. 4, (2); and sub. 5; and 100.28, sub. 1.
- 98.14 ..... 98.46, sub. 1, (10) and sub. 2, (3). Limit of one antlered moose during any open season retained in 100.27, sub. 2, (3).
- 98.15 ..... Omitted as special local legislation and in general conflict with game and fish laws.
- 98.153, sub. 1 ..... 97.48, sub. 8, (11). Detailed restrictions on method of harvesting wild rice omitted and left to discretion of commissioner.
- 98.153, sub. 2 ..... 98.46, sub. 1, (6). But substitutes a fee of \$1.00 for the present fee of 50c.
- 98.154 ..... 98.46, sub. 3, (3), with changes in fee provisions.
- 98.155 ..... Omitted as unnecessary because covered by 97.49, sub. 1.
- 98.156 ..... Omitted as unnecessary because of provisions of 97.48, sub. 8, (1), and other authority conferred on commissioner.
- 98.16 ..... 97.44, sub. 2. Omits provisions relative to furs taken on lands owned or occupied by trapper because of elimination of special privilege heretofore granted such landowners.
- 98.17 ..... 98.46, sub. 3, (6)
- 98.18 ..... 98.45, sub. 1. Authority to revoke licenses eliminated because it conflicted with other provisions relative to revocation.
- 98.19 ..... 97.44, sub. 7; 98.53, sub. 2 and sub. 3; and 98.51, sub. 2. Requirement of payment of one cent each for tags or seals eliminated as unnecessary and a nuisance. Provision that untagged or unsealed pelts are contraband is covered by 97.50, sub. 1, (5).
- 98.20 ..... 98.46, sub. 1, (13); and 98.51, sub. 2. Requirement of keeping records is covered by 98.51, sub. 2. Expiration date of licenses covered by general provision of 98.45, sub. 1, and penalty provision by 97.55, sub. 1.
- 98.21 ..... 98.48 (2). Omits requirement of any fee for the permit and of reimbursement for cost of supervising field dog trials.
- 98.22 ..... Covered by 98.47, sub. 5.
- 98.23 ..... Omitted as form of license is believed administrative detail to left to commissioner under 98.49, sub. 1.

- 98.24 ..... Omitted as detail properly left to commissioner under 98.49, sub. 1.
- 98.25 ..... Omitted as detail properly left to commissioner under 98.49, sub. 1.
- 98.26 ..... Omitted as detail properly left to commissioner under 98.49, sub. 1.
- 98.27 ..... Omitted as covered by provisions of 98.50, sub. 2.
- 98.28 ..... 98.50, sub. 6
- 98.29 ..... 98.45, sub. 2
- 98.30 ..... 98.45, sub. 3, and 97.55, sub. 3, (2).
- 98.31, sub. 1, and sub. 2 ..... 98.51, sub. 1. This provision omits penalties of the present law involving loss of license privileges for a year and liability to prosecution for a misdemeanor in favor of the new penalty to equal the amount of the license fee if report is not made.
- 98.31, sub. 3 ..... Omitted as unnecessary and unworkable.
- 98.32 ..... 98.52, sub. 1, and sub. 2.
- 98.33 ..... 98.52, sub. 1
- 98.34 ..... 97.49, sub. 5
- 98.35 ..... 98.50, sub. 5. But omits detailed directions as to sale of licenses and gives commissioner authority to prescribe rules and regulations relative thereto.
- 98.36 ..... 97.49, sub. 1, sub. 2, and sub. 3, but omits requirement of the maintenance of a separate fund.
- 98.37 ..... Omitted as inoperative and covered by 97.49.
- 98.38 ..... Covered by 97.49
- 98.39 ..... Repealed and superseded by Laws 1943, Chapter 229.
- 98.40 ..... Repealed and superseded by Laws 1943, Chapter 229.
- 98.41 ..... Repealed and superseded by Laws 1943, Chapter 229.
- 98.42 ..... Repealed and superseded by Laws 1943, Chapter 229.
- 98.43 ..... 97.49, sub. 3. But omits requirement on state treasurer of maintaining a separate fund.
- 98.44 ..... 97.49, sub. 3

