

(2) If the person who escapes is in lawful custody after a finding of not guilty by reason of mental illness or mental deficiency of a crime against the person, as defined in section 253B.02, subdivision 4a, to imprisonment for not more than one year and one day or to payment of a fine of not more than \$3,000, or both.

~~(2)~~ (3) If such charge or conviction is for a gross misdemeanor, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

~~(3)~~ (4) If such charge or conviction is for a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both.

(4) ~~(5)~~ If the escape was a violation of subdivision 2, clause (1), (2), or (3) and was effected by violence or threat of violence against a person, the sentence may be increased to not more than twice those permitted in clauses (1), ~~(2), and (3), and (4).~~

~~(5)~~ (6) Unless a concurrent term is specified by the court, a sentence under this section shall be consecutive to any sentence previously imposed or which may be imposed for any crime or offense for which the person was in custody when he escaped.

Sec. 4. EFFECTIVE DATE.

Sections 1 to 3 are effective the day after final enactment.

Approved March 20, 1986

CHAPTER 386—S.F.No. 1526

An act relating to natural resources; recodifying laws governing wild animals in general, the taking and possession of game and fish, and the management of natural resources; barring game and fish citation quotas; providing penalties; amending Minnesota Statutes 1984, sections 9.071; 14.02, subdivision 4; 14.38, subdivision 6; 18.021, subdivision 3; 84.0274, subdivision 6; 84.88, subdivision 2; 84.89; 84A.02; 85.018, subdivision 8; 86A.06; 105.391, subdivisions 3 and 12; 105.417, subdivision 4; 111.81, subdivision 1; 343.21, subdivision 8; 343.30; 352B.01, subdivision 2; 361.25; 383C.13; 477A.12; 477A.13; Minnesota Statutes 1985 Supplement, section 105.74; proposing coding for new law in Minnesota Statutes, chapters 84; 97A; 97B; 97C; 609; and 624; repealing Minnesota Statutes 1984, and 1985 Supplement, chapters 97, 98, 99, 100, 101, and 102.

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

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

ARTICLE 1

CHAPTER 97A

GAME AND FISH LAWS

GENERAL PROVISIONS

Section 1. [97A.011] CITATION.

Chapters 97A, 97B, and 97C may be cited as the "game and fish laws."

Sec. 2. [97A.015] DEFINITIONS.

Subdivision 1. APPLICABILITY. The terms defined in this section apply to chapters 97A, 97B, and 97C. [97.40 s. 1]

Subd. 2. ANGLING. "Angling" means taking fish with a hook and line. An "angler" is a person who takes fish by angling. [97.40 s. 32]

Subd. 3. BIG GAME. "Big game" means deer, moose, elk, bear, antelope, and caribou. [97.40 s. 8]

Subd. 4. BUY. "Buy" includes barter, exchange for consideration, offer to buy, or attempt to buy. [97.40 s. 19]

Subd. 5. CAMP. "Camp" means the temporary abode of a person fishing, hunting, trapping, vacationing, or touring, while on a trip or tour including resorts, tourist camps, and other establishments providing temporary lodging. [97.40 s. 30]

Subd. 6. CHUB. "Chub" means shortnose cisco, shortjaw cisco, longjaw cisco, bloater, kivi, blackfin cisco, and deepwater cisco.

Subd. 7. CISCO. "Cisco" means Coregonus artedii and includes lake herring and tullibee.

Subd. 8. CLOSED SEASON. "Closed season" means the period when a specified protected wild animal may not be taken. [97.40 s. 14]

Subd. 9. COMMERCIAL FISHING. "Commercial fishing" means taking fish, except minnows, for sale. [97.40 s. 33]

Subd. 10. COMMISSIONER. "Commissioner" means the commissioner of natural resources. [97.40 s. 2]

Subd. 11. CONDEMNATION. "Condemnation" means the exercise of the right of eminent domain in the manner provided under chapter 117.

[Bracketed paragraph notes cite text sources]

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Subd. 12. CONTRABAND. “Contraband” means a wild animal taken, bought, sold, transported, or possessed in violation of the game and fish laws, and all instrumentalities and devices used in taking wild animals in violation of the game and fish laws that are subject to confiscation. [97.40 s. 24]

Subd. 13. CONVICTION. “Conviction” means: (1) a final conviction after a trial or a plea of guilty; (2) a forfeiture of cash or collateral deposited to guarantee an appearance of a defendant in court, if the forfeiture has not been vacated or the court has not reinstated the trial within 15 days after the forfeiture; or (3) a breach of a condition of release without bail. [97.40 s. 35]

Subd. 14. DARK HOUSE. “Dark house” means a structure set on the ice of state waters that is darkened to view fish in the water beneath the structure. [97.40 s. 23]

Subd. 15. DESIGNATED TROUT LAKE; DESIGNATED TROUT STREAM. “Designated trout lake or designated trout stream” means a lake or stream designated by the commissioner as a trout lake or a trout stream under section 97C.001.

Subd. 16. DIRECTOR. “Director” means the director of the division of fish and wildlife. [97.40 s. 4]

Subd. 17. DIVISION. “Division” means the division of fish and wildlife of the department of natural resources. [97.40 s. 3]

Subd. 18. ENFORCEMENT OFFICER. “Enforcement officer” means the commissioner, the director, a conservation officer, or a game refuge manager. [97.48]

Subd. 19. FIREARM. “Firearm” means a gun that discharges shot or a projectile by means of an explosive, a gas, or compressed air. [97.40 s. 34]

Subd. 20. FIREARMS SAFETY CERTIFICATE. “Firearms safety certificate” means the certificate issued under article 2, section 4.

Subd. 21. FISH HOUSE. “Fish house” means a structure set on the ice of state waters to provide shelter while taking fish by angling.

Subd. 22. FUR-BEARING ANIMALS. “Fur-bearing animals” means mammals that are protected wild animals, except big game. [97.40 s. 7]

Subd. 23. GAME. “Game” means big game and small game.

Subd. 24. GAME BIRDS. “Game birds” means migratory waterfowl, pheasant, ruffed grouse, sharp-tailed grouse, Canada spruce grouse, prairie chickens, chukar partridge, gray partridge, quail, turkeys, coots, gallinules, sora and Virginia rails, American woodcock, and common snipe.

Subd. 25. GAME FISH. “Game fish” means walleye, sauger, yellow perch,

[Bracketed paragraph notes cite text sources]

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channel catfish, flathead catfish; members of the pike family, Esocidae, including muskellunge and northern pike; members of the sunfish family, Centrarchidae, including largemouth bass, smallmouth bass, sunfish, rock bass, white crappie, black crappie, members of the temperate bass family, Percichthyidae, including white bass and yellow bass; members of the salmon and trout subfamily, Salmoninae, including atlantic salmon, chinook salmon, coho salmon, pink salmon, kokanee salmon, lake trout, brook trout, rainbow (steelhead) trout, and splake; members of the paddlefish family, Polyodontidae; members of the sturgeon family, Acipenseridae, including lake sturgeon, and shovelnose sturgeon. "Game fish" includes hybrids of game fish.

Subd. 26. HUNTING. "Hunting" means taking birds or mammals. [97.40 s. 31]

Subd. 27. LICENSE. "License" means a license or stamp issued under the game and fish laws.

Subd. 28. MIGRATORY WATERFOWL. "Migratory waterfowl" means brant, ducks, geese, and swans. [97.4841 s.1]

Subd. 29. MINNOWS. "Minnows" means: (1) members of the minnow family, Cyprinidae, except carp and goldfish; (2) members of the mudminnow family, Umbridae; (3) members of the sucker family, Catostomidae, not over 12 inches in length; (4) bullheads, ciscoes, lake whitefish, goldeyes, and mooneyes, not over seven inches long; and (5) leeches. [97.40 s. 12]

Subd. 30. MINNOW DEALER. "Minnow dealer" means a person taking minnows for sale, buying minnows for resale, selling minnows at wholesale, or transporting minnows for sale. [97.40 s. 27]

Subd. 31. MINNOW RETAILER. "Minnow retailer" means a person selling minnows at retail from an established place of business. [97.40 s. 27]

Subd. 32. MOTOR VEHICLE. "Motor vehicle" means a self-propelled vehicle or a vehicle propelled or drawn by a self-propelled vehicle that is operated on a highway, on a railroad track, on the ground, in the water, or in the air. [97.40 s. 29]

Subd. 33. NONRESIDENT. "Nonresident" means a person who is not a resident.

Subd. 34. OPEN SEASON. "Open season" means the period when a specified protected wild animal may be taken. [97.40 s. 13]

Subd. 35. PERSON. "Person" means only an individual if used in reference to issuing licenses to take wild animals, but otherwise means an individual, firm, partnership, joint stock company, association, or public or private corporation. [97.40 s. 20]

Subd. 36. POSSESSION. "Possession" means both actual and constructive possession and control of the things referred to. [97.40 s. 16]

[Bracketed paragraph notes cite text sources]

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Subd. 37. PREDATOR. "Predator" means a timber wolf, coyote, fox, lynx, or bobcat. [97.487 s. 2]

Subd. 38. PROTECTED BIRDS. "Protected birds" means all birds except unprotected birds.

Subd. 39. PROTECTED WILD ANIMALS. "Protected wild animals" are the following wild animals: big game, small game, game fish, rough fish, minnows, leeches, alewives, ciscoes, chubs, and lake whitefish, and the subfamily Coregoninae, rainbow smelt, frogs, turtles, clams, mussels, timber wolf, mourning doves, and wild animals that are protected by a restriction in the time or manner of taking, other than a restriction in the use of artificial lights, poison, or motor vehicles. [97.40 s. 6]

Subd. 40. PUBLIC ACCESS. "Public access" means an access that is owned by the state or a political subdivision and accessible to the public without charge.

Subd. 41. PUBLIC WATERS. "Public waters" means waters defined in section 105.37, subdivision 14.

Subd. 42. RESIDENT. "Resident" means: (1) an individual who is a citizen of the United States or a resident alien, and has maintained a legal residence in the state at least the immediately preceding 60 days; (2) a nonresident under the age of 21 who is the child of a resident; (3) a domestic corporation; or (4) a foreign corporation authorized to do business in the state that has conducted a licensed business at a location within the state for at least ten years. [97.40 s. 21; 98.45 s. 6]

Subd. 43. ROUGH FISH. "Rough fish" means carp, buffalo, sucker, sheephead, bowfin, burbot, ciscoe, gar, goldeye, and bullhead. [97.40 s. 11]

Subd. 44. SALE. "Sale" means an exchange for consideration, and includes barter, offer to sell, and possession with intent to sell. [97.40 s. 18]

Subd. 45. SMALL GAME. "Small game" means game birds, gray squirrel, fox squirrel, cottontail rabbit, snowshoe hare, jack rabbit, raccoon, lynx, bobcat, fox, fisher, pine marten, opossum, badger, cougar, wolverine, muskrat, mink, otter, and beaver.

Subd. 46. SUNFISH. "Sunfish" means bluegill, pumpkinseed, green sunfish, orange spotted sunfish, longear sunfish, and warmouth. "Sunfish" includes hybrids of sunfish.

Subd. 47. TAKING. "Taking" means pursuing, shooting, killing, capturing, trapping, snaring, angling, spearing, or netting wild animals, or placing, setting, drawing, or using a net, trap, or other device to take wild animals. Taking includes attempting to take wild animals, and assisting another person in taking wild animals. [97.40 s. 15]

[Bracketed paragraph notes cite text sources]

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Subd. 48. TRANSPORT, TRANSPORTATION. “Transport, transportation” means causing or attempting to cause wild animals to be carried or moved by a device and includes accepting or receiving wild animals for transportation or shipment. [97.40 s. 17]

Subd. 49. UNDRESSED BIRD. “Undressed bird” means:

(1) a bird, excluding migratory waterfowl, with feet and feathered head intact; or

(2) a migratory waterfowl with a fully feathered wing attached. [97.40 s. 25]

Subd. 50. UNDRESSED FISH. “Undressed fish” means fish with heads, tails, fins and skins intact, whether entrails, gills, or scales are removed or not. [97.40 s. 26]

Subd. 51. UNLOADED. “Unloaded” means, with reference to a firearm, without ammunition in the barrels and magazine. A muzzle loading firearm with a flintlock ignition is unloaded if it does not have priming powder in a pan. A muzzle loading firearm with percussion ignition is unloaded if it does not have a percussion cap on a nipple. [100.29 s. 5]

Subd. 52. UNPROTECTED BIRDS. “Unprotected birds” means English sparrow, blackbird, crow, starling, magpie, cormorant, common pigeon, and great horned owl. [100.26 s. 2]

Subd. 53. UNPROTECTED WILD ANIMALS. “Unprotected wild animals” means wild animals that are not protected wild animals including weasel, coyote (brush wolf), gopher, porcupine, skunk, and civet cat, and unprotected birds. [100.26 s. 1, 2]

Subd. 54. WATERS OF THIS STATE, STATE WATERS. “Waters of this state, state waters” includes all boundary and inland waters. [97.40 s. 22]

Subd. 55. WILD ANIMALS. “Wild animals” means all living creatures, not human, wild by nature, endowed with sensation and power of voluntary motion, and includes mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks. [97.40 s. 5]

Sec. 3. [97A.021] CONSTRUCTION.

Subdivision 1. CODE OF CRIMINAL PROCEDURE. A provision of the game and fish laws that is inconsistent with the code of criminal procedure or of penal law is only effective under the game and fish laws. [97.41 s. 1]

Subd. 2. AUTHORITY OF COMMISSIONER. A provision of the game and fish laws is subject to, and does not change or modify the authority of the commissioner to delegate powers, duties, and functions under sections 84.083 and 84.088. [97.41 s. 2]

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Subd. 3. PARTS OF WILD ANIMALS. A provision relating to a wild animal applies in the same manner to a part of the wild animal. [97.40 s. 10]

Subd. 4. DATES AND OPEN SEASONS. The dates specified in the game and fish laws and time periods prescribed for certain activities or as open season are inclusive, unless otherwise specified. [97.40 s. 28]

Sec. 4. [97A.025] OWNERSHIP OF WILD ANIMALS.

The ownership of wild animals of the state, is in the state, in its sovereign capacity for the benefit of all the people of the state. A person may not acquire a property right in wild animals, or destroy them, unless authorized under the game and fish laws or sections 84.09 to 84.15. [97.42]

Sec. 5. [97A.031] WANTON WASTE.

Unless expressly allowed, a person may not wantonly waste or destroy a usable part of a protected wild animal. [97.47]

Sec. 6. [97A.035] REMOVAL OF SIGNS PROHIBITED.

