

CHAPTER 621 — S.F.No. 1048

An act relating to natural resources; strengthening certain laws regarding the transportation of wild animals; eliminating the discount on walleye buyouts; amending Minnesota Statutes 1982, sections 97.45, subdivisions 1, 3, 4, 6, 7, 9, and 12, and by adding a subdivision; 97.4842; and Minnesota Statutes 1983 Supplement, sections 97.86, subdivision 1; 98.46, subdivision 5; and 102.26, subdivision 3d; proposing new law coded in Minnesota Statutes, chapter 98; repealing Minnesota Statutes 1982, section 97.45, subdivision 5.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1982, section 97.45, subdivision 1, is amended to read:

Subdivision 1. No person shall transport any wild animals taken, bought, sold or possessed in violation of chapters 97 to 102. When transported, any wild animals, or any package, container, or receptacle in which they are contained, shall be tagged, sealed, or otherwise marked and identified as prescribed by law or commissioner's order. A licensed resident may transport during any one open season and the next following two days, or at any time thereafter under conditions which the commissioner may prescribe by order, one deer, one bear, and one moose which have been lawfully taken and possessed.

Sec. 2. Minnesota Statutes 1982, section 97.45, subdivision 3, is amended to read:

Subd. 3. Any A licensed 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, who accompanies the shipment may transport wild animals lawfully taken and possessed, including undressed game birds and dressed or undressed fish, lawfully in his possession and subject to all other applicable restrictions, and to any place in the state in any vehicle or as baggage on a common carrier. A licensed resident who accompanies the shipment may transport the head or hide of a deer, bear, or moose, lawfully taken and possessed, to any place within or outside the state for the purpose of mounting or tanning. A common carriers carrier may transport such wild animals as baggage within the limits prescribed as provided in this subdivision when accompanied by the licensed resident shipper except an employee of the common carrier while engaged in the performance of his duties.

Sec. 3. Minnesota Statutes 1982, section 97.45, subdivision 4, is amended to read:

Subd. 4. Any A licensed resident who does not accompany the shipment may transport by common carrier to any point in the county of his residence state, consigned to himself only, the following wild animals lawfully taken and

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possessed: (a) not more than three separate shipments of undressed birds, Each each of which shipment may contain all the number 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 during any one open season and the next following two days, or at any time thereafter under conditions which the commissioner may prescribe, one deer and one moose, which has been lawfully taken and possessed, and; (b) big game animals as prescribed in subdivision 1. The licensed resident may transport the head or hide of such the deer, bear, or moose for mounting or tanning purposes to a point place within or without outside the state; but if such deer or moose is not transported by common carrier, the licensee must accompany such deer or moose for the purpose of mounting or tanning; and (c) dressed or undressed fish.

Sec. 4. Minnesota Statutes 1982, section 97.45, is amended by adding a subdivision to read:

Subd. 4a. A big game animal which has been registered by the licensee in accordance with requirements established by the commissioner may be transported by the most direct route from one location to another by a person other than the licensee provided there is a tag attached to the animal marked in ink containing the address, license number, and signature of the licensee, and the locations from which and to which the animal is being transported.

Sec. 5. Minnesota Statutes 1982, section 97.45, subdivision 6, is amended to read:

Subd. 6. (1) A licensed nonresident who does not accompany the shipment may transport by common carrier to a point place within or without outside this state in any one season one shipment containing of fish lawfully taken and possessed in any one licensing year upon obtaining a shipping permit from the commissioner or his agent. The shipment may contain: (a) not more than 25 pounds of undressed fish or; (b) one undressed fish of any size lawfully taken and possessed by him in this state, or containing; or (c) not more than 15 pounds of filleted or dressed game fish so taken and possessed, if packaged as hereinafter provided. A shipping coupon designed for the purposes of this subdivision may be issued for each individual nonresident fishing license, and two coupons for a combination nonresident fishing license, such coupons. A shipping permit shall be issued upon request and without payment of a fee, and such coupons shall be cancelled as prescribed by the commissioner by the agent of the carrier to whom the shipment is first delivered. In the case of a nonresident combination angling license, each licensee shall be eligible for one shipping permit for each licensing year.

(2) Such A licensed nonresident may carry with him who accompanies the shipment may transport dressed or undressed fish lawfully taken or possessed in any vehicle or on a common carrier to any point place within or without outside the state undressed fish lawfully taken by him, not exceeding the limit, which he

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is authorized to possess within the state, provided that bullheads may be so transported either dressed or undressed, or may so carry with him filleted or dressed fish lawfully taken by him, not exceeding the possession limit nor containing more than 15 pounds, if packaged as hereinafter provided.

(3) For the purposes of the foregoing provisions of this subdivision ~~undressed fish of any species may have the heads removed.~~

(4) A licensed nonresident who does not accompany the shipment may transport filleted or dressed game fish may be transported by common carrier only if the shipped in a container which bears the name and license number of the shipper; the name of the person preparing the container for shipment, his and the license number of that person as issued under section 98.46, subdivision 5; and the number and species and net weight of the fish contained, and the net weight thereof in the container.