#### CHAPTER 99

- 99.01 ..... 98.48 (4) and (5); 99.25, sub. 3; 99.26, sub. 1; and 99.28, sub. 8. Requirement that all lands must be outside of corporate limits of city or village is omitted. Requirement that petition to establish refuge must be accompanied by a map is omitted. Requirement that petitioners must post game refuge signs is eliminated in favor of a provision requiring the division of game and fish to properly post refuges.
- 99.02 ..... 99.25, sub. 4 and sub. 8; 99.26, sub. 1; and 97.48, (4) and (5).
- 99.025 ..... 99.26, sub. 2

- 99.03 ..... 99.25, sub. 5. Authority to establish separate waterfowl refuges eliminated as undesirable and unenforceable.
- 99.04 ..... Omitted except as covered by 100.29, sub. 3.
- 99.05 ..... Omitted as unnecessary and meaningless.
- 99.06 ..... 99.25, sub. 6, and 99.26, sub. 3.
- 99.07 ..... 99.25, sub. 2 and sub. 3, and 97.48 (4).
- 99.08 ..... 99.26, sub. 1. Provision requiring guns to be sealed by park commissioner omitted as undesirable and unworkable.
- 99.09 ..... 97.48 (4). Special provisions relating to Superior Game Refuge omitted as inconsistent, cumbersome and unnecessary. Provision as to predatory animal control fund omitted as unnecessary.
- 99.10 ..... Omitted as special legislation and because the Act passed in 1921 has never been executed. Authority to do so exists under 97.48, sub. 8, (5).
- 99.11 ..... 99.27, sub. 1
- 99.12, subs. 1, 2, and 3. Omitted as unnecessary provisions of administrative detail and covered by general provisions of 98.49.
- 99.12, sub. 4. .... Omits requirement of payment for muskrats or beaver upon farms as undesirable legislation.
- 99.12, sub. 5 and 6. .... 99.27, sub. 3 and 4
- 99.12, sub. 7. .... Omitted as not properly a matter for the game and fish code.
- 99.13 ..... Omitted as undesirable legislation.
- 99.14, sub. 1. .... Omitted as unnecessary.
- 99.14, sub. 2. .... 99.27, sub. 5
- 99.14, sub. 3. .... 99.27, sub. 6. Omits provision that one copy of each sale contract must be mailed within 30 days after sale. Omits provision that no animal ranched in Minnesota can be moved to another state without owner's permission as unnecessary in view of provisions of 99.27, sub. 7. Provision that officials may inspect premises covered by 97.50, sub. 1, (4).
- 99.14, sub. 4. .... 99.27, sub. 5. Detailed requirements as to forms of applications and licenses omitted in view of provisions of 98.49.
- 99.14, sub. 5. .... Omitted as of no value.
- 99.15 ..... 99.27, sub. 7, and 98.51, sub. 2 and sub. 3. Omits charge of one cent per pelt for tags and seals as unnecessary and cumbersome. 98.48 (3), administrative details omitted as within the authority granted commissioner.
- 99.16 ..... 98.46, sub. 1, (14). Omits varying fees for different types of animals in favor of one standardized fee of \$5.00 to maintain fur and game farms. Penalty provision covered by 97.55, sub. 1, (4).
- 99.17 ..... Omitted as unnecessary, except as covered by 100.29, sub. 3.
- 99.18 ..... Omitted. Special and additional penalty contained in first sentence believed unnecessary. Second sentence establishing farms as waterfowl refuges eliminated because this type of refuge has been omitted elsewhere as unenforceable and impractical.

- 99.19 ..... 97.50, sub. 1, (4); 98.51, sub. 2, but omits the restriction that premises cannot be entered and inspected during the breeding season.
- 99.20 ..... Omitted as unnecessary.
- 99.21 ..... Omitted as unnecessary because of single license for game and fur farms.
- 99.22 ..... 98.48 (3), but license fees for permit has been eliminated as producing no substantial revenue and as being merely a nuisance. First and last paragraphs are covered by the various general provisions of Chapter 97.
- 99.23 ..... 99.25, sub. 1; 99.26, sub. 1; 98.48, (5).
- 99.24 ..... 97.55, sub. 1