A person may not remove or deface a department of natural resources sign, without approval of the commissioner. [99.26 s. 3]

Sec. 7. [97A.041] EXHIBITION OF WILDLIFE.

Subdivision 1. DEFINITION. For the purposes of this section, "wildlife" means any wild mammal, wild bird, reptile, or amphibian. [97.611 s. 1]

Subd. 2. POSSESSION. A person connected with a commercial enterprise may not possess wildlife in captivity for public exhibition purposes, except under permit as provided in this section. [97.611 s. 2]

Subd. 3. PERMIT. The commissioner may issue a permit to possess wildlife for public exhibition to an applicant qualified by education or experience in the care and treatment of wildlife. The permit fee is \$10. The commissioner may prescribe terms and conditions of the permit. A permit issued under this section shall include a condition that allows an enforcement officer to enter and inspect the facilities where the wildlife covered by the permit are held in captivity. [97.611 s. 2, 3]

Subd. 4. PERMIT APPLICATION. An application for a permit must include:

(1) a statement regarding the education or experience in the care and treatment of wildlife of the applicant and each individual employed by the applicant for that purpose;

(2) a description of the facilities used to keep the wildlife in captivity;

(3) a statement of the number of species or subspecies of wildlife to be covered by the permit and a statement describing where and from whom the wildlife was acquired;

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(4) a signed agreement that the standards prescribed by the commissioner will be followed; and

(5) other information requested by the commissioner. [97.611 s. 2]

Subd. 5. CARE AND TREATMENT. The commissioner shall adopt, under chapter 14, reasonable standards for the care and treatment of captive wildlife for public display purposes, including standards of sanitation. [97.611 s. 2]

Subd. 6. VIOLATION OF POSSESSION STANDARDS. If a violation is found during an inspection, the commissioner shall give the permittee notice to abate the violation within an adequate time determined by the commissioner. If the violation has not been abated when the time expires, the commissioner may request the attorney general to bring an action to abate the violation. [97.611 s. 4]

Subd. 7. EXEMPTION FOR ZOOS, CIRCUSES, PET SHOPS. This section does not apply to a publicly owned zoo or wildlife exhibit, privately owned traveling zoo or circus, or a pet shop. [97.611 s. 5]

Sec. 8. [97A.045] COMMISSIONER, GENERAL POWERS AND DUTIES.

Subdivision 1. DUTIES; GENERALLY. The commissioner shall do all things the commissioner determines are necessary to preserve, protect, and propagate desirable species of wild animals. The commissioner shall make special provisions for the management of fish and wildlife to insure recreational opportunities for anglers and hunters. The commissioner shall acquire wild animals for breeding or stocking and may dispose of or destroy undesirable or predatory wild animals. [97.48 s. 8, 9, 10]

Subd. 2. POWER TO PROTECT WILD ANIMALS BY SEASONS AND LIMITS. The commissioner may protect a species of wild animal in addition to the protection provided by the game and fish laws, by further limiting or closing seasons or areas of the state, or by reducing limits in areas of the state, if the commissioner determines the action is necessary to prevent unnecessary depletion or extinction, or to promote the propagation and reproduction of the animal. [97.48 s. 1]

Subd. 3. POWER TO MODIFY DATES OF SEASONS. If the statutory opening date of a season for taking protected wild animals, except a season prescribed under federal regulations, is not on a Saturday, the commissioner may designate the nearest Saturday to the statutory date as the opening day of the season. If the statutory closing date falls on a Saturday, the commissioner may extend it through the following day. [97.48 s. 23]

Subd. 4. BOUNDARY WATERS. The commissioner may regulate the taking, possession, and transportation of wild animals from state and international boundary waters. The regulations may include restrictions on the limits of fish that may be taken, possessed, or transported from international boundary waters by a person possessing both a Minnesota angling license and an angling license from an adjacent Canadian province. [97.48 s. 3]

[Bracketed paragraph notes cite text sources]

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Subd. 5. POWER TO PRESCRIBE THE FORM OF PERMITS AND LICENSES. The commissioner may prescribe the form of permits, licenses, and tags issued under the game and fish laws. [97.4841 s. 2; 97.4842 s. 1; 97.4843 s. 2; 98.48 s. 14]

Subd. 6. DUTY TO DISSEMINATE INFORMATION. The commissioner shall collect, compile, publish, and disseminate statistics, bulletins, and information related to conservation. [97.48 s. 19]

Subd. 7. DUTY TO ENCOURAGE STAMP PURCHASES. The commissioner shall encourage the purchase of:

(1) Minnesota migratory waterfowl stamps by nonhunters interested in the migratory waterfowl preservation and habitat development; [97.4841 s. 2]

(2) pheasant stamps by persons interested in pheasant habitat improvement; and [97.4843 s. 2]

(3) trout and salmon stamps by persons interested in trout and salmon stream and lake improvement. [97.4842 s. 1]

Subd. 8. HUNTING AND FISHING LICENSE RECIPROCITY WITH WISCONSIN. The commissioner may enter into an agreement with game and fish licensing authorities in the state of Wisconsin under which Wisconsin residents owning real property in Minnesota are allowed to purchase annual nonresident game and fish licenses at fees required of Minnesota residents, provided Minnesota residents owning real property in Wisconsin are allowed to purchase identical nonresident licenses in Wisconsin upon payment of the Wisconsin resident license fee. The commissioners of natural resources in Minnesota and Wisconsin must agree on joint standards for defining real property ownership. The commissioner shall present the joint standards to the senate agriculture and natural resources and house environment and natural resources committees. [98.465]

Sec. 9. [97A.051] PUBLICATION OF ORDERS AND LAWS.

Subdivision 1. COMPILATION OF LAWS. As soon as practicable after each legislative session, the commissioner, under the direction of the attorney general, shall assemble the current laws relating to wild animals and index the laws properly. This compilation shall be printed in pamphlet form of pocket size, and 50 copies distributed to each senator, 25 copies to each representative, and ten copies to each county auditor. Up to 10,000 additional copies may be printed for general distribution. [97.53 s. 1]

Subd. 2. SUMMARY OF FISH AND GAME LAWS. The commissioner shall prepare a summary of the hunting and fishing laws and deliver a sufficient supply to county auditors to furnish one copy to each person obtaining a hunting, fishing, or trapping license. At the beginning of the summary, under the heading "Trespass," the commissioner shall summarize the trespass provisions under article 2, state that conservation officers and peace officers must enforce the trespass laws, and state the penalties for trespassing. [97.53 s. 1]

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Subd. 3. PUBLICATION OF ORDERS AND RULES. All orders and rules promulgated by the commissioner or the director that affect matters in more than three counties must be published once in a legal newspaper in Minneapolis, St. Paul, and Duluth. The orders and rules that do not affect more than three counties must be published once in a legal newspaper in each county affected. An order or rule is not effective until seven days after the publication. [97.53 s. 2]

Subd. 4. ORDERS AND RULES HAVE FORCE AND EFFECT OF LAW. When the order or rule is executed and published, it has the force and effect of law. Violation of an order or rule has the same penalty as a violation of the law. [97.53 s. 2]

Sec. 10. [97A.055] GAME AND FISH FUND.

Subdivision 1. ESTABLISHMENT; PURPOSES. The game and fish fund is established as a fund in the state treasury. The money in the fund is annually appropriated to the commissioner for the activities of the division. [97.49 s. 1]

Subd. 2. RECEIPTS. The state treasurer shall credit to the game and fish fund all money received under the game and fish laws including receipts from:

(1) licenses issued;

(2) fines and forfeited bail;

(3) sales of contraband, wild animals, and other property under the control of the division;

(4) fees from advanced education courses for hunters and trappers;

(5) reimbursements of expenditures by the division; and

(6) contributions to the division. [97.49 s. 1]

Sec. 11. [97A.061] PAYMENT IN LIEU OF TAXES.

Subdivision 1. APPLICABILITY; AMOUNT. (a) The commissioner shall annually make a payment from the game and fish fund to each county having public hunting areas and game refuges. This section does not apply to state trust fund land and other state land not purchased for game refuge or public hunting purposes. The payment shall be the greatest of:

(1) 35 percent of the gross receipts from all special use permits and leases of land acquired for public hunting and game refuges;

(2) 50 cents per acre on land purchased actually used for public hunting or game refuges; or

(3) three-fourths of one percent of the appraised value of purchased land actually used for public hunting and game refuges.

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(b) the payment must be reduced by the amount paid under subdivision 3 for croplands managed for wild geese. [97.49 s. 7]

(c) The appraised value is the purchase price for five years after acquisition. The appraised value shall be determined by the county assessor every five years after acquisition. [97.49 s. 3]

Subd. 2. ALLOCATION. (a) Except as provided in subdivision 3, the county treasurer shall allocate the payment among the county, towns, and school districts on the same basis as if the payments were taxes on the land received in the current year. The county's share of the payment shall be deposited in the county general revenue fund. [97.49 s. 3]

(b) The county treasurer of a county with a population over 39,000 but less than 42,000 in the 1950 federal census, shall allocate the payment only among the towns and school districts on the same basis as if the payments were taxes on the lands received in the current year. [97.49 s. 6]

Subd. 3. GOOSE MANAGEMENT CROPLANDS. (a) The commissioner shall make a payment on July 1 of each year from the game and fish fund, to each county where the state owns more than 1,000 acres of crop land, for wild goose management purposes. The payment shall be equal to the taxes assessed on comparable, privately owned, adjacent land. The county treasurer shall allocate the payment as provided in subdivision 2.

(b) The land used for goose management under this subdivision is exempt from taxation as provided in sections 272.01 and 273.19. [97.49 s. 7]

Sec. 12. [97A.065] DEDICATION OF CERTAIN RECEIPTS.

Subdivision 1. FISH AND TURTLES FROM ROUGH FISH REMOVAL. Money received from the sale of fish and turtles taken under rough fish removal operations is continuously available for rough fish removal. [97.49 s. 4]

Subd. 2. FINES AND FORFEITED BAIL. (a) Fines and forfeited bail collected from prosecutions of violations of the game and fish laws, sections 84.09 to 84.15, and 84.81 to 84.88, chapter 34B, and any other law relating to wild animals, and aquatic vegetation must be paid to the treasurer of the county where the violation is prosecuted. The county treasurer shall submit one-half of the receipts to the commissioner and credit the balance to the county general revenue fund except as provided in paragraph (b). [97.49 s. 5]

(b) The commissioner must reimburse a county, from the game and fish fund, for the cost of keeping prisoners prosecuted for violations under this section if the county board, by resolution, directs: (1) the county treasurer to submit all fines and forfeited bail to the commissioner; and (2) the county auditor to certify and submit monthly itemized statements to the commissioner. [97.49 s. 5]

Subd. 3. FISHING LICENSE SURCHARGE. (a) The commissioner may use the revenue from the fishing license surcharge for:

[Bracketed paragraph notes cite text sources]

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(1) 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;

(2) expansion of fishing programs including aeration, stocking of marginal fishing waters in urban areas, shore fishing areas, and fishing piers, with preference given to local units of government and other parties sharing costs;

(3) upgrading of fish propagation capabilities to improve the efficiency of fish production, expansion of walleye production by removal from waters subject to winter kill for stocking in more suitable waters, introduction of new biologically appropriate species, and purchase of fish from private hatcheries for stocking;

(4) financing the preservation and improvement of fish habitat, with priority given to expansion of habitat improvement programs implemented with other interested parties;

(5) increasing enforcement with covert operations, workteams, and added surveillance, communication, and navigational equipment; and

(6) purchase of the walleye quota of commercial fishing operators under article 3, section 65, subdivision 9.

(b) Not more than ten percent of the money available under this subdivision may be used for administrative and permanent personnel costs. [97.86 s. 1]

(c) The commissioner shall prepare an annual work plan for the use of the revenue and provide copies of the plan, and amendments, to the house environment and natural resources committee, senate agriculture and natural resources committee, and other interested parties. The committees must review issues and trends in the management and improvement of fishing resources using information obtained by and presented to the committees by public and private agencies and organizations and other parties interested in management and improvement of fishing resources. [97.86 s. 2]

Sec. 13. [97A.071] WILDLIFE ACQUISITION ACCOUNT.

Subdivision 1. ACCOUNT ESTABLISHED. The wildlife acquisition account is established as an account in the game and fish fund. [97.483]

Subd. 2. REVENUE FROM THE SMALL GAME LICENSE SURCHARGE. Revenue from the small game surcharge shall be credited to the wildlife acquisition account and the money in the account shall be used by the commissioner for the purposes of this section, and acquisition of wildlife lands under section 28, in accordance with appropriations made by the legislature. [97.483]

Subd. 3. USE OF WILDLIFE ACQUISITION ACCOUNT MONEY. The wildlife acquisition account may be used for developing, preserving, restoring, and maintaining waterfowl breeding grounds in Canada under agreement or

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contract with any nonprofit organization dedicated to the construction, maintenance, and repair of projects that are acceptable to the governmental agency having jurisdiction over the land and water affected by the projects. The commissioner may execute agreements and contracts if the commissioner determines that the use of the funds will benefit the migration of waterfowl into the state. [97.482 s. 2]

Subd. 4. ASSESSMENTS TO BE PAID FROM FUND. An assessment against the state under sections 106A.015, subdivision 2, 106A.025, or 106A.615 on lands acquired for wildlife habitat shall be paid from the wildlife acquisition account. [97.484]

Sec. 14. [97A.075] USE OF LICENSE REVENUES.

Subdivision 1. DEER AND BEAR LICENSES. (a) For purposes of this subdivision, "deer license" means a license issued under section 68, subdivision 2, clauses (4) and (5) and subdivision 3, clauses (2) and (3).