~~(5)~~ (4) Each licensee authorized to prepare dressed game fish for shipment shall maintain a permanent record of the name, address and license number of each licensed fisherman making such a shipment, the name and address of the consignee, the number and species and net weight of fish contained in the shipment, the net weight thereof, and such. ~~The records shall be available to for inspection by state conservation officers at all times.~~

~~(6)~~ (5) Notwithstanding any law to the contrary, a nonresident under the age of 16 may take fish by angling without procuring a license, if their the nonresident's parent or guardian has obtained a nonresident the appropriate fishing license. Fish so taken shall be included in the daily and possession limit of the parent or legal guardian.

Sec. 6. Minnesota Statutes 1982, section 97.45, subdivision 7, is amended to read:

Subd. 7. Any (a) A licensed nonresident licensee who accompanies the shipment may transport by the following wild animals, other than fish, lawfully taken and possessed in any means, consigned to himself only, vehicle or as baggage on a common carrier to any point place within or without outside this state, not to exceed: (1) the number of undressed game birds which he is entitled to possess at any one time, and; (2) one deer, lawfully taken and possessed within this state, and provided that the nonresident licensee shall accompany such game birds or deer except when they are being transported by common carrier and one bear; and (3) other wild animals lawfully taken and possessed in Minnesota. A common carriers are hereby permitted to carrier may carry such wild animals as baggage as provided in this clause.

(b) A licensed nonresident who does not accompany the shipment may transport the wild animals, other than fish, as described in clause (a) by common carrier to any place within or outside the state when the shipment is consigned to the licensed nonresident, provided that a shipping permit must be obtained from

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the commissioner or his agent for the transportation of any undressed game birds. The permit shall be issued upon request and without payment of a fee, and canceled as prescribed by the commissioner by the agent of the carrier to whom the shipment is first delivered. Deer and bear may be transported only during the time provided in subdivision 4, clause (b).

Sec. 7. Minnesota Statutes 1982, section 97.45, subdivision 9, is amended to read:

Subd. 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 nonresidents to any point without the state, provided each such shipment shall be tagged or sealed by a state conservation officer in the manner prescribed by the commissioner. Licensed residents or nonresidents may ship game birds or one fish lawfully in their possession to any point within or without the state to any person upon procuring a permit so to do from the commissioner or his authorized agent under such regulations as the commissioner may prescribe.

Sec. 8. Minnesota Statutes 1982, section 97.45, subdivision 12, is amended to read:

Subd. 12. All ~~shipments~~ of protected wild animals transported by common carrier, ~~or including shipments~~ carried as baggage, shall have attached a statement signed by the licensee showing his name, address and license number and the number and species of wild animals contained in the shipment, including fish. ~~If fish are contained, the statement also shall show the number of pounds thereof and~~ The shipment shall have attached to it any tag, shipping coupon or permit required by law or commissioner's order.

Sec. 9. MILLE LACS LAKE ANGLING SEASON IN 1984.

Notwithstanding section 97.48, subdivision 1, the commissioner of natural resources may open the 1984 season for angling for northern pike or pickerel on Mille Lacs Lake at the same time as the opening of the angling season for walleye. The commissioner is not required to reduce the 1984 angling season for northern pike or pickerel on Mille Lacs Lake in proportion to any previous reduction of the spearing season for northern pike or pickerel.

Sec. 10. Minnesota Statutes 1982, section 97.4842, is amended to read:

97.4842 TROUT AND SALMON STAMP.

Subdivision 1. **STAMP REQUIRED.** No person over the age of ~~18~~ 16 and under the age of 65 years who is otherwise required to possess a Minnesota fishing license shall angle in any stream designated by the commissioner as a trout stream, in any lake designated by the commissioner as a trout lake, or in Lake Superior, without first purchasing a stamp and having the stamp in his possession while angling ~~for trout~~ in any designated trout stream, designated

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trout lake, or Lake Superior. Each stamp shall be validated by the signature of the licensee written across its face. The commissioner shall determine the form of the stamp and shall furnish and distribute stamps to county auditors for sale by them and their authorized subagents as prescribed by order of the commissioner. The commissioner shall encourage the purchase of stamps by any persons who are interested in the improvement of trout and salmon streams and lakes.

Subd. 2. **FEE.** A stamp shall be issued to each fishing license applicant or other person interested in improvement of trout and salmon streams and lakes upon the payment of a fee of \$3. Stamps shall be issued annually and shall be valid from March 1 through the last day of the following February.

Subd. 3. **USE OF REVENUE.** The commissioner shall approve projects for the following purposes:

(a) Development, restoration, maintenance or preservation of trout streams and lakes; and

(b) Rearing and stocking of trout and salmon in trout streams and lakes and Lake Superior; and

(c) Necessary related administrative costs in an amount not to exceed ten percent of the annual deposits into the game and fish fund attributable to the sale of stamps.

Sec. 11. Minnesota Statutes 1983 Supplement, section 97.86, subdivision 1, is amended to read:

Subdivision 1. **LICENSE SURCHARGE.** A surcharge of \$2.50 shall be added to the annual license fee for each license issued pursuant to section 98.46, subdivision 2, clauses (4) and (5), subdivision 2a, subdivision 5, clauses (1), (2), and clause (3), and subdivision 15. The proceeds of the surcharge shall be credited to the game and fish fund.