#### CHAPTER 100

- 100.01 ..... 100.29, sub. 1 (1), (2), (4), (5). Eliminates the use of a pistol in taking upland game birds. Provision as to traps omitted as unnecessary in view of authority vested in the commissioner under 100.27, sub. 4, to prescribe regulations as to trapping. Omits provision as to use of dogs as unnecessary.
- 100.02, sub. 1 ..... 100.29, sub. 3
- 100.02, sub. 2 ..... Omitted as unnecessary.
- 100.03 ..... 98.48 (8). All provisions except those therein retained are omitted as unnecessary and impractical of enforcement.
- 100.035, sub. 1 ..... 100.29, sub. 1, (6)
- 100.035, sub. 2 ..... 97.55, sub. 2
- 100.035, sub. 3 ..... 98.54, sub. 4
- 100.04 ..... 100.27, sub. 1 and sub. 2 (3). Omits the special bow and arrow season in Itasca County as special legislation and as having been superseded or repealed by implication by the general bow and arrow deer season prescribed by Laws 1943, Chapter 176, now incorporated in 100.27, sub. 2, (1).
- 100.043, sub. 1 ..... 100.27, sub. 2, (1)
- 100.043, sub. 2 ..... 98.46, sub. 1, (2); sub. 2, (3); and sub. 6.
- 100.043, sub. 3 ..... 100.29 (7)
- 100.043, sub. 4 ..... 97.55, sub. 1
- 100.05 ..... 100.28, sub. 1
- 100.051, sub. 1 ..... 100.29, sub. 1, (8)
- 100.051, sub. 2 ..... 98.52, sub. 5
- 100.053, sub. 1 and sub. 2 ..... 100.29, sub. 1, (9)

- 100.053, sub. 3.....97.55, sub. 1
- 100.055, sub. 1.....100.29, sub. 1, (10)
- 100.055, sub. 2.....100.29, sub. 1, (11)
- 100.056 .....97.55, sub. 2, (d)
- 100.057 .....97.50, sub. 2
- 100.06, sub. 1.....100.29, sub. 1, (12), (13), (14). Omits prohibition against use of artificial lights in taking deer as superseded by Laws 1941, Chapter 498. Now contained in Section 100.29.
- 100.06, sub. 2.....98.46, sub. 5, (7). Omits requirement of having a coupon tag attached to a deer when being transported other than by common carrier as an unnecessary requirement.
- 100.07 .....100.29, sub. 2, (1). Omits prohibition against dogs in hunting lodges or lumber camps used by hunters in a locality frequented by deer or moose as indefinite and unworkable. Exception as to dogs on lands farmed by the owner of the dog or within limits of a city or village falls with the elimination of the restriction.
- 100.08, sub. 1.....100.27, sub. 3, (1); 100.28, sub. 2. Omits prohibition against taking squirrels in the limits of a village or city, or within one-quarter of a mile thereof, as a field to be properly covered by general law relating to the use of firearms, or by municipal ordinance.
- 100.08, sub. 2.....Repealed by Laws 1943, Chapter 63.
- 100.08, sub. 3.....100.27, sub. 3 (2), 100.29, sub. 1, (15).
- 100.09, sub. 1.....100.27, sub. 4 and sub. 7. Omits restriction against trapping for mink in muskrat houses or runways, taking mink from dens, or taking them with the aid of dogs, as unwise conservation regulation.
- 100.09, sub. 2.....100.27, sub. 4. Omits limits on number of muskrat traps, and against visiting traps between certain hours as a field for proper regulation by the commissioner.
- 100.09, sub. 3.....100.27, sub. 3, (3), and sub. 7. Omits the prohibition against the use of dogs as unwise legislation.
- 100.09, sub. 4.....100.30
- 100.10, sub. 1.....100.27, sub. 1. Omits prohibition against a season for otter which is provided for in 100.27, sub. 4.
- 100.10, sub. 2.....100.27, sub. 4
- 100.10, sub. 3.....Omitted as bad legislation and not in conformity with other provisions.
- 100.101 .....98.46, sub. 1, (9)
- 100.102 .....98.46, sub. 4, (2), and sub. 5
- 100.103 .....97.55, sub. 2
- 100.11 .....98.48 (6). Omits restrictions as to methods of trapping muskrat or beaver as being based on Spring trapping instead of Fall or Winter trapping as now authorized and as being a proper field for commissioner's regulation as authorized under 100.27, sub. 4.