(b) At least \$2 from each deer license shall be used for deer habitat improvement. At least \$1 from each resident deer license and each resident bear license shall be used for deer and bear management programs, including a computerized licensing system. [97.49 s. 1a, 1b]

Subd. 2. MINNESOTA MIGRATORY WATERFOWL STAMP. The commissioner may use the revenue from the Minnesota migratory waterfowl stamps for:

(1) development of wetlands in the state and designated waterfowl management lakes for maximum migratory waterfowl production including the construction of dikes, water control structures and impoundments, nest cover, rough fish barriers, acquisition of sites and facilities necessary for development and management of existing migratory waterfowl habitat and the creation of migratory waterfowl management lakes;

(2) protection and propagation of migratory waterfowl;

(3) development, restoration, maintenance, or preservation of migratory waterfowl habitat;

(4) acquisition of and access to structure sites; and

(5) necessary related administrative costs not to exceed ten percent of the annual revenue. [97.4841 s. 1, 4]

Subd. 3. TROUT AND SALMON STAMP. The commissioner may use the revenue from trout and salmon stamps for:

(1) the development, restoration, maintenance, and preservation of trout streams and lakes;

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(2) rearing and stocking of trout and salmon in trout streams and lakes and Lake Superior; and

(3) necessary related administrative costs not to exceed ten percent of the annual revenue. [97.4842 s. 3]

Subd. 4. PHEASANT STAMP. The commissioner may use the revenue from pheasant stamps for:

(1) the development, restoration, maintenance, and preservation of suitable habitat for ringnecked pheasants on public and private land including the establishment of nesting cover, winter cover, and reliable food sources;

(2) reimbursement of landowners for setting aside lands for pheasant habitat;

(3) reimbursement of expenditures to provide pheasant habitat on public and private land;

(4) the promotion of pheasant habitat development, maintenance, and preservation; and

(5) necessary related administrative and personnel costs not to exceed ten percent of the annual revenue. [97.4843 s. 1(c), 4]

Sec. 15. [97A.081] POSTING LAND.

The commissioner may post land acquired for public hunting grounds, food and cover planting areas, game refuges, wildlife lands, and conservation area lands so as to identify and indicate the management purpose. [97.48 s. 25]

Sec. 16. [97A.085] GAME REFUGES.

Subdivision 1. STATE PARKS. All state parks are designated as game refuges. [99.25 s. 1]

Subd. 2. ESTABLISHMENT BY COMMISSIONER'S ORDER. The commissioner may designate, by order, a contiguous area of at least 640 acres as a game refuge if more than 50 percent of the area is in public ownership. [99.25 s. 2, 5]

Subd. 3. ESTABLISHMENT BY PETITION OF LAND HOLDERS. The commissioner may designate by order land area described in a petition as a game refuge. The petition must be signed by the owner, the lessee, or the person in possession of each tract in the area. A certificate of the auditor of the county where the lands are located must accompany the petition stating that the persons named in the petition are the owners, lessees, or persons in possession of all of the land described according to the county records. The game refuge must be a contiguous area of at least 640 acres unless it borders or includes a marsh, or other body of water or watercourse suitable for wildlife habitat. [99.25 s. 3, 5]

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Subd. 4. ESTABLISHMENT BY PETITION OF COUNTY RESIDENTS.

The commissioner may, by order, designate as a game refuge a contiguous area of at least 640 acres, described in a petition, signed by 50 or more residents of the county where the area is located. Before designation, the commissioner must hold a public hearing on the petition. The notices of the time and place of the hearing must be posted in five of the most conspicuous places within the proposed game refuge at least 15 days before the hearing. A notice of the hearing must be published in a legal newspaper in each county where the area is located at least seven days before the hearing. The game refuge may be designated only if the commissioner finds that protected wild animals are depleted and are in danger of extermination, or that it will best serve the public interest. [99.25 s. 4, 5, 6]

Subd. 5. SPECIES REFUGE FOR SPECIFIED GAME. The commissioner may, by order, designate a species refuge for only specified species. The game refuge must be posted accordingly. [99.25 s. 6a, 7]

Subd. 6. AREA INCLUDED IN GAME REFUGE. A state game refuge includes all public lands, waters, highways, and railroad right-of-way within the refuge boundary and, in the discretion of the commissioner, may include adjacent public lands and waters. [99.25 s. 6]

Subd. 7. GAME REFUGE BOUNDARY POSTING. (a) The designation of a state game refuge is not effective until the boundary has been posted with notices that measure at least 12 inches. The notices posted on state park boundaries must have black letters on a yellow background stating that the area is a state park. The notices on other game refuges must have black letters on a white background stating that the area is a state game refuge.

(b) The notices must be posted at intervals of not more than 500 feet or less along the boundary. The notices must also be posted at all public road entrances to the refuges, except where the boundary is also an international or state boundary in public waters. Where the boundary of a refuge extends more than 500 feet continuously through a body of water, instead of placing notices in the water, notices with the words, "Adjacent Waters Included," may be placed on the shoreline at the intersection of the boundary and the water 20 feet or less above the high water mark and at intervals of 500 feet or less along the shoreline.

(c) A certification by the commissioner or the director, or a certification filed with the commissioner or director by a conservation officer, refuge supervisor, or other authorized officer or employee, stating that the required notices have been posted is prima facie evidence of the posting. [99.25 s. 7]

Subd. 8. MODIFICATION OR ABANDONMENT. A state game refuge may be vacated or modified by order of the commissioner. The commissioner may not vacate or modify boundaries of a state game refuge established under subdivision 4 until the requirements of a petition, notice, and hearing have been complied with to vacate or modify the boundaries. [99.25 s. 8]

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Sec. 17. [97A.091] HUNTING ON GAME REFUGES.

Subdivision 1. HUNTING AND POSSESSION OF FIREARMS. Except as provided in subdivision 2, a person may not take a wild animal, except fish, within a state game refuge. A person may not carry a firearm within a refuge unless the firearm is unloaded and contained in a case, or unloaded and broken down. [99.26 s. 1

Subd. 2. WHEN HUNTING ALLOWED. (a) The commissioner may allow hunting of a protected wild animal species within any portion of a state game refuge, including a state park, during the next regular open season. Hunting in a refuge may only be allowed if the commissioner finds:

- (1) the population of the species exceeds the refuge's carrying capacity;
- (2) the species is causing substantial damage to agricultural or forest crops in the vicinity;
- (3) the species or other protected wild animals are threatened by the species population; or
- (4) a harvestable surplus of the species exists.

(b) The commissioner may prescribe rules for any hunting allowed within a refuge. [99.26 s. 2]

Subd. 3. TRAP OR TARGET SHOOTING. The commissioner may issue special permits, without fee, to the owner or lessee of privately owned land within the boundaries of a state game refuge for trap or target shooting. [98.48 s. 8]

Sec. 18. [97A.095] WATERFOWL PROTECTED AREAS.

Subdivision 1. MIGRATORY WATERFOWL REFUGES. The commissioner shall designate by order any part of a state game refuge as a migratory waterfowl refuge if there is presented to the commissioner a petition signed by ten resident licensed hunters describing an area that is primarily a migratory waterfowl refuge. The commissioner shall post the area as a migratory waterfowl refuge. A person may not enter a posted migratory waterfowl refuge during the open migratory waterfowl season unless accompanied by a conservation officer or game refuge manager. [99.26 s. 4]

Subd. 2. WATERFOWL FEEDING AND RESTING AREAS. The commissioner may, by order designate any part of up to 13 lakes as a migratory feeding and resting area. Before designation, the commissioner must receive a petition signed by at least ten resident licensed hunters describing the area of the lake that is a substantial feeding and resting ground for migratory waterfowl, and find that the statements in the petition are correct, and that adequate, free public access to the lake exists near the designated area. The commissioner shall post the area as a migratory waterfowl feeding and resting area. A person may

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not enter a posted migratory waterfowl feeding and resting area during the open migratory waterfowl season with watercraft or aircraft propelled by a motor. [99.26 s. 5]

Subd. 3. HUNTING ON MUSKRAT LAKE. The commissioner may prohibit migratory waterfowl hunting on Muskrat Lake in Beltrami county by posting accordingly. [99.26 s. 5]

Sec. 19. [97A.101] PUBLIC WATER RESERVES AND MANAGEMENT DESIGNATION.

Subdivision 1. RESERVES. The commissioner may designate and reserve public waters of the state to propagate and protect wild animals. [97.48 s. 11]

Subd. 2. MANAGEMENT DESIGNATION. (a) The commissioner may designate, reserve, and manage public waters for wildlife after giving notice and holding a public hearing. The hearing must be held in the county where the major portion of the waters are located. Notice of the hearing must be published in a legal newspaper within each county where the waters are located at least seven days before the hearing.

(b) The commissioner may contract with riparian owners for water projects under section 105.39, subdivision 5, and may acquire land, accept local funding, and construct, maintain, and operate structures to control water levels under section 105.48 to manage designated waters. [97.48 s. 11]

Subd. 3. FISHING MAY NOT BE RESTRICTED. Seasons or methods of taking fish may not be restricted under this section. [97.48 s. 11]

Sec. 20. [97A.105] GAME AND FUR FARMS.

Subdivision 1. LICENSE REQUIREMENTS. A person may breed and propagate fur-bearing animals, game birds, bear, or deer only on privately owned or leased land and after obtaining a license. "Privately owned or leased land" includes waters that are shallow or marshy, are not actually navigable, and are not of substantial beneficial public use. Before an application for a license is considered, the applicant must enclose the area to sufficiently confine the animals to be raised in a manner approved by the commissioner. A license may be granted only if the commissioner finds the application is made in good faith with intention to actually carry on the business described in the application and the commissioner determines that the facilities are adequate for the business. [99.27 s. 1, 4]

Subd. 2. TRANSFER OF LICENSE. (a) A game or fur farm license is transferable with the transfer of all or a portion of the title or leasehold of the land if:

- (1) the land transferred complies with the license requirements;
- (2) the land is used for the purposes of the license; and

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(3) a verified written report of the existing and intended land use is made to the commissioner, accompanied by a copy of deed, assignment, lease, or other instrument transferring the corresponding title or leasehold in the enclosed land.

(b) A transfer of less than the whole interest in the license is not valid. Each bona fide partner or associate in the ownership or operation of a game or fur farm must obtain a separate license. [99.27 s. 3, 4]

Subd. 3. OWNERSHIP OF WILD ANIMALS. All wild animals and their offspring, of the species identified in the license, that are within the enclosure are the property of the game and fur farm licensee. [99.27 s. 2]

Subd. 4. SALE OF LIVE ANIMALS. A sale of live animals from a licensed fur or game farm is not valid unless the animals are delivered to the purchaser or they are identified and kept separately. The sale agreement or contract must be in writing. The licensee must notify a purchaser of the death of an animal within 30 days and of the number of increase before July 20 of each year. [99.27 s. 6]

Subd. 5. SALE OF PELTS. The commissioner shall prescribe:

(1) the manner that pelts and products of wild animals raised on fur or game farms may be sold or transported; and

(2) the tags or seals to be affixed to the pelts and products. [99.27 s. 7]

Subd. 6. FOX AND MINK. Fox and mink may not be bought or sold for breeding or propagating unless they have been pen-bred for at least two generations. [99.27 s. 5]

Subd. 7. TRANSPORTATION OF LIVE BEAVER. Live beaver may not be transported without a permit from the commissioner. [99.27 s. 5]

Subd. 8. PENALTY. A licensee that does not comply with a provision of this section subjects all wild animals on the game or fur farm to confiscation. [99.27 s. 7]

Sec. 21. [97A.111] MUSKRAT FARMS.

Subdivision 1. APPLICATION FOR A LICENSE. An owner of suitable land may operate a muskrat farm for breeding, raising, trapping, and dealing in muskrats in accordance with this section. A person may apply for a muskrat farm license by filing with the commissioner a signed statement describing the land, title, and number of acres where the farm is to be located. [99.28 s. 1, 2]

Subd. 2. ISSUANCE OF LICENSE. (a) The commissioner shall investigate the application filed and may require the applicant to produce evidence of the facts stated. The commissioner shall issue a muskrat farm license to an applicant if the commissioner determines that:

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- (1) the applicant is the owner of the land;
- (2) the applicant intends to establish and operate a muskrat farm; and
- (3) the establishment of a muskrat farm in the proposed area will conserve the natural resources.

(b) The license must describe the land and certify that the licensee is entitled to use the land to breed, raise, trap, and trade muskrats. The license expires on December 31 each year but may be renewed annually at the discretion of the commissioner upon payment of the license fee. [99.28 s. 3, 7]

Subd. 3. OWNERSHIP, TAKING, SALE, AND TRANSPORTATION. A licensee is the owner of all muskrats on the licensed muskrat farm. The licensee may take and trap the muskrats at any time and in any manner, except by firearm or spear. Muskrats taken for pelting purposes may only be trapped under a permit issued by the commissioner. The licensee may sell and transport the muskrats or their pelts from the muskrat farm at any time. The pelts must be tagged as prescribed by the commissioner. The commissioner shall furnish tags to the licensee at cost. The tags must be numbered to identify the muskrat farm license. [99.28 s. 4, 11]

Subd. 4. POSTING NOTICE. Within 30 days after a muskrat farm license is issued, the licensee must post and maintain notices on posts, stakes, or enclosures on the boundary of the farm at intervals of not more than 70 feet. The notices stating the existence of a muskrat farm must be furnished by the commissioner to the licensee for 12 cents each. [99.28 s. 6]

Subd. 5. ALTERATION OF BOUNDARIES. The licensee may not alter the boundaries of the muskrat farm without consent of the commissioner. [99.28 s. 12]

Subd. 6. ILLEGAL TAKING. An unauthorized person who takes muskrats from a muskrat farm is liable to the licensee for \$25 and all damages. An action for the trespass and taking must be brought by the licensee. [99.28 s. 8]

Subd. 7. ANNUAL REPORT. By March 1 of each year, the licensee must submit a signed report to the commissioner covering the preceding calendar year. The report must be completed on a form furnished by the commissioner stating the license number, the number and value of muskrats killed, transported, and sold from the muskrat farm, and other information required by the commissioner. [99.28 s. 9]

Sec. 22. [97A.115] ESTABLISHMENT OF PRIVATE SHOOTING PRESERVES.

Subdivision 1. LICENSES; RULES. A person must be licensed to operate a private shooting preserve. The commissioner may issue a license for a privately owned and operated shooting preserve if the commissioner determines that it is in the public interest. The commissioner may make rules to implement this section and section 23. [100.32]

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Subd. 2. GAME AVAILABLE. Game that may be released and hunted in a licensed shooting preserve must be specified in the license and is limited to pheasant, quail, chukar partridge, turkey, mallard duck, black duck, and other species designated by the commissioner. These game birds must be pen hatched and raised. [100.33, 100.35 s. 2]

Subd. 3. SIZE OF PRESERVE. A private shooting preserve must be at least 100 but not more than 1,000 contiguous acres, including any water area. A preserve limited to duck hunting may be a minimum of 50 contiguous acres including water area. [100.34 s. 3]

Subd. 4. POSTING OF BOUNDARIES. The boundaries of a private shooting preserve must be clearly posted in a manner prescribed by the commissioner. [100.34 s. 4]

Subd. 5. REVOCATION OF LICENSE. The commissioner may revoke a private shooting preserve license if the licensee or persons authorized to hunt in the preserve have been convicted of a violation under this section or section 23. After revocation, a new license may be issued in the discretion of the commissioner. [100.37]

Sec. 23. [97A.121] HUNTING IN PRIVATE SHOOTING PRESERVES.