The commissioner may spend the proceeds of the surcharge for the following purposes:

(a) Rehabilitation and improvement of marginal fish producing waters administered on a cost sharing basis under agreements between the commissioner and other parties interested in sport fishing.

(b) Expansion of fishing programs including, but not limited to, aeration, stocking of marginal fishing waters in urban areas, shore fishing areas, and fishing piers. In the expenditure of funds pursuant to this clause, preference shall be given to local units of government and other parties willing and able to share costs.

(c) Upgrading of fish propagation capabilities in order to improve the efficiency of fish production, expansion of walleyed pike production from waters subject to winter kill for stocking in more suitable waters, introduction of new

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species where deemed biologically appropriate by the commissioner, and purchase of fish from private hatcheries for stocking purposes.

(d) Financing the preservation and improvement of fish habitat. First priority shall be given to expansion of habitat improvement programs approved by the commissioner and implemented in cooperation with other interested parties.

(e) Increasing enforcement through use of covert operations, workteams, and added surveillance, communication, and navigational equipment.

(f) Purchase by the commissioner of the walleyed pike quota of commercial fishermen as prescribed in section 102.26, subdivision 3d.

(g) Not more than ten percent of the money available under this subdivision may be used for administrative or permanent personnel costs.

Sec. 12. [98.457] LAKE SUPERIOR FISHING GUIDE LICENSE.

No person shall for compensation engage in the business or occupation of operating charter boats and guiding anglers in seeking to take fish on Lake Superior without an annual license from the commissioner. The commissioner shall promulgate rules governing qualification for and the issuance of licenses. The annual fee for a Lake Superior fishing guide license shall be \$25 for a resident licensee and \$100 for a nonresident, except that if the state of residence of a nonresident charges a greater fee for a Minnesota resident for an identical license, the nonresident fee shall be equal to that greater fee.

Sec. 13. Minnesota Statutes 1983 Supplement, section 98.46, subdivision 5, is amended to read:

Subd. 5. Fees for the following licenses, to be issued to residents only, shall be:

(1) To spear fish from a dark house, \$7.50;

(2) For any fish house or dark house used during the winter fishing season, \$5 for each fish house or dark house not rented or offered for hire, and \$15 for each fish house or dark house rented or offered for hire. Each fish house or dark house shall have attached to the outside a metal tag at least two inches in diameter with a 3/16 inch hole in the center, which will be issued with a license. Each metal tag shall be stamped with a number to correspond with the fish house or dark house license and also shall be stamped with the year of issuance. The metal tag shall be attached to the fish house or dark house as designated by commissioner's order;

(3) To net whitefish, tullibees or herring from inland lakes or international waters, for domestic use only, for each net, \$3;

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(4) To conduct a taxidermist business, for three consecutive years for residents 18 years of age and older, \$40; for residents under the age of 18, \$25;

(5) To maintain fur and game farms, including deer, \$15;

(6) To take, transport, purchase and possess for sale unprocessed turtles and tortoises within the state, \$50;

(7) ~~To prepare dressed game fish shipments for nonresidents as provided by section 97.45, subdivision 6, as amended, \$13;~~

(8) Minnow dealer, \$70 plus \$10 for each vehicle;

(9) ~~(8)~~ Minnow dealer's helper, \$5 for each helper. Minnow dealer's helpers' licenses shall be issued to the minnow dealer and are transferable by the dealer at will to his own helpers;

(10) ~~(9)~~ Exporting minnow dealer, \$250, plus \$10 for each vehicle.

Each vehicle license shall cover a specified vehicle. The serial number, license number, make, and model shall be specified on the license which must be conspicuously posted in the vehicle licensed.

Sec. 14. Minnesota Statutes 1983 Supplement, section 102.26, subdivision 3d, is amended to read:

Subd. 3d. In 1984 and any subsequent year an existing licensee may transfer the walleye quota allocated to him under subdivision 3a or 3b to any other existing licensee or, after July 1, 1985, he may sell the quota to the state. If a licensee sells the quota to the state, he must sell the quota for all years remaining in the quota schedule as provided in subdivision 3a or 3b. A sale to the state shall be at the present wholesale value of the quota as determined by ~~applying the standard formula for computing present value~~ assuming the following: (a) an allocation to the licensee of the same proportion of the total remaining walleye quota as allocated in the year of sale; (b) ~~an interest rate of eight percent;~~ and (c) a walleye wholesale price in the round of \$1.15 per pound. A licensee may elect to receive payment for a sale to the state in a lump sum or in up to four annual installments. Any quota sold to the state shall cancel and is not available for reallocation to any other licensee. When a walleye quota is sold to the state and canceled, the gilt net license of the licensee shall be canceled.

Sec. 15. **REPEALER.**

Minnesota Statutes 1982, section 97.45, subdivision 5, is repealed.

Sec. 16. **EFFECTIVE DATE.**

This act is effective the day following final enactment, except that section 10 is effective March 1, 1985.

Approved May 2, 1984

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