100.12	.....	100.26, sub. 1
100.13	.....	100.27, sub. 3, (5), and sub. 7
100.135	.....	100.30
100.14	.....	100.30
100.15	.....	98.48 (7)
100.16	.....	100.29, sub. 2, (2). Omits provision for summarily killing of a dog as bad legislation and an unnecessary penalty.
100.17	.....	100.27, sub. 1 and sub. 5. Omits prohibition against discharging firearm at any upland game bird within limits of state trunk highway as unnecessary. Prohibition did not extend to any other roads than state trunk highways and shooting of migratory game birds has been permitted on all highways. There appears no logical reason for the exception.
100.18	.....	100.28, sub. 2
100.19	.....	100.27, sub. 6
100.20	.....	100.29, sub. 1, (17) and (18).
100.21	.....	100.29, sub. 1, (16)
100.22	.....	100.26, sub. 2
100.23	.....	100.26, sub. 2
100.24	.....	Omitted as not relating to wild animals but to domestic stock.
100.25	.....	100.26, sub. 2

#### CHAPTER 101

101.01	.....	101.41, sub. 2; 101.42, sub. 3, (1) and (2).
101.02	.....	101.42, sub. 3, (3) and (4), combined with new provision that minnows may be transported or possessed for commercial purposes, only with equipment approved by regulations, and that minnows cannot be taken during the hours of darkness. The prohibition against importation of preserved minnows is eliminated as undesirable and useless. The provision that minnows may be bought and sold is covered by 101.41, sub. 4.
101.03	.....	101.41, sub. 2. Northern and Southern zone line is eliminated, and opening date of season for taking bass is changed to June 20th, the date generally established for similar fishing in adjoining states and approximately the same as the present season for taking bass in the Northern zone. The provision permitting retention of all bass regardless of size is retained in 101.42, sub. 1, and the provision authorizing three artificial flies is retained in 101.42, sub. 2.
101.04	.....	101.42, sub. 2, and sub. 3, (6). Changes closing date for stream trout fishing from September 1st to September 15th. Eliminates the alternative possession limit of 20 pounds. Use of three artificial flies is covered by 101.42, sub. 2. Prohibition against sale of trout is covered by 101.42, sub. 3, (5), and the prohibition against artificial lights is covered by the general provision contained in 101.42, sub. 3, (1).

- 101.05 .....101.42, sub. 3, (7).
- 101.06 .....101.42, sub. 2, but changes the open season from December 1st to September 15th following, to May 1st and September 15th. It eliminates the special provision of an additional 15 days for Lake Superior and makes the season for fishing trout in Lake Superior the same as inland waters. The provision thereby eliminates winter fishing for lake trout. The provision that all trout regardless of size may be taken is covered by 101.42, sub. 1, and the provision that trout taken by angling may not be sold is covered by 101.42, sub. 3, (5).
- 101.07 .....101.42, sub. 2, and sub. 4, (6). Omits the prohibition against changing the closing date in order to conform with the provisions of Laws 1943, Chapter 61, now embodied in 97.48, sub. 1. Eliminates the special limits of walleyed and northern pike taken from international boundary waters, because of the difficulty of law enforcement. Eliminates provisions relating to yellow perch as in conflict with the classification of perch as rough fish. Provision that all fish may be retained regardless of size, and the provision against sale of these fish taken by angling are retained in the general provisions incorporated in 101.42, sub. 1 and sub. 3, (5) respectively.
- 101.08 .....101.41, sub. 1. But eliminates reference to sturgeon in boundary waters because that provision has been superseded by authority previously conferred on the commissioner to regulate fishing in such waters.
- 101.09 .....101.41, sub. 2. Reference to zones has been eliminated because zone line has been dropped. Opening dates have been changed, and prohibition against changing closing date by order has been dropped because of inconsistency between that provision and authority conferred by Laws 1943, Chapter 61, now retained in 97.48, sub. 1. Provision as to retention of fish of any size, and prohibition against sale were duplication and are covered by general provisions contained in 101.42, sub. 1, and 101.42, sub. 3, (5), respectively.
- 101.10 .....Omitted as duplication of other matters covered particularly by 97.48, sub. 3.
- 101.11 .....Omitted as duplication adequately covered by 97.48, sub. 3, and 101.41, sub. 1.
- 101.12 .....101.41, sub. 2. Opening dates changed to May 15th and reference to zones omitted because zone line has been dropped. Provisions as to taking fish of any size and prohibition against sale are duplication and covered by the general provisions of 101.42, sub. 1, and sub. 3, (5) respectively.
- 101.13 .....Omitted as special legislation.
- 101.135, sub. 1.....97.48, sub. 1
- 101.135, sub. 2.....Omitted as adequately covered by 97.53, sub. 2.
- 101.14 .....101.41, sub. 2 and sub. 4, and 101.42, sub. 2, (5). Eliminates size limit on whitefish and buffalofish taken by spearing as inconsistent with other provisions relating to size limits. Changes closed season for taking rough fish from the months of March and April to the