Subdivision 1. HUNTER'S LICENSE. A person hunting in a private shooting preserve must have the licenses required by law for the hunting of game birds. A nonresident may obtain a special private shooting preserve license that is valid for the entire preserve season for the same fee as a resident small game hunting license. [100.35 s. 3]

Subd. 2. SEASON. The season for hunting in private shooting preserves is from September 1 through March 31. The commissioner may restrict the season after receiving a complaint, holding a public hearing, and finding that the population of wild game birds is in danger by hunting in the preserve. [100.36]

Subd. 3. OPERATOR MAY ESTABLISH RESTRICTIONS. A private shooting preserve licensee may determine who is allowed to hunt in the preserve. In each preserve the licensee may establish the charge for taking game, the shooting hours, the season, limitations, and restrictions on the age, sex, and number of each species that may be taken by a hunter. These provisions may not conflict with this section or section 22 and may not be less restrictive than any rule or order. [100.35 s. 4]

Subd. 4. LIMITS AND MARKING OF GAME BIRDS. The commissioner shall prescribe the minimum number of each authorized species that may be released and the percentage of each species that may be taken. The commissioner shall prescribe methods for identifying birds to be released. [100.35 s. 7]

Subd. 5. MARKING HARVESTED GAME. Harvested game, except ducks that are marked in accordance with regulations of the United States fish and wildlife service, must be tagged with a self-sealing tag, identifying the private shooting preserve. The commissioner shall issue the tags at a cost of 15 cents each. The tag must remain attached on the bird until the bird is actually prepared for consumption. [100.35 s. 5]

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Subd. 6. RECORDKEEPING. A private shooting preserve licensee must maintain a registration book listing the names, addresses, and hunting license numbers of all hunters, the date when they hunted, the amount and species of game taken, and the tag numbers affixed to each bird. A record must be kept of the number of each species raised and purchased and the date and number of each species released. The records must be open to inspection by the commissioner at all reasonable times. [100.35 s. 6]

Sec. 24. [97A.125] WILDLIFE HABITAT ON PRIVATE LAND.

The commissioner may enter into agreements with landowners to develop or improve wildlife habitat on private land and provide financial, technical, and professional assistance and material. [97.48 s. 27]

Sec. 25. [97A.131] GAME FARMS AND HATCHERIES.

The commissioner may acquire property by gift, lease, purchase, or condemnation and may construct, maintain, operate, and alter facilities for game farms and hatcheries. [97.48 s. 12]

Sec. 26. [97A.135] ACQUISITION OF WILDLIFE LANDS.

Subdivision 1. PUBLIC HUNTING AND WILDLIFE AREAS. (a) The commissioner or the commissioner of administration shall acquire and improve land for public hunting, game refuges, and food and cover planting. The land may be acquired by a gift, lease, easement, or condemnation. At least two-thirds of the total area acquired in a county must be open to public hunting. The commissioner may designate land acquired under this subdivision a wildlife management area for the purposes of the outdoor recreation system. [97.48 s. 13]

(b) The commissioner of administration may transfer money to the commissioner for acquiring wetlands to qualify for Pittman-Robertson funds. The transferred money is reappropriated to the commissioner for the wetland acquisition. [97.48 s. 28]

Subd. 2. DISPOSAL OF UNSUITABLE HUNTING AREAS. The commissioner shall sell or exchange land acquired for public hunting that is unnecessary or unsuitable. The land may not be sold for less than its purchase price. The land may be exchanged for land of equal value that adds to existing public hunting areas. The sales and exchanges must be approved by the executive council. [97.48 s. 14]

Sec. 27. [97A.141] PUBLIC WATER ACCESS SITES.

Subdivision 1. ACQUISITION; GENERALLY. The commissioner shall acquire access sites adjacent to public waters and easements and rights-of-way necessary to connect the access sites with public highways. The land may be acquired by gift, lease, or purchase, or by condemnation with approval of the executive council. An access site may not exceed seven acres and may only be acquired where access is inadequate. [97.48 s. 15]

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Subd. 2. ACQUISITION; LIMITATIONS. Access sites may not be acquired under this section adjacent to public waters that are unmeandered or completely surrounded by land owned and maintained for the purpose of an educational or religious institution. Access sites adjacent to public waters that contain less than 200 acres within the meander lines may not be acquired by condemnation and may only be acquired if:

- (1) the public water contains at least 150 acres within the meander lines; or
- (2) the public waters are to be managed intensively for fishing. [97.48 s. 15]

Subd. 3. MAINTENANCE. The commissioner shall maintain the sites, easements, and rights-of-way acquired under this section. The commissioner may make an agreement for the maintenance of the site easements and rights-of-way with a county board if the connecting public highway is a county state-aid highway or county highway, or the town board if the connecting highway is a town road. The county board and town board may spend money from its road and bridge funds for maintenance under the agreement. [97.48 s. 15]

Sec. 28. [97A.145] WETLANDS FOR WILDLIFE.

Subdivision 1. ACQUISITION; GENERALLY. (a) The commissioner or the commissioner of administration may acquire wetlands and bordering areas, including marshes, ponds, small lakes, and stream bottoms for water conservation relating to wildlife development. The lands that are acquired may be developed for wildlife, recreation, and public hunting. The wetlands may be acquired by gift, lease, purchase, or exchange of state lands.

(b) The commissioner may also acquire land owned by the state and tax-forfeited land that is suitable for wildlife development. The wetlands may not be acquired unless public access by right-of-way or easement from a public road is also acquired or available. In acquiring wetlands under this section the commissioner shall assign highest priority to type 3 and 4 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), that are public waters. Lands purchased or leased under this section may not be used to produce crops unless needed for wildlife. The commissioner may designate land acquired under this section as a wildlife management area for purposes of the outdoor recreation system. [97.48 s. 28; 97.481 s. 1]

Subd. 2. ACQUISITION PROCEDURE. (a) Lands purchased or leased under this section must be acquired in accordance with this subdivision.

(b) The commissioner must notify the county board and the town officers where the land is located and furnish them a description of the land to be acquired. The county board must approve or disapprove the proposed acquisition within 90 days after being notified. The commissioner may extend the time up to 30 days. The soil and water conservation district supervisors shall counsel the county board on drainage and flood control and the best utilization and capability of the land.

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(c) If the county board approves the acquisition within the prescribed time, the commissioner may acquire the land.

(d) If the county board disapproves the acquisition, it must state valid reasons. The commissioner may not purchase or lease the land if the county board disapproves the acquisition and states its reasons within the prescribed time period. The landowner or the commissioner may appeal the disapproval to the district court having jurisdiction where the land is located.

(e) The commissioner or the owner of the land may submit the proposed acquisition to the land exchange board if: (1) the county board does not give reason for disapproval, or does not approve or disapprove the acquisition within the prescribed time period; or (2) the court finds that the disapproval is arbitrary and capricious, or that the reasons stated for disapproval are invalid.

(f) The land exchange board must conduct a hearing and make a decision on the acquisition within 60 days after receiving the proposal. The land exchange board must give notice of the hearing to the county board, the commissioner, the landowner, and other interested parties. The land exchange board must consider the interests of the county, the state, and the landowner in determining whether the acquisition is in the public interest. If a majority of the land exchange board members approves the acquisition, the commissioner may acquire the land. If a majority disapproves, the commissioner may not purchase or lease the land. [97.481 s. 2]

Subd. 3. MANAGEMENT. If a drainage outlet is petitioned and drainage proceedings are conducted under the drainage code, chapter 106A, the commissioner should not interfere with or unnecessarily delay the proceedings. [97.481 s. 1]

Sec. 29. [97A.151] LEECH LAKE INDIAN RESERVATION AGREEMENT.

Subdivision 1. PURPOSE. The purpose of this section is to give recognition and effect to the rights of the Leech Lake Band of Chippewa Indians that are preserved by federal treaty relating to hunting, fishing, and trapping, and to the gathering of wild rice on the Leech Lake Indian reservation. These rights have been recognized and given effect by the decision of the United States District Court in the following entitled actions: Leech Lake Band of Chippewa Indians, et al v. Robert L. Herbst, No. 3-69 Civ. 65; and United States of America v. State of Minnesota, No. 3-70 Civ. 228. The state of Minnesota desires to settle all outstanding issues and claims relating to the above rights. [97.431 s. 1]

Subd. 2. DEFINITIONS. The definitions in this subdivision apply to this section.

(a) "Band" means the Leech Lake Band of Chippewa Indians.

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(b) "Committee" means the reservation business committee of the Leech Lake Band of Chippewa Indians.

(c) "Reservation" means the Leech Lake Indian reservation described in the settlement agreement.

(d) "Settlement agreement" means the document entitled "Agreement and Settlement" on file and of record in the United States District Court for the District of Minnesota, Third Division, in the following entitled actions: Leech Lake Band of Chippewa Indians, et al v. Robert L. Herbst, No. 3-69 Civ. 65; and United States of America v. State of Minnesota, No. 3-70 Civ. 228. [97.431 s. 2]

Subd. 3. RATIFICATION OF SETTLEMENT AGREEMENT. Notwithstanding the provisions of any other law to the contrary, the state of Minnesota by this section ratifies and affirms the agreement set forth in the settlement agreement. [97.431 s. 3]

Subd. 4. COMMISSIONER'S POWERS AND DUTIES. (a) Notwithstanding the provisions of any other law to the contrary, the commissioner, on behalf of the state of Minnesota, shall take all actions, by order or otherwise, necessary to carry out the duties and obligations of the state of Minnesota arising from the agreement entered into by the parties to the settlement agreement.

(b) These actions include but are not limited to the following:

(1) the implementation of the exemption of members of the band and other members of the Minnesota Chippewa tribe from state laws relating to hunting, fishing, trapping, the taking of minnows and other bait, and the gathering of wild rice within the reservation, together with exemption from related possession and transportation laws, to the extent necessary to effectuate the terms of the settlement agreement;

(2) the establishment of a system of special licenses and related license fees for persons who are not members of the Minnesota Chippewa tribe for the privilege of hunting, fishing, trapping, or taking minnows and other bait within the reservation. All money collected by the commissioner for special licenses shall be deposited in the state treasury and credited to the Leech Lake Band and White Earth Band special license account, which is hereby created. All money in the state treasury credited to the Leech Lake Band and White Earth Band special license account, less any deductions for administrative costs authorized by the terms of the settlement agreement, is appropriated to the commissioner who shall remit the money to the committee pursuant to the terms of the settlement agreement;

(3) to the extent necessary to effectuate the terms of the settlement agreement, the promulgation of rules for the harvesting of wild rice within the reservation by non-Indians;

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(4) to the extent necessary to effectuate the terms of the settlement agreement, the establishment of policies and procedures for the enforcement by conservation officers of the conservation code adopted by the band; and

(5) the arbitration of disputes arising under the terms of the settlement agreement. [97.431 s. 4]

Sec. 30. [97A.155] AMENDMENTS TO LEECH LAKE INDIAN RESERVATION AGREEMENT.

Subdivision 1. PAYMENT IN LIEU OF SPECIAL LICENSES. The commissioner may enter into an agreement with authorized representatives of the Leech Lake Band of Chippewa Indians to amend the settlement agreement adopted by section 29 by providing that in lieu of the system of special licenses and license fees for persons who are not members of the Minnesota Chippewa tribe for the privilege of hunting, fishing, trapping, or taking minnows and other bait within the reservation, five percent of the proceeds from all licenses sold in the state for hunting, fishing, trapping, and taking minnows and other bait shall be credited to the special license account established by section 29. The funds shall be remitted to the Leech Lake Band in the manner and subject to the terms and conditions that may be mutually agreed upon. [97.433 s. 2]

Subd. 2. PAYMENT IN LIEU OF MIGRATORY WATERFOWL STAMP FEE. The commissioner may enter into an agreement with the reservation business committee of the Leech Lake Indian Reservation to amend the settlement agreement adopted in section 29 by providing that in lieu of collecting an additional fee in connection with the state migratory waterfowl stamp for the privilege of hunting waterfowl on the Leech Lake Indian Reservation five percent of the proceeds from the sale of state migratory waterfowl stamps shall be credited to the special license account established by section 29. The funds shall be remitted to the Leech Lake reservation business committee in the manner and subject to the terms and conditions provided in section 29. [97.432]

Sec. 31. [97A.161] AGREEMENT WITH WHITE EARTH INDIANS.

The commissioner may enter into an agreement with authorized representatives of the White Earth Band of Chippewa Indians on substantially the same terms as the agreement adopted by section 29 and amended under section 30; except that the agreement shall provide that 2-1/2 percent of the proceeds from all licenses sold in the state for hunting, fishing, trapping, and taking of minnows and other bait shall be credited to the special license account established by section 29. The funds shall be remitted to the White Earth Band in the manner and subject to the terms and conditions that may be mutually agreed upon. An agreement negotiated under this section shall be for a term of at least four years following the date of its execution. [97.433 s. 1]

Sec. 32. [97A.165] SOURCE OF PAYMENTS FOR INDIAN AGREEMENT.

[Bracketed paragraph notes cite text sources]

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Money to make payments to the Leech Lake Band and White Earth Band special license account under sections 94.16 and section 29, subdivision 4, is annually appropriated for that purpose in a ratio of 60 percent from the game and fish fund and 40 percent from the general fund. [97.433 s. 3]

ENFORCEMENT

Sec. 33. [97A.201] ENFORCEMENT.

Subdivision 1. ENFORCEMENT BY THE COMMISSIONER. The commissioner shall execute and enforce the laws relating to wild animals. The commissioner may delegate execution and enforcement of the wild animal laws to the director, game refuge managers, and conservation officers. [84.083, 97.48 s. 7]

Subd. 2. DUTY OF COUNTY ATTORNEYS AND PEACE OFFICERS. County attorneys and all peace officers must enforce the game and fish laws. [97.52 s. 1]

Sec. 34. [97A.205] ENFORCEMENT OFFICER POWERS.

An enforcement officer is authorized to:

(1) execute and serve court issued warrants and processes relating to wild animals, wild rice, public waters, water pollution, conservation, and use of water, in the same manner as a constable or sheriff; [97.50 s. 1]

(2) enter any land to carry out the duties and functions of the division; [97.50 s. 2]

(3) make investigations of violations of the game and fish laws; [97.50 s. 2]

(4) take an affidavit, if it aids an investigation; [97.50 s. 2]

(5) arrest, without a warrant, a person that is detected in the actual violation of the game and fish laws, a provision of chapters 84A, 85, 86A, 88 to 106A, 361, and sections 18.341 to 18.436; 609.66, subdivision 1, clauses (1), (2), (5), and (7); and 609.68; and [97.50 s. 1]

(6) take an arrested person before a court in the county where the offense was committed and make a complaint. [97.50 s. 1]

Sec. 35. [97A.211] ARREST PROCEDURES.