period between February 15th and May 15th. Changes closing date for spearing through the ice from March 1st to February 15th. Eliminates authority of commissioner to allow the use of artificial lights in spearing, as undesirable, and eliminates certain special provisions amounting to special legislation relative to certain portions of the river.

- 101.153 ..... Omitted as unnecessary in view of general authority conferred upon the commissioner by section 97.48.
- 101.16 ..... Omitted as special legislation and a highly undesirable authority.
- 101.18 ..... 101.42, sub. 2, (8) and 101.42, sub. 3, (4).
- 101.19 ..... Omitted as special legislation and for the reason that the subject matter may be taken care of by commissioner's order under authority of 97.48, sub. 1.
- 101.20 ..... 101.41, sub. 3. Changes in language conform to interpretation of the present law by Attorney General's opinion.
- 101.21 ..... First paragraph omitted as special legislation. Second paragraph covered by 101.42, sub. 2, (5).
- 101.22 ..... 101.42, sub. 3, (9) and (10). Penalty provision covered by 97.55.
- 101.23 ..... 101.42, sub. 3, (15). Provision that each day of continued violation constitutes a separate offense is a substantive addition.
- 101.24 ..... 101.43. Eliminates authority of county boards to permit use of fish screens, thus limiting the authority to the commissioner.
- 101.25 ..... License provision retained in 98.46, sub. 1, (9). Other provisions are retained in 101.42, sub. 3, (4) with certain additions. Authority to close not more than 50% of the waters of any county retained in 97.48, sub. 1. Provision for sale of fish is covered by 101.42, sub. 2, (5). Closing date for dark house spearing is changed from March 1st to February 15th by 101.41, sub. 4. Provision relating to use of dark houses for domestic fishing purposes is omitted as impractical. Provision that not more than one dark house shall be used by any one person is omitted as impractical, unenforceable and unnecessary. Provision for carrying license upon the person is covered by the general provision contained in 98.45, sub. 2.
- 101.26 ..... 101.41, sub. 5. Minor changes are made in the permissible opening and closing dates. Prohibition against setting nets in lakes not known to contain whitefish, tullibees or herring is omitted as unnecessary in view of selection of lakes by commissioner. Omits detailed provisions as to form of applications as unnecessary in view of the general provision contained in 98.49, sub. 2. Omits provisions as to identification tags as being adequately covered by 101.42, sub. 3, (10).
- 101.271 ..... 101.44. Eliminates provisions as to frog farms because there have never been any provisions for licensing such farms or any apparent demand for such licenses in this state.
- 101.28 ..... 101.45 and 97.48, sub. 8, (10).
- 101.29 ..... 101.42, sub. 3, (11) and (12).

- 101.30 ..... Omitted as of no value and because waters involved are largely within Red Lake Indian Reservation.
- 101.31 ..... Omitted as of no value and because waters involved are largely within Red Lake Indian Reservation.
- 101.32 ..... Omitted as of no value and because waters involved are largely within Red Lake Indian Reservation.
- 101.34 ..... Omitted as of no value and because waters involved are largely within Red Lake Indian Reservation.
- 101.35 ..... 101.46
- 101.36 ..... Covered by 97.48, sub. 3.
- 101.37 ..... Omitted as special legislation and because commissioner may take care of the subject matter by order under authority conferred by 97.48, sub. 3.
- 101.38 ..... Omitted as of no value.
- 101.39 ..... 101.42, sub. 2, (13).
- 101.40 ..... Partially covered by 101.43 and otherwise unnecessary in view of the provisions relating to private fish hatcheries.

## CHAPTER 102

- 102.01 ..... First sentence is covered by 101.42, sub. 3, (9) and (10). Provision relating to size limits omitted as unnecessary. Last sentence is covered by 102.23.
- 102.02, sub. 1 ..... Omitted as superseded by orders of the commissioner under authority previously granted by 97.05 and now retained in 97.48, sub. 3.
- 102.02, sub. 2 ..... 98.46, sub. 1, (13), and sub. 5, (3). Provisions as to form of applications omitted as unnecessary in view of provisions of 98.49, sub. 2.
- 102.02, subs. 3 and 4 ..... Omitted as superseded by orders of the commissioner under authority previously granted by 97.05 and now retained in 97.48, sub. 3.
- 102.02, sub. 5 ..... Omitted as unnecessary in view of 98.52, but the period for denial of license is thereby automatically changed from five years to one year. Provision for bond omitted as unnecessary. Provisions that licenses shall not be transferable are duplication of general provisions contained in 98.45, sub. 1. Provision that licensee give personal attention to fishing is omitted as a matter to be properly covered by regulation.
- 102.02, sub. 6 ..... Covered by 101.42, sub. 3, (10).
- 102.03 ..... Repealed by Laws 1943, Chapter 229, Section 8.
- 102.04, sub. 1 ..... 102.23 and 102.24, sub. 1.
- 102.04, sub. 2 ..... Covered by 97.48, sub. 5.
- 102.04, sub. 3 ..... 98.46, sub. 4, (14). Provision for use of dredge omitted as undesirable. Provisions for expiration date of licenses and exhibition of licenses to game wardens are covered by the general provisions contained in 98.45, sub. 1 and sub. 2.

- 102.04, sub. 4.....102.24, sub. 2
- 102.04, sub. 5.....Covered by general provisions relating to reports as contained in 98.51, sub. 2 and 3.
- 102.04, sub. 6.....Omitted as inadvisable.
- 102.05, sub. 1.....102.25 and 98.46, sub. 1, (17). Provision extending this fishing 1,000 feet below the St. Croix River junction omitted because it conflicts with authority heretofore granted commissioner to regulate on Wisconsin-Minnesota boundary waters. Authority to use pound and dip nets has been eliminated as undesirable. The number of hooks on a set line has been reduced from 300 to 100. A closed season has been eliminated as undesirable. Provisions as to form of application for license have been omitted as unnecessary administrative detail properly covered by the provisions of 98.49, sub. 1. Because of elimination of provision for use of pound or dip nets, license fees for the same have been eliminated.
- 102.05, sub. 2.....102.25, sub. 2, and 98.46, sub. 1, (18).
- 102.05, sub. 3.....Covered by provisions of 98.45, sub. 1; 98.46, sub. 1; and 98.52.
- 102.05, sub. 4.....Omitted as unnecessary.
- 102.05, sub. 5.....102.25, sub. 1, (6). Changes "One hour after sunset" to "sunset". Omits provision as to raising pound nets because the use of such nets is eliminated. Provision for temporary fish ponds is omitted. Provision as to shipping fish is covered by the general provisions contained in 102.23.
- 102.05, sub. 6.....102.25, sub. 1, (7). Prohibition against placing a seine so as to obstruct passage of fish is omitted as meaningless.
- 102.06, sub. 1.....102.26, sub. 1, (1). Open seasons omitted as properly a matter for regulation under 97.48, sub. 3. Provision relating to residents and citizens are covered by the definition of "resident" contained in 97.40, sub. 21, and 98.46.
- 102.06, sub. 2.....98.46, sub. 1, (19) and (20). Provisions as to form of application for license omitted as unnecessary in view of 98.49, sub. 2. Earmarking portion of fee for maintenance of a single hatchery is eliminated as unnecessary interference with administrative detail. Provisions as to fees for fyke nets slightly changed. License revocation provision is retained in 98.52, sub. 3.
- 102.06, sub. 3.....102.26, sub. 1, (2). Slight changes made in size of fyke nets. Detailed instructions as to manner of netting have been omitted as properly a matter for regulation by commissioner under authority contained in 97.48, sub. 3.
- 102.06, sub. 4.....102.26, sub. 2, and sub. 3, (1), (2), (3). Certain detailed provisions as to pound net stations, etc., omitted as properly a field for regulation under commissioner's order by virtue of authority conferred in 97.48, sub. 3. Eliminates provision for commercial fishing on Namekan Lake, except as retained in 102.27.
- 102.06, sub. 5.....102.26, sub. 2. Various detailed provisions omitted as a field for regulation.