Subdivision 1. NOTICE TO APPEAR IN COURT. (a) A person must be given notice to appear in court for a misdemeanor violation of the game and fish laws, chapters 84, 105, or 106, or section 609.68 if:

(1) the person is arrested and is released from custody prior to appearing before a court; or

[Bracketed paragraph notes cite text sources]

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(2) the person is subject to a lawful arrest and is not arrested because it reasonably appears to the enforcement officer that arrest is unnecessary to prevent further criminal conduct and that there is a substantial likelihood that the person will respond to a notice.

(b) The enforcement officer shall prepare, in quadruplicate, a written notice to appear in court. The notice must be in the form and has the effect of a summons and complaint. The notice must contain the name and address of the person charged, the offense, and the time and the place to appear in court. The court must have jurisdiction within the county where the offense is alleged to have been committed. [97.50 s. 1]

Subd. 2. RELEASE AFTER ARREST. A person arrested for a misdemeanor or violation of the game and fish laws, chapters 84, 105, or 106 or section 609.68 may obtain release by signing the written notice prepared by the arresting officer promising to appear in court. The officer shall deliver a copy marked "SUMMONS" to the person arrested. The officer must then release the person from custody. [97.50 s. 1]

Subd. 3. COURT APPEARANCE. On or before the court appearance date, the enforcement officer must deliver the summons and complaint to the court. If the person summoned fails to appear in court on the day specified, the court shall issue a warrant for the person's arrest. [97.50 s. 1]

Sec. 36. [97A.215] INSPECTIONS.

Subdivision 1. STORAGE OF WILD ANIMALS. (a) An enforcement officer may enter and inspect any commercial cold storage warehouse, hotel, restaurant, ice house, locker plant, butcher shop, and other building used to store dressed meat, game, or fish, to determine whether wild animals are kept and stored in compliance with the game and fish laws.

(b) When an enforcement officer has probable cause to believe that wild animals taken or possessed in violation of the game and fish laws are present, the officer may:

(1) enter and inspect any place or vehicle; and

(2) open and inspect any package or container. [97.45 s. 14; 97.50 s. 3]

Subd. 2. RECORDS. An enforcement officer may inspect the relevant records of any person that the officer has probable cause to believe has violated the game and fish laws. [97.50 s. 3]

Subd. 3. LICENSED ACTIVITY. An enforcement officer may, at reasonable times:

(1) enter and inspect the premises of an activity requiring a license under the game and fish laws; and [97.50 s. 4]

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(2) stop and inspect a motor vehicle requiring a license under the game and fish laws. [97.50 s. 9]

Sec. 37. [97A.221] **CONFISCATION OF PROPERTY.**

Subdivision 1. PROPERTY SUBJECT TO CONFISCATION. (a) An enforcement officer may confiscate:

(1) wild animals, wild rice, and other aquatic vegetation taken, bought, sold, transported, or possessed in violation of the game and fish laws or chapter 84; and

(2) firearms, bows and arrows, nets, boats, lines, poles, fishing rods and tackle, lights, lanterns, snares, traps, spears, dark houses, fish houses, and wild rice harvesting equipment used, with the owner's knowledge to unlawfully take or transport wild animals, wild rice, or other aquatic vegetation.

(b) An enforcement officer must confiscate nets and equipment unlawfully possessed within 10 miles of Lake of the Woods or Rainy Lake.

(c) Confiscated property may be disposed of, retained for use by the division, or sold at the highest price obtainable as prescribed by the commissioner. [97.50 s. 5, 102.26 s. 5]

Subd. 2. CONFISCATION OF COMMINGLED SHIPMENTS. A whole shipment or parcel is contraband if two or more wild animals are shipped or possessed in the same container, vehicle, or room, or in any way commingled, and any of the animals are contraband. Confiscation of any part of a shipment includes the entire shipment. [97.46]

Sec. 38. [97A.225] **SEIZURE AND CONFISCATION OF MOTOR VEHICLES AND BOATS.**

Subdivision 1. SEIZURE. (a) An enforcement officer must seize all motor vehicles used to:

(1) shine wild animals in violation of article 2, section 17, subdivision 1;

(2) transport big game animals illegally taken or fur-bearing animals illegally purchased; or

(3) transport minnows in violation of article 3, sections 46, 49, or 51.

(b) An enforcement officer must seize all boats and motors used in netting fish on Lake of the Woods, Rainy Lake, Lake Superior, Namakan Lake, and Sand Point Lake in violation of licensing or operating requirements of section 68, subdivisions 31, 32, 33, or 37, or article 3, sections 65, 66, or 67, or an order or rule of the commissioner relating to these provisions. [97.50 s. 6]

Subd. 2. PROCEDURE FOR CONFISCATION OF PROPERTY SEIZED. The enforcement officer must hold the seized property, subject to the order of the court having jurisdiction where the offense was committed. The property held is confiscated when the commissioner complies with this section and the person from whom it was seized is convicted of the offense. [97.50 s. 6]

[Bracketed paragraph notes cite text sources]

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Subd. 3. COMPLAINT AGAINST PROPERTY. The commissioner shall file with the court a separate complaint against the property held. The complaint must identify the property, describe its use in the violation, and specify the time and place of the violation. A copy of the complaint must be served upon the defendant or the owner of the property. [97.50 s. 6]

Subd. 4. RELEASE OF PROPERTY AFTER POSTING BOND. At any time after seizure of the property specified in this section, the property must be returned to the owner or person having the legal right to possession upon execution of a valid bond to the state with a corporate surety. The bond must be approved by a judge of the court of jurisdiction, conditioned to abide by an order and judgment of the court and to pay the full value of the property at the time of seizure. The bond must be for \$100 or for a greater amount not more than twice the value of the property seized. [97.50 s. 6]

Subd. 5. COURT ORDER. (a) If the person arrested is acquitted, the court shall dismiss the complaint against the property and order it returned to the person legally entitled to it.

(b) Upon conviction of the person, the court shall issue an order directed to any person that may have any right, title, or interest in, or lien upon, the seized property. The order must describe the property and state that it was seized and that a complaint against it has been filed. The order shall require a person claiming right, title, or interest in, or lien upon, the property to file with the clerk of court an answer to the complaint, stating the claim, within ten days after the service of the order. The order shall contain a notice that if the person fails to file an answer within the time limit, the property may be ordered sold by the commissioner.

(c) The court order must be served upon any person known or believed to have any right, title, interest, or lien in the same manner as provided for service of a summons in a civil action, and upon unknown persons by publication, in the same manner as provided for publication of a summons in a civil action. [97.50 s. 6]

Subd. 6. COURT ORDERED SALE AFTER NO ANSWER. If an answer is not filed within the time provided in subdivision 5, the court administrator shall notify the court and the court shall order the commissioner to sell the property. The net proceeds of the sale shall be deposited in the state treasury and credited to the game and fish fund. [97.50 s. 6]

Subd. 7. HEARING AFTER ANSWER. If an answer is filed within the time provided in subdivision 5, the court shall schedule a hearing within ten to 30 days after the time expired for filing the answer. The court, without a jury, shall determine whether any of the property was used in a violation specified in the complaint and whether the owner had knowledge or reason to believe that the property was being used, or intended to be used, in the violation. The court shall order the commissioner to sell the property that was unlawfully used with knowledge of the owner and to return to the owner property that was not unlawfully used with the knowledge of the owner. If the property is to be sold, the court shall determine the priority of liens against the property and whether

[Bracketed paragraph notes cite text sources]

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the lienholders had knowledge that the property was being used or was intended to be used. Lienholders that had knowledge of the property's use in the violation are not to be paid. The court order must state the priority of the liens to be paid. [97.50 s. 6]

Subd. 8. PROCEEDS OF SALE. After determining the expense of seizing, keeping, and selling the property, the commissioner must pay the liens from the proceeds according to the court order. The remaining proceeds shall be deposited in the state treasury and credited to the game and fish fund. [97.50 s. 6]

Subd. 9. CANCELLATION OF SECURITY INTERESTS. A sale under this section cancels all liens on and security interests in the property sold. [97.50 s. 6]

Sec. 39. [97A.231] SEARCH WARRANTS.

Upon complaint establishing that the complainant has probable cause to believe that a wild animal taken, bought, sold, transported, or possessed in violation of the game and fish laws, or contraband is concealed or illegally kept in a place, a judge, authorized to issue warrants in criminal cases, may issue a search warrant. The judge may direct that the place be entered, broken open, and examined. Property seized under the warrant shall be safely kept under the direction of the court so long as necessary for the purpose of being used as evidence in a trial and subsequently disposed of as otherwise provided. [97.50 s.7]

Sec. 40. [97A.235] JURISDICTION OVER BOUNDARY WATERS.

Courts in counties having jurisdiction adjacent to boundary waters and enforcement officers have jurisdiction over the entire boundary waters. The courts and enforcement officers of North Dakota, South Dakota, Iowa, Wisconsin, and Michigan have concurrent jurisdiction over boundary waters. [97.50 s. 8]

Sec. 41. [97A.241] RECIPROCITY WITH OTHER STATES IN APPOINTING OFFICERS.

Subdivision 1. OFFICERS OF OTHER JURISDICTIONS AS SPECIAL CONSERVATION OFFICERS. With approval of the proper authority of another state or the United States, the commissioner may appoint any salaried and bonded officer of that jurisdiction authorized to enforce its wild animal laws a special conservation officer of this state. A special conservation officer is subject to the supervision and control of and serves at the pleasure of the commissioner, but may not be compensated by this state. A special conservation officer has powers of and is subject to the liabilities of conservation officers of this state, except as otherwise directed by the commissioner. [97.501 s. 2]

Subd. 2. OFFICERS OF THIS STATE AS OFFICERS OF OTHER JURISDICTIONS. An enforcement officer or peace officer of this state may enforce

[Bracketed paragraph notes cite text sources]

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wild animal laws of another state, or the United States, under conditions prescribed by the commissioner. The officer may serve under the laws of another jurisdiction to the extent they are compatible with the duties of an officer of this state. [97.501 s. 3]

Subd. 3. RECIPROCAL EFFECT. This section is effective with respect to another state or the United States to the extent that there is a similar provision in effect in that jurisdiction with respect to this state. [97.501 s. 1]

Sec. 42. [97A.245] REWARDS.

The commissioner may pay rewards for information leading to the conviction of a person that has violated a provision of laws relating to wild animals or threatened or endangered species of wildlife. A reward may not exceed \$500, except a reward for information relating to big game or threatened or endangered species of wildlife, may be up to \$1,000. The rewards may only be paid from funds donated to the commissioner for these purposes and may not be paid to salaried conservation officers or peace officers. [97.51]

Sec. 43. [97A.251] OBSTRUCTION OF OFFICERS.

Subdivision 1. UNLAWFUL CONDUCT. A person may not:

(1) intentionally hinder, resist, or obstruct an enforcement officer, agent, or employee of the division in the performance of official duties;

(2) refuse to submit to inspection of firearms while in the field, licenses, or wild animals; or

(3) refuse to allow inspection of a motor vehicle, boat, or other conveyance used while taking or transporting wild animals. [97.52 s. 2]

Subd. 2. CIVIL ACTIONS. In addition to criminal prosecution, the state may bring a civil action to recover damages resulting from and enjoin the continuance of a violation of this section. The civil actions may be brought by the attorney general on the request of the commissioner. [97.52 s. 3]

Sec. 44. [97A.255] PROSECUTIONS.

Subdivision 1. STATUTE OF LIMITATIONS. A prosecution under the game and fish laws may not be brought more than three years after commission of the offense. [97.54 s. 1]

Subd. 2. BURDEN OF PROOF. In a prosecution that alleges animals have been taken, bought, sold, transported, or possessed in violation of the game and fish laws, the burden of establishing that the animals were domesticated, reared in a private preserve, raised in a private fish hatchery, taken for scientific purposes, or lawfully taken outside of this state, is on the defendant. [97.54 s. 2]

Subd. 3. PRESUMPTION OF ILLEGAL TAKING. Possession of protect-

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ed wild animals more than five days after the close of the season, or in excess of the prescribed limits is presumptive evidence that the animals were unlawfully taken, except as to those tagged, sealed, or identified under the game and fish laws. [97.54 s. 3]

Subd. 4. EACH VIOLATION A SEPARATE OFFENSE. Each wild animal unlawfully taken, bought, sold, transported, or possessed is a separate offense. If acquitted, a person may not be prosecuted for a similar offense involving another animal in the same incident. [97.55 s. 1]

PENALTIES

Sec. 45. [97A.301] GENERAL PENALTY PROVISIONS.

Subdivision 1. MISDEMEANOR. Unless a different penalty is prescribed, a person is guilty of a misdemeanor if that person:

(1) takes, buys, sells, transports or possesses a wild animal in violation of the game and fish laws;

(2) aids or assists in committing the violation;

(3) knowingly shares in the proceeds of the violation;

(4) fails to perform a duty or comply with a requirement of the game and fish laws;

(5) knowingly makes a false statement related to an affidavit regarding a violation of the game and fish laws; or

(6) violates or attempts to violate an order or rule under the game and fish laws. [97.55 s. 1, 2, 3, 4, 11]

Subd. 2. GROSS MISDEMEANOR. Unless a different penalty is prescribed, a person convicted of violating a provision of the game and fish laws that is defined as a gross misdemeanor is subject to a fine of not less than \$100 nor more than \$3,000 and imprisonment in the county jail for not less than 90 days or more than one year. [97.55 s. 5]

Sec. 46. [97A.305] IMPERSONATION OF AN ENFORCEMENT OFFICER.

A person that purports to be acting in an official capacity and causes another to be injured or defrauded while falsely impersonating an enforcement officer or other officer acting under authority of the game and fish laws, or falsely claiming to have special authority under those laws, is guilty of a gross misdemeanor. [97.55 s. 6]

Sec. 47. [97A.311] LICENSES.

[Bracketed paragraph notes cite text sources]

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. ALTERATION OF A LICENSE. A person that alters a license in a material manner is guilty of a misdemeanor. [97.55 s. 12]

Subd. 2. FALSE STATEMENT. A person that knowingly makes a false statement related to an application for a license, a license, or certificate, required by or issued under the game and fish laws, is guilty of a misdemeanor. [97.48 s. 22; 97.55 s. 11]

Subd. 3. LICENSE AGENT VIOLATIONS. A license agent that knowingly issues a license to an ineligible person or predates a license is guilty of a misdemeanor. [97.55 s. 11]

Subd. 4. SUSPENSION OF LICENSE. In addition to other penalties, a license agent that violates a law, rule, or order of the commissioner relating to license sales, handling, or accounting forfeits the right to sell and handle licenses for a period of one year. [98.50 s. 7]

Sec. 48. [97A.315] TRESPASS.

Subdivision 1. CRIMINAL PENALTIES. (a) A person that violates a provision of article 2, section 1, relating to trespass is guilty of a misdemeanor except as provided in paragraph (b).

(b) A person is guilty of a gross misdemeanor if the person:

(1) knowingly disregards signs prohibiting trespass;

(2) trespasses after personally being notified by the landowner or lessee not to trespass; or

(3) is convicted of violating this section more than once in a three-year period. [100.273 s. 9]

Subd. 2. LICENSE REVOCATIONS. (a) If a person convicted under subdivision 1 of trespassing while exercising or attempting to exercise an activity licensed under the game and fish laws or requiring snowmobile registration under section 84.82, the applicable license and registration are null and void. [100.273 s. 9]

(b) A person convicted of a gross misdemeanor under subdivision 1, paragraph (b), may not be issued a license to take game for two years after the conviction. [100.273 s. 9]

Sec. 49. [97A.321] DOGS PURSUING OR KILLING BIG GAME.

The owner of a dog that kills or pursues a big game animal is guilty of a petty misdemeanor and is subject to a civil penalty of up to \$500 for each violation. [100.29 s. 19]

Sec. 50. [97A.325] PENALTIES FOR UNLAWFULLY BUYING OR SELLING WILD ANIMALS.

[Bracketed paragraph notes cite text sources]

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. GROSS MISDEMEANOR FOR SALES OF \$300 OR MORE. (a) A person that buys or sells protected wild animals in violation of the game and fish laws where the sales total \$300 or more is guilty of a gross misdemeanor. The person is subject to the penalty in section 45, subdivision 2, except that the fine is not less than \$3,000 or more than \$10,000.

(b) Licenses possessed by a person convicted under this subdivision are null and void and the person may not take wild animals for three years after the conviction. [97.55 s. 16]

Subd. 2. DEER; MOOSE; ELK; CARIBOU. Except as provided in subdivision 1, a person that violates a provision of the game and fish laws relating to buying or selling deer, moose, elk, or caribou is guilty of a gross misdemeanor. [97.55 s. 8, 9; 100.29 s. 11]

Subd. 3. SMALL GAME AND GAME FISH. Except as provided in subdivision 1, a person that buys or sells small game or game fish in violation of the game and fish laws where the sales total \$50 or more is guilty of a gross misdemeanor. [97.55 s. 15]

Subd. 4. FUR-BEARING ANIMALS. Except as provided in subdivision 1, a person that buys fur-bearing animals in violation of the game and fish laws is guilty of a gross misdemeanor. [100.29 s. 11; 97.55 s. 9]

Sec. 51. [97A.331] PENALTIES RELATED TO HUNTING.

Subdivision 1. HUNTING WHILE INTOXICATED OR USING NARCOTIC DRUGS. A person that violates a provision relating to hunting while visibly intoxicated or under the influence of a narcotic drug under article 2, section 14, is guilty of a gross misdemeanor. [97.55 s. 10]

Subd. 2. SHINING. A person that violates article 2, section 17, relating to the use of an artificial light to locate wild animals while in possession of a firearm, bow, or other implement capable of killing big game is guilty of a gross misdemeanor. [97.55 s. 9]

Subd. 3. TRANSPORTING ILLEGAL BIG GAME. A person that knowingly transports big game taken in violation of the game and fish laws is guilty of a gross misdemeanor. [97.55 s. 9]

Subd. 4. TAKING AND POSSESSING BIG GAME OUT OF SEASON. A person that takes or illegally possesses big game during the closed season is guilty of a gross misdemeanor. [97.55 s. 9]

Subd. 5. MOOSE; ELK; CARIBOU. A person that unlawfully takes, transports, or possesses moose, elk, or caribou in violation of the game and fish laws is guilty of a gross misdemeanor. [97.55 s. 8]

Subd. 6. PINE MARTEN; OTTER; FISHER; WOLVERINE. A person that takes, transports, or possesses pine marten, otter, fisher, or wolverine in violation of the game and fish laws is guilty of a gross misdemeanor. [97.55 s. 8]

[Bracketed paragraph notes cite text sources]

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Sec. 52. [97A.335] PENALTIES RELATED TO FISHING.

Subdivision 1. TAKING FISH WITH ILLEGAL DEVICES OR SUBSTANCES. A person that takes fish with devices, chemicals or substances in violation of article 3, section 27, is guilty of a gross misdemeanor. [97.55 s. 14]

Subd. 2. ILLEGALLY TAKING OR POSSESSING MUSKELLUNGE. A person who takes or possesses a muskellunge in violation of the game and fish laws is guilty of a misdemeanor and subject to a fine of up to \$1,000. [97.55 s. 17]

LICENSES AND PERMITS

Sec. 53. [97A.401] SPECIAL PERMITS.

Subdivision 1. COMMISSIONER'S AUTHORITY. The commissioner may issue special permits for the activities in this section. [98.48]

Subd. 2. ZOOLOGICAL SPECIMEN COLLECTING. Special permits may be issued without a fee to municipalities, incorporated natural history societies, high schools, colleges, and universities that maintain a zoological collection, to collect specimens of eggs, nests, and wild animals for scientific or exhibition purposes. [98.48 s. 1]

Subd. 3. TAKING, POSSESSING, AND TRANSPORTING WILD ANIMALS FOR CERTAIN PURPOSES. (a) Except as provided in paragraph (b), special permits may be issued without a fee to take, possess, and transport wild animals as pets and for scientific, educational, and exhibition purposes. The commissioner shall prescribe the conditions for taking, possessing, transporting, and disposing of the wild animals.

(b) A special permit may not be issued to take or possess wild or native deer for exhibition or propagation.

(c) The commissioner shall establish criteria for issuing special permits for persons to possess wild and native deer as pets. [98.48 s. 3]

Subd. 4. TAKING WILD ANIMALS FROM GAME REFUGES AND WILDLIFE MANAGEMENT AREAS. Special permits may be issued, with or without a fee, to take a wild animal from game refuges, wildlife management areas, and state parks. [98.48 s. 4]

Subd. 5. WILD ANIMALS DAMAGING PROPERTY. Special permits may be issued with or without a fee to take protected wild animals that are damaging property. A special permit issued under this subdivision to take beaver must state the number to be taken. [98.48 s. 5]

Subd. 6. ENDANGERED MUSKRATS. Special permits may be issued with or without a fee to take muskrats in danger of freezing out or starving in the winter. [98.48 s. 6]

[Bracketed paragraph notes cite text sources]

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Sec. 54. [97A.405] LICENSE REQUIREMENTS.

Subdivision 1. PROTECTED WILD ANIMALS. Unless allowed under the game and fish laws, a person may not take, buy, sell, transport, or possess protected wild animals of this state without a license. [98.45 s. 1; 98.46 s. 24]

Subd. 2. PERSONAL POSSESSION. A person to whom a license is issued must have the license in personal possession while acting under the license and while traveling to and from the area where the licensed activity is performed. If possession of a license is required, a person must exhibit the proper license when requested by a conservation officer or peace officer. A receipt for license fees, a copy of a license, or evidence showing the issuance of a license does not entitle a licensee to exercise the rights or privileges conferred by a license. [98.45 s. 2]

Subd. 3. DUPLICATE LICENSES. The commissioner shall prescribe rules for issuing duplicate licenses to persons whose licenses are lost or destroyed. A duplicate license may not be issued unless the applicant takes an oath covering the facts of loss or destruction of the license. [98.50 s. 6]

Sec. 55. [97A.411] VALIDITY OF LICENSES.

Subdivision 1. LICENSE PERIOD. A license is valid during the lawful time within the license year that the licensed activity may be performed. A license year begins on the first day of March and ends on the last day of February. [97.4841 s. 3; 97.4842 s. 2; 97.4843 s. 2; 98.45 s. 1]

Subd. 2. SIGNATURE ON STAMPS. A stamp issued under the game and fish laws must be signed by the licensee across the front of the stamp to be valid. [97.4841 s. 2; 97.4842 s. 1; 97.4843 s. 2]

Subd. 3. ARCHERY DEER LICENSE. A license to take deer by archery issued after the opening of the archery deer season is not valid until the fifth day after it is issued. [98.45 s. 1]

Sec. 56. [97A.415] LICENSE RESTRICTIONS.

Subdivision 1. ONE LICENSE PER PERSON. Only one license of each kind may be issued to a person in a license year, except the nonresident short term angling license, unless authorized by commissioner's order. [98.45 s. 1]

Subd. 2. TRANSFER PROHIBITED. A person may not lend, transfer, borrow, or solicit a license, application for a license, coupon, tag, or seal, or use a license, coupon, tag, or seal not issued to the person unless otherwise expressly authorized. [98.45 s. 1, 3, 100.271 s. 5]

Subd. 3. NONRESIDENTS. Nonresidents may not obtain a license for an activity unless the activity is expressly authorized for nonresidents. [98.45 s. 4, 5]

Sec. 57. [97A.421] VALIDITY AND ISSUANCE OF LICENSES AFTER CONVICTION.

[Bracketed paragraph notes cite text sources]

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Subdivision 1. GENERAL. (a) The license of a person convicted of a violation of the game and fish laws relating to the license or wild animals covered by the license is void when: [98.52 s. 1]

(1) a second conviction occurs within three years under a license to take small game or to take fish by angling or spearing;

(2) a third conviction occurs within one year under a minnow dealer's license; or

(3) the conviction occurs under a license not described in clauses (1) or (2). [98.52 s. 1, 2]

(b) Except as provided in this section, and for one year after the conviction, the person may not obtain that kind of license.

Subd. 2. ISSUANCE OF LICENSE AFTER CONVICTION FOR BUYING AND SELLING WILD ANIMALS. A person may not obtain a license to take any wild animal for a period of three years after being convicted of buying or selling game fish, big game, or small game, and the total amount of the sale is \$300 or more. [98.52 s. 6]

Subd. 3. ISSUANCE OF A BIG GAME LICENSE AFTER CONVICTION. A person may not obtain any big game license for three years after the person is convicted of:

(1) a gross misdemeanor violation under the game and fish laws relating to big game;

(2) doing an act without a required big game license; or

(3) the second violation within three years under the game and fish laws relating to big game. [98.52 s. 1]

Subd. 4. ISSUANCE AFTER INTOXICATION OR NARCOTICS CONVICTION. A person convicted of a violation under article 2, section 14, relating to hunting while intoxicated or using narcotics, may not obtain a license to hunt with a firearm or by archery for five years after conviction. [98.52 s. 4]

Subd. 5. COMMISSIONER MAY REINSTATE CERTAIN LICENSES AFTER CONVICTION. If the commissioner determines that the public welfare will not be injured, the commissioner may reinstate licenses voided under subdivision 1 and issue licenses to persons ineligible under subdivision 2. The commissioner's authority applies only to licenses to:

(1) maintain and operate fur or game farms or private fish hatcheries;

(2) take fish commercially in Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior;

(3) buy fish from Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior commercial fishing licensees; and

[Bracketed paragraph notes cite text sources]

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(4) sell live minnows. [98.52 s. 3]

Subd. 6. APPLICABILITY TO MOOSE LICENSES. In this section the term "license" includes an application for a license to take moose. [98.50 s. 9]

Sec. 58. [97A.425] RECORD AND REPORTING REQUIREMENTS FOR DEALERS, TANNERS, AND TAXIDERMISTS.

Subdivision 1. REQUIREMENT. A person required to have a license under the game and fish laws to buy or sell wild animals, to tan or dress raw furs, or to mount specimens of wild animals, must keep complete records in a book of all transactions and activities covered by the license and submit reports to the commissioner. [98.51 s. 2]

Subd. 2. RECORDS. (a) The records must show:

(1) the names and addresses of persons from whom wild animals were obtained and to whom they were transferred;

(2) the dates of receipt, shipment, and sale of wild animals;

(3) detailed descriptions of the number and type of wild animals purchased, sold, and shipped;

(4) serial numbers of seals, tags, or permits required to be attached to the wild animals; and

(5) trapping license numbers for protected fur-bearing animals, unless the trapper is exempt from the license requirement, which must be noted.

(b) A licensed fur dealer, buying for one employer at the employer's place of business is not required to keep separate records if the employer notifies the commissioner in writing that the employer will account for the fur dealer.

(c) The records required under this section must be available for inspection by the commissioner, the director, or their agents at all reasonable times. The records must be preserved and available for two years after the expiration of a license that required them. [98.51 s. 2]

Subd. 3. REPORTS. An annual notarized report covering the preceding calendar year must be submitted to the commissioner by January 15. The commissioner may require other reports for statistical purposes. The reports must be on forms supplied by the commissioner. [98.51 s. 3]

Sec. 59. [97A.431] MOOSE LICENSES.

Subdivision 1. NUMBER OF LICENSES. The commissioner shall include in an order setting the dates for a moose season the number of licenses to be issued. [100.271 s. 1]

Subd. 2. ELIGIBILITY. Persons eligible for a moose license shall be determined under this section and commissioner's order. A person is eligible for a moose license only if the person:

[Bracketed paragraph notes cite text sources]

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(1) is a resident;

(2) is at least age 16 before the season opens; and

(3) has not been issued a moose license for any of the last five seasons.
[100.271 s. 3, 3a]

Subd. 3. APPLICATION FOR LICENSE. An application for a moose license must be on a form provided by the commissioner and accompanied by a \$1 application fee. A person may not make more than one application for each season. If a person makes more than one application, the person is ineligible for a license for that season after determination by the commissioner, without a hearing. [100.271 s. 2, 4]

Subd. 4. SEPARATE SELECTION; ELIGIBILITY. The commissioner may conduct a separate selection for up to 20 percent of the moose licenses to be issued for an area. Only owners of, and tenants living on, at least 160 acres of agricultural or grazing land in the area are eligible for the separate selection. Persons that are unsuccessful in a separate selection must be included in the selection for the remaining licenses. [100.271 s. 1]

Sec. 60. [97A.435] TURKEY LICENSES; APPLICATION AND ELIGIBILITY.

Subdivision 1. NUMBER OF LICENSES TO BE ISSUED. The commissioner shall include in an order setting the dates for a turkey season the number of licenses to be issued. [100.271 s. 1]

Subd. 2. ELIGIBILITY. Persons eligible for a turkey license shall be determined by this section and commissioner's order. A person is eligible for a turkey license only if the person is a resident and at least age 16 before the season opens. [100.271 s. 3]

Subd. 3. APPLICATION FOR LICENSE. An application for a turkey license must be on a form provided by the commissioner and accompanied by a \$3 application fee. A person may not make more than one application for each season. If a person makes more than one application the person is ineligible for a license for that season after determination by the commissioner, without a hearing. [100.271 s. 2, 4]

Subd. 4. SEPARATE SELECTION OF ELIGIBLE LICENSEES. The commissioner may conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any area. Only persons that are owners or tenants of and that live on at least 40 acres of agricultural or grazing land in the area are eligible applicants for turkey licenses for the separate selection. Persons that are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons that obtain a license in a separate selection must allow public turkey hunting on their land during that turkey season. [100.271 s. 1]

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Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 61. [97A.441] LICENSES TO BE ISSUED WITHOUT A FEE.

Subdivision 1. ANGLING AND SPEARING; DISABLED RESIDENTS. Licenses to take fish by angling or spearing shall be issued without a fee to a resident that is:

(1) blind;

(2) a recipient of supplemental security income for the aged, blind, and disabled;

(3) a recipient of social security aid to the disabled under United States Code, title 42, section 416, paragraph (i)(l) or section 423(d); or

(4) is a recipient of workers' compensation based on a finding of total and permanent disability. [98.47 s. 8]

Subd. 2. ANGLING; FOREIGN EXCHANGE STUDENTS. A license to take fish by angling shall be issued without a fee to a citizen of a foreign country that is attending school in this state as an exchange student. [98.47 s. 11]

Subd. 3. ANGLING; RESIDENTS OF STATE INSTITUTIONS. The commissioner may issue a license, without a fee, to take fish by angling to a person that is a ward of the commissioner of human services and a resident of a state institution upon application by the commissioner of human services. [98.47 s. 13]

Subd. 4. ANGLING; MENTALLY RETARDED RESIDENTS. A person authorized to issue licenses must issue, without a fee, a permanent license to take fish by angling to a resident at least 16 years old that is mentally retarded upon being furnished satisfactory evidence of the disability. [98.47 s. 15]

Subd. 5. ANGLING; DISABLED VETERANS. A person authorized to issue licenses must issue, without a fee, a permanent license to take fish by angling to a resident that is a veteran, as defined in section 197.447, and that has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence. [98.47 s. 16]

Subd. 6. TAKING DEER; DISABLED VETERANS. A person authorized to issue licenses must issue, without a fee, a license to take deer with firearms or by archery to a resident that is a veteran, as defined in section 197.447, and that has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence. [98.47 s.18]

Sec. 62. [97A.445] EXEMPTIONS FROM LICENSE REQUIREMENT.

Subdivision 1. ANGLING; TAKE A KID FISHING WEEKEND. A resident over age 18 may take fish by angling without a license during the second Saturday and Sunday of the angling season if accompanied by a child who is under age 16. The commissioner shall publicize the Saturday and Sunday as "Take a Kid Fishing Weekend." [98.45 s. 9]

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Subd. 2. ANGLING; INSTITUTIONAL RESIDENTS. A license is not required to take fish by angling with the written consent of the superintendent or chief executive of the institution for the following persons:

- (1) a resident of a state hospital;
- (2) a patient of a United States Veteran's Administration hospital; and
- (3) an inmate of a state correctional facility. [98.47 s. 12]

Subd. 3. ANGLING AND SPEARING; DISABLED RAILROAD AND POSTAL RETIREES. A license is not required to take fish by angling or spearing for a resident that is:

- (1) receiving aid under the federal Railroad Retirement Act of 1937, 45 United States Code Annotated, section 228b(a)5; or
- (2) a former employee of the United States Postal Service receiving disability pay under United States Code Annotated, title 5, section 8337. [98.47 s. 17]

Sec. 63. [97A.451] LICENSE REQUIREMENTS AND EXEMPTIONS RELATING TO AGE.

Subdivision 1. RESIDENTS OVER AGE 65; FISHING. A resident age 65 or over may take fish by angling or spearing without a license if the resident has a valid driver's license, Minnesota identification card, or other document showing age and residency in possession while taking fish and while traveling to and from the location where fish are taken. The person must exhibit the proof of age at the request of a conservation officer or peace officer. [97.4842 s. 1, 98.45 s. 2, 98.47 s. 1]

Subd. 2. RESIDENTS UNDER AGE 16; FISHING. A resident under the age of 16 years may take fish without a license. [97.4842 s. 1; 98.47 s. 1]

Subd. 3. PERSONS UNDER AGE 16; SMALL GAME. (a) A person under age 16 may not obtain a small game license but may take small game by firearms or bow and arrow without a license if the person is a resident:

- (1) age 14 or 15 and possesses a firearms safety certificate;
- (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian; or
- (3) age 12 or under and is accompanied by a parent or guardian. [98.47 s. 1]

(b) A resident under age 16 may take small game by trapping without a small game license, but a resident over age 13 must have a trapping license. A resident under age 14 may trap without a trapping license.

Subd. 4. PERSONS UNDER AGE 16; BIG GAME. A person under the age of 16 may not obtain a license to take big game unless the person possesses

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a firearms safety certificate. A person under the age of 14 must be accompanied by a parent or guardian to hunt big game. [98.47 s. 1]

Subd. 5. NONRESIDENTS UNDER AGE 16; FISHING WITH PARENTS. A nonresident under the age of 16 may take fish by angling without a license if a parent or guardian has a nonresident fishing license. Fish taken by a nonresident under the age of 16 without a license must be included in the limit of the parent or guardian. [97.45 s. 6, 98.47 s. 1]

Subd. 6. NONRESIDENTS UNDER AGE 16 ATTENDING CAMPS; FISHING. A nonresident under the age of 16 that is attending a camp conducted by a nonprofit organization may take fish by angling in adjacent and connected public waters without a license. The organization must have a certificate from the commissioner that describes the public waters where the fishing is allowed. The nonresident must possess a document, prescribed by the commissioner, for identification of the nonresident and the authorized fishing waters. The document must be signed and dated within the current calendar year by the person in charge of the camp. [98.47 s. 1]

Sec. 64. [97A.455] NONRESIDENT STUDENTS; FISHING AND SMALL GAME.

A nonresident that is a full-time student at an educational institution in the state and resides in the state during the school year may obtain a resident license to take fish or small game by providing proof of student status as prescribed by the commissioner. [98.45 s. 7]

Sec. 65. [97A.461] NONRESIDENT LICENSES FOR BOUNDARY WATER HUNTING OR FISHING.

Licenses to take fish or small game in or on boundary waters may be granted to nonresidents upon the same terms and conditions as licenses granted by the adjacent state or province to nonresidents of the adjacent state or province for those boundary waters. The fees for a license granted by this state may not be less than the fees for a corresponding resident license. [98.47 s. 5]

Sec. 66. [97A.465] MILITARY PERSONNEL; FISHING AND HUNTING.

Subdivision 1. RESIDENTS ON LEAVE. A resident that is in the armed forces of the United States, stationed outside of the state, and in the state on leave, may hunt and fish without a license if the resident possesses official military leave papers. The resident must obtain the seals, tags, and coupons required of a licensee, which must be furnished without charge. This subdivision does not apply to the taking of moose. [98.47 s. 2]

Subd. 2. CAMP RIPLEY PERSONNEL. A nonresident who is in the military and in training at Camp Ripley may obtain a resident license to take fish. [98.47 s. 3a]

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Subd. 3. NONRESIDENTS STATIONED IN THE STATE. The commissioner may issue a resident license to take fish or game to a person in the armed forces of the United States that is stationed in the state. This subdivision does not apply to the taking of moose. [98.47 s. 3]

Subd. 4. DISCHARGED RESIDENT; OBTAINING DEER LICENSE DURING SEASON. Notwithstanding section 69, subdivision 9, a resident that is discharged from the United States armed forces during, or within ten days before, the firearms deer season may, upon showing the official discharge paper, obtain a firearm deer license during the season. [98.45 s. 1]

Sec. 67. [97A.471] NONRESIDENT COURTESY LICENSES.

Subdivision 1. GAME AND FISH OFFICERS OF OTHER JURISDICTIONS. The commissioner may issue a courtesy nonresident license to take game or fish without charge to a game and fish or conservation employee of another state or of the United States that is in the state to assist or cooperate with the commissioner. [98.47 s. 4]

Subd. 2. GUESTS OF THE GOVERNOR OR COMMISSIONER. The commissioner may issue a nonresident courtesy license to take game or fish without charge to an official of another state, the United States, or foreign country and to a representative of a conservation organization or publication that is in the state as a guest of the governor or commissioner. [98.47 s. 4]

Subd. 3. NONAPPLICABILITY TO MOOSE HUNTING. This section does not apply to taking moose. [98.47 s. 4]

Sec. 68. [97A.475] LICENSE FEES.

Subdivision 1. REQUIREMENTS FOR ISSUANCE. A license shall be issued when the requirements of the law are met and the license fee specified in this section is paid. [98.46 s. 1]

Subd. 2. RESIDENT HUNTING. Fees for the following licenses, to be issued to residents only, are:

- (1) for persons under age 65 to take small game, \$7;
- (2) for persons age 65 or over, \$3.50;
- (3) to take turkey, \$10;
- (4) to take deer with firearms, \$15;
- (5) to take deer by archery, \$15;
- (6) to take moose, for a party of not more than four persons, \$200; and
- (7) to take bear, \$25. [98.45 s. 8, 98.46 s. 2]

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Subd. 3. NONRESIDENT HUNTING. Fees for the following licenses, to be issued to nonresidents, are:

- (1) to take small game, \$46;
- (2) to take deer with firearms, \$100;
- (3) to take deer by archery, \$100;
- (4) to take bear, \$150;
- (5) to take turkey, \$30; and
- (6) to take raccoon, bobcat, fox, coyote, or lynx, \$100. [98.46 s. 14]

Subd. 4. SMALL GAME SURCHARGE. Fees for licenses to take small game must be increased by a surcharge of \$4. An additional commission may not be assessed on the surcharge and this must be stated on the back of the license with the following statement: "This \$4 surcharge is being paid by hunters for the acquisition and development of wildlife lands." [97.482 s. 1]

Subd. 5. HUNTING STAMPS. Fees for the following stamps are:

- (1) migratory waterfowl stamp, \$5; and
- (2) pheasant stamp, \$5. [97.4841 s. 3, 98.4843 s. 3]

Subd. 6. RESIDENT FISHING. Fees for the following licenses to be issued to residents only are:

- (1) to take fish by angling, \$6.50;
- (2) to take fish by angling, for a combined license for a married couple, \$10.50; and
- (3) to take fish by spearing from a dark house, \$7.50. [98.46 s. 2, 5]

Subd. 7. NONRESIDENT FISHING. Fees for the following licenses, to be issued to nonresidents, shall be

- (1) to take fish by angling, \$16;
- (2) to take fish by angling limited to seven consecutive days, \$13
- (3) to take fish by angling for three days, \$10; and
- (4) to take fish by angling for a combined license for a family, \$27.50. [98.46 s. 15]

Subd. 8. MINNESOTA SPORTING. The commissioner shall issue Minnesota sporting licenses to residents only. The licensee may take fish by angling and small game. The fee for the license is:

[Bracketed paragraph notes cite text sources]

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(1) for an individual, \$12; and

(2) for a combined license for a married couple to take fish and for one spouse to take small game, \$16. [98.46 s. 2a]

Subd. 9. FISHING SURCHARGE. The fees for the following licenses must be increased by a surcharge of \$2.50:

(1) resident angling, under subdivision 6, clauses (1) and (2);

(2) nonresident angling, under subdivision 7;

(3) Minnesota sporting, under subdivision 8;

(4) nonresident fish houses, under subdivision 12; and

(5) to net fish for domestic use, under subdivision 13. [97.86 s. 1]

Subd. 10. TROUT AND SALMON STAMP. The fee for a trout and salmon stamp is \$5. [97.4842 s. 2]

Subd. 11. FISH HOUSES AND DARK HOUSES; RESIDENTS. Fees for the following licenses are:

(1) for a fish house or dark house that is not rented, \$5; and

(2) for a fish house or dark house that is rented, \$15. [98.46 s. 5]

Subd. 12. FISH HOUSES; NONRESIDENT. The fee for a fish house license for a nonresident is \$15. [98.46 s. 15]

Subd. 13. NETTING WHITEFISH AND CISCOES FOR PERSONAL CONSUMPTION. The fee for a license to net whitefish and ciscoes in inland lakes and international waters for personal consumption is, for each net, \$3. [98.46 s. 5]

Subd. 14. ROUGH FISH; MINNESOTA AND MISSISSIPPI RIVERS. The fee for a license to take rough fish for domestic use with a set line, in the Minnesota and Mississippi rivers is \$13. [98.46 s. 9]

Subd. 15. LAKE SUPERIOR FISHING GUIDES. The fee for a license to operate a charter boat and guide anglers on Lake Superior is:

(1) for a resident, \$25;

(2) for a nonresident, \$100; or

(3) if another state charges a Minnesota resident a fee greater than \$100 for a Lake Superior fishing guide license in that state, the nonresident fee for a resident of that state is that greater fee. [98.457]

Subd. 16. RESIDENT HUNTING GUIDES. The fees for the following resident guide licenses are:

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(1) to guide bear hunters, \$75; and

(2) to guide turkey hunters, \$20. [98.46 s. 4]

Subd. 17. NONRESIDENT BEAR GUIDES. The fee for a license to guide bear hunters for a nonresident is \$400. [98.46 s. 16]

Subd. 18. SHOOTING PRESERVES. The fee for a shooting preserve license is \$75. [100.35 s. 1]

Subd. 19. TAXIDERMISTS. The fee for a taxidermist license, to be issued for a three-year period to residents only is:

(1) for persons age 18 and older, \$40; and

(2) for persons under age 18, \$25. [98.46 s. 5]

Subd. 20. TRAPPING LICENSE. The fee for a license to trap fur-bearing animals is:

(1) for persons over age 13 and under age 18, \$3.50; and

(2) for persons age 18 and older, \$13. [98.46 s. 4]

Subd. 21. FUR BUYING AND SELLING; RESIDENTS. (a) The fee for a license for a resident to buy and sell raw furs is \$100.

(b) The fee for a supplemental license to buy and sell furs is \$50. [98.46 s. 4]

Subd. 22. FUR BUYING AND SELLING; NONRESIDENTS. The fee for a license for a nonresident to buy and sell raw furs is \$500. [98.46 s. 16]

Subd. 23. RAW FUR TANNING. The fee for a license to tan and dress raw furs to be issued to residents and nonresidents is \$15. [98.46 s. 19(3)]

Subd. 24. GAME AND FUR FARMS. The fee for a game and fur farm license is \$15. [98.46 s. 5]

Subd. 25. MUSKRAT FARMS. The fee for a muskrat farm license is \$10. [99.28 s. 5]

Subd. 26. MINNOW DEALERS. The fees for the following licenses are:

(1) minnow dealer, \$70;

(2) minnow dealer's helper, \$5;

(3) minnow dealer's vehicle, \$10;

(4) exporting minnow dealer, \$250; and

[Bracketed paragraph notes cite text sources]

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(5) exporting minnow dealer's vehicle, \$10. [98.46 s. 5]

Subd. 27. MINNOW RETAILERS. The fees for the following licenses, to be issued to residents and nonresidents, are:

(1) minnow retailer, \$10; and

(2) minnow retailer's vehicle, \$10. [98.46 s. 17]

Subd. 28. NONRESIDENT MINNOW HAULERS. The fees for the following licenses, to be issued to nonresidents, are:

(1) exporting minnow hauler, \$525; and

(2) exporting minnow hauler's vehicle, \$10. [98.46 s. 5]

Subd. 29. PRIVATE FISH HATCHERIES. The fees for the following licenses to be issued to residents and nonresidents are:

(1) for a private fish hatchery, with annual sales under \$200, \$25;

(2) for a private fish hatchery, with annual sales of \$200 or more, \$50; and

(3) To take sucker eggs from public waters for a private fish hatchery, \$150, plus \$3 for each quart in excess of 100 quarts. [98.46 s. 17]

Subd. 30. COMMERCIAL NETTING OF FISH IN INLAND WATERS. The fee for a license to net commercial fish in inland waters, to be issued to residents and nonresidents is \$70, plus:

(1) for each hoop net pocket, 75 cents;

(2) for each 1,000 feet of seine, \$15; and

(3) for each helper's license, \$5. [98.46 s. 9a, 102.285 s. 1]

Subd. 31. COMMERCIAL NETTING OF FISH IN LAKE OF THE WOODS. The fee for a license to commercially net fish in Lake of the Woods is:

(1) for each pound net or staked trap net, \$45;

(2) for each fyke net, \$10, plus \$5 for each two-foot segment, or fraction, of the wings or lead in excess of four feet in height;

(3) for each 100 feet of gill net, \$2.50;

(4) for each submerged trap net, \$15; and

(5) for each helper's license, \$15. [98.46 s. 10]

Subd. 32. COMMERCIAL NETTING OF FISH IN RAINY LAKE. The fee for a license to commercially net fish in Rainy Lake is:

[Bracketed paragraph notes cite text sources]

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

- (1) for each pound net, \$45;
- (2) for each 100 feet of gill net, \$2.50; and
- (3) for each helper's license, \$15. [98.46 s.11]

Subd. 33. COMMERCIAL NETTING OF FISH IN NAMAKAN AND SAND POINT LAKES. The fee for a license to commercially net fish in Namakan Lake and Sand Point Lake is:

- (1) for each 100 feet of gill net, \$1.50;
- (2) for each pound, fyke, and submerged trap net, \$15; and
- (3) for each helper's license, \$5. [98.46 s. 13]

Subd. 34. COMMERCIAL SEINE AND SET LINES TO TAKE FISH IN THE MISSISSIPPI RIVER. (a) The fee for a license to commercially seine rough fish in the Mississippi river from St. Anthony Falls to the St. Croix river junction is:

- (1) for a seine not exceeding 500 feet, \$25; or
 - (2) for a seine over 500 feet, \$40, plus \$2 for each 100 foot segment or fraction over 1,000 feet.
- (b) The fee for each helper's license issued under paragraph (a) is \$5. [98.46 s. 8]

Subd. 35. COMMERCIAL SEINING OF FISH IN WISCONSIN BOUNDARY WATERS. The fee for a license to commercially seine fish in the boundary waters between Wisconsin and Minnesota from Taylors Falls to the Iowa border is:

- (1) for a seine not exceeding 500 feet, \$25; or
- (2) for a seine over 500 feet, \$40, plus \$2.50 for each 100 feet over 1,000 feet; and
- (3) for each helper's license to be issued to residents and nonresidents, \$5. [98.46 s. 6]

Subd. 36. COMMERCIAL NETTING IN WISCONSIN BOUNDARY WATERS. The fee for a license to commercially net in the boundary waters between Wisconsin and Minnesota from Lake St. Croix to the Iowa border is:

- (1) for each gill net not exceeding 500 feet, \$13;
- (2) for each gill net over 500 feet, \$25;
- (3) for each fyke net and hoop net, \$10;

[Bracketed paragraph notes cite text sources]

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(4) for each bait net, \$1.50;

(5) for each turtle net, \$1.50;

(6) for each set line identification tag, \$13; and

(7) for each helper's license to be issued to residents and nonresidents, \$5. [98.46 s. 7]

Subd. 37. COMMERCIAL NETTING OF FISH IN LAKE SUPERIOR. The fee for a license to commercially net fish in Lake Superior is:

(1) for each gill net, \$70 plus \$2 for each 1,000 feet over 1,000 feet;

(2) for a pound or trap net, \$70 plus \$2 for each additional pound or trap net; and

(3) for each helper's license, \$5. [98.46 s. 12a]

Subd. 38. FISH BUYERS. The fees for licenses to buy fish from commercial fishing licensees to be issued residents and nonresidents are:

(1) for Lake Superior fish bought for sale to retailers, \$50;

(2) for Lake Superior fish bought for sale to consumers, \$10;

(3) for Lake of the Woods, Namakan, Sand Point, and Rainy Lake fish bought for sale to retailers, \$100; and

(4) for Lake of the Woods, Namakan, Sand Point, and Rainy Lake fish bought for shipment only on international boundary waters, \$10. [98.46 s. 19]

Subd. 39. FISH PACKER. The fee for a license to prepare dressed game fish for transportation or shipment is \$13. [98.46 s. 5]

Subd. 40. FISH VENDORS. The fee for a license to use a motor vehicle to sell fish is \$25. [98.46 s. 19]

Subd. 41. TURTLE SELLERS. The fee for a license to take, transport, purchase, and possess unprocessed turtles for sale is \$50. [98.46 s. 5]

Subd. 42. FROG DEALERS. The fee for the licenses to deal in frogs that are to be used for purposes other than bait are:

(1) for a resident to purchase, possess, and transport frogs, \$70;

(2) for a nonresident to purchase, possess, and transport frogs, \$200; and

(3) for a resident to take, possess, transport, and sell frogs, \$10. [101.44]

Sec. 69. [97A.481] LICENSE APPLICATIONS UNDER OATH.

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All information required on a license application form must be furnished. The application must be made in writing and under oath. A person authorized to issue licenses has the authority to administer oaths to applicants, and a license may not be issued without actually administering the oath. [98.49 s. 2]

Sec. 70. [97A.485] ISSUANCE OF LICENSES.

Subdivision 1. COMMISSIONER. The commissioner shall issue and sell licenses. The commissioner shall furnish licenses and applications to agents authorized to issue licenses. [97.4841 s. 2; 97.4842 s. 1; 97.4843 s. 2; 98.49 s. 1; 98.50]

Subd. 2. COUNTY AUDITORS TO SELL LICENSES. County auditors are agents of the commissioner for the issuance and sale of licenses. The commissioner may require a county auditor to provide a corporate surety bond in addition to the auditor's official bond. [98.50 s. 1, 2]

Subd. 3. APPOINTMENT OF SUBAGENTS. A county auditor may appoint residents to be subagents of the auditor within the county or adjacent counties to issue and sell licenses. The auditor shall notify the commissioner of the name and address of a subagent when appointed. The appointment may be revoked by the auditor at any time, and when directed by the commissioner, the auditor must revoke the appointment. [98.50 s. 1, 5]

Subd. 4. APPLICATION TO SELL LICENSES BY SUBAGENT. To be a subagent, a person must apply in writing to an appropriate county auditor in a manner approved by the commissioner. The auditor may require a subagent to provide a bond or pay for licenses before furnishing the licenses. License application forms may only be furnished to subagents in groups of ten or more for resident licenses and five or more for nonresident licenses. [98.50 s. 1, 5, 10]

Subd. 5. COUNTY AUDITORS RESPONSIBLE FOR LICENSES AND FEES. (a) The county auditor is responsible for licenses and fees received by the subagents, except in a county that has a population over 150,000 and an area greater than 5,000 square miles and in a county where the county auditor does not retain fees paid for licenses. In these counties the responsibility imposed on the county auditor is imposed on the county. [98.50 s. 1]

(b) The county auditor must promptly deposit all money received from the sale of licenses with the county treasurer. The auditor must promptly submit payments and required reports as required by the commissioner. [98.50 s. 5]

Subd. 6. LICENSES TO BE SOLD AND ISSUING FEES. (a) Persons authorized to sell licenses under this section must sell the following licenses for the license fee and the following issuing fees:

- (1) to take deer with firearms and by archery, the issuing fee is \$1;
- (2) Minnesota sporting, the issuing fee is \$1; and

[Bracketed paragraph notes cite text sources]

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(3) to take bear and small game, to take fish by angling or spearing, and to trap furbearing animals, the issuing fee is 75 cents.

(b) An issuing fee for a stamp may not be collected when a stamp is issued simultaneously with the related small game, fishing, or sporting license. Only one issuing fee may be collected when selling more than one stamp in the same transaction after the end of the season for which the stamp was issued.

(c) The auditor or subagent shall keep the issuing fee as a commission for selling the licenses. [98.501]

(d) The commissioner shall collect the issuing fee on licenses sold by the commissioner.

(e) A license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses. [98.50 s. 5]

Subd. 7. COUNTY AUDITOR'S COMMISSION. The county auditor shall retain for the county treasury a commission of four percent of all license fees collected by the auditor and the auditor's subagents, excluding the small game surcharge and issuing fees. In addition, the auditor shall collect the issuing fees on licenses sold by the auditor to a licensee. [98.50 s. 5]

Subd. 8. REDEMPTION OF UNSOLD LICENSES. The commissioner must redeem unsold licenses submitted within the redemption time prescribed by the commissioner. Licenses that are not submitted for redemption within the prescribed time are considered to have been sold and the auditor or county to whom the licenses were furnished are accountable for them. A county auditor must refund the license fees prepaid by the auditor's subagent for unsold licenses submitted within a time period established by the commissioner. [98.50 s. 5]

Subd. 9. CERTAIN LICENSES NOT TO BE ISSUED AFTER SEASON OPENS. (a) The following licenses may not be issued after the day before the opening of the related firearms season:

(1) to take deer with firearms or by archery; [98.45 s. 1]

(2) to guide bear hunters; and [98.455]

(3) to guide turkey hunters. [98.456]

(b) Paragraph (a) does not apply to deer licenses for discharged military personnel under section 66, subdivision 4. [98.45 s. 1]

(c) A nonresident license or tag to take and possess raccoon, bobcat, Canada lynx, or fox may not be issued after the fifth day of the open season. [98.46 s. 26]

Subd. 10. RETURN OF UNSOLD DEER AND BEAR LICENSES. Subagents must return stubs and unsold licenses for the taking of deer to the county auditor on the first business day after the first day of the firearms deer season.

[Bracketed paragraph notes cite text sources]

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subagents must return stubs and unsold licenses for guiding bear hunters to the county auditor as prescribed by the commissioner. [98.45 s.1, 98.455]

Subd. 11. RULES FOR ACCOUNTING AND PROCEDURES. The commissioner shall prescribe rules for the accounting and procedural requirements necessary to assure the efficient handling of licenses and license fees. The commissioner may, by order, establish standards for the appointment and revocation of subagents to assure the efficient distribution of licenses throughout the state. [98.50 s. 2]

POSSESSION AND TRANSPORTATION OF WILD ANIMALS

Sec. 71. [97A.501] WILD ANIMALS; GENERAL RESTRICTIONS.

Subdivision 1. GENERAL RESTRICTIONS. A person may not take, buy, sell, transport, or possess a protected wild animal unless allowed by the game and fish laws. The ownership of all wild animals is in the state, unless the wild animal has been lawfully acquired under the game and fish laws. The ownership of a wild animal that is lawfully acquired reverts to the state if a law relating to sale, transportation, or possession of the wild animal is violated. [97.43]

Subd. 2. ENDANGERED SPECIES. A person may not take, import, transport, or sell an endangered species of wild animal, or sell, or possess with intent to sell an article made from the parts of a wild animal, except as provided in article 4, section 8. [97.488 s. 1]

Sec. 72. [97A.505] POSSESSION OF WILD ANIMALS.

Subdivision 1. POSSESSION OUTSIDE OF THE SEASON PROHIBITED. A person may only possess a protected wild animal during the open season and the following five days as prescribed by law, unless otherwise allowed by law or authorized by the commissioner. [97.44 s. 2]

Subd. 2. POSSESSION OF UNLAWFUL ANIMALS BROUGHT INTO THE STATE PROHIBITED. A person may not possess a wild animal that has been unlawfully taken, bought, sold, or possessed outside the state, or unlawfully shipped into the state. [97.44 s. 1]

Subd. 3. PERMIT TO BRING ANIMALS INTO STATE. Wild animals lawfully taken, bought, sold, or possessed outside the state may be brought or shipped into the state:

- (1) during the open season and the following five days; or
- (2) after obtaining a permit from the commissioner. [97.44 s. 3]

Subd. 4. STORAGE OF PROTECTED WILD ANIMALS. A person that stores protected wild animals must plainly mark the package, in ink, with the name and address of the owner, the license number of the person taking the animal, and the number and species in the package. A person may not use a commercial cold storage warehouse for protected wild animals, except lawfully taken fish and furs. [97.44 s. 4]

[Bracketed paragraph notes cite text sources]

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Subd. 5. LICENSE NOT REQUIRED FOR ANIMALS ACQUIRED BY GIFT. Protected wild animals may be transferred by gift. A person is not required to have a license to possess and transport protected wild animals acquired by gift. If wild animals are transported out of the county where the recipient resides, the recipient must:

(1) attach a tag marked in ink, with the name and address of the owner and the license number of the person taking the animals; or

(2) furnish an affidavit showing the name and address of the donor. [97.44 s. 5]

Subd. 6. BEAVER AND MUSKRAT PELTS; TAGS REQUIRED. A licensed tanner must attach a tag or seal prescribed by the commissioner to each beaver or muskrat