- 102.06, sub. 6..... 98.45, sub. 1, and 98.47, sub. 9. Omits prohibition against selling fish caught by another licensee as unnecessary. Omits detailed instructions as to form of application and citizenship as covered by 98.46 and 98.49, sub. 2.
- 102.06, sub. 7..... Covered by 101.42, sub. 3, (10).
- 102.06, sub. 8..... Omitted as properly a field for commissioner's order.
- 102.06, sub. 9..... Covered by general provisions of 102.23.
- 102.06, sub. 10..... 102.28. Omits prohibition against setting certain nets within 500 feet of other nets as a proper field for regulation.
- 102.06, sub. 11..... Covered by the general provisions of 98.51.
- 102.06, sub. 12..... 102.26, sub. 4
- 102.06, sub. 13..... Omitted as undesirable and special legislation.
- 102.06, sub. 14..... Omitted as in conflict with the present provisions of 102.06, sub. 1, now retained in 102.26, sub. 1, (1).
- 102.06, sub. 15..... 98.46, sub. 3, (5), but with very substantially increased fees.
- 102.06, sub. 16..... Covered by general provisions of 98.51, sub. 2.
- 102.06, sub. 17..... Covered by general provisions of 98.51, sub. 2.
- 102.06, sub. 18..... Omitted as a proper field for regulation by commissioner.
- 102.06, sub. 19..... Omitted as unnecessary.
- 102.06, sub. 20..... Covered by general provisions of 97.55, sub. 1, (2) and by 98.52, sub. 3.
- 102.06, sub. 21..... 102.26, sub. 5, and 97.50, sub. 2.
- 102.06, sub. 22..... Covered by general provisions of 97.45, sub. 12.
- 102.07, sub. 1..... 102.28, sub. 1. All details omitted as a matter for regulation by the commissioner under authority conferred in present law and retained by 97.48, sub. 3.
- 102.07, sub. 2..... 102.28, sub. 2. Detailed provisions as to size of nets and mesh omitted as properly a field for commissioner's regulation under authority contained in the present law and retained in 97.48, sub. 3.
- 102.07, sub. 3..... 98.46, sub. 1, (21). (Note change in license fees.) Detailed provisions as to form of applications omitted as unnecessary in view of 98.49, sub. 2. Omits provisions of subdivision 3, (a) and (b) as undesirable. Provisions of (c) are covered by 97.48, sub. 3.
- 102.07, sub. 4..... Covered by 97.45, sub. 12.
- 102.07, sub. 5..... Omitted as a proper field for regulation by commissioner.
- 102.07, sub. 6..... Covered by general provisions of 102.29.
- 102.07, sub. 7..... Covered by general provisions of 98.51, sub. 3.
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- 102.07, sub. 9..... 98.46, sub. 3, (4), and 98.51, sub. 2.
- 102.07, sub. 10..... Covered by general provisions of 97.55, sub. 1, (2).

- 102.08 .....97.48, sub. 2
- 102.09 .....97.48, sub. 2
- 102.10 .....Omitted as special legislation.
- 102.11 .....Covered by 102.29.
- 102.12 .....Omitted as proper field for commissioner's orders in boundary waters and unnecessary elsewhere.
- 102.13 .....Omitted as superseded by authority previously conferred on commissioner under 97.05, now retained in 97.48, sub. 3.
- 102.14 to 102.21.....Repealed by Laws 1943, Chapter 229.
- 102.22 .....97.48, sub. 4. All provisions relating to form of contracts, applications therefor, and instructions as to method and manner of sale are omitted as matters of administrative detail to be properly handled by the commissioner.

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DEPARTMENT OF STATE  
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*W. H. ...*  
Secretary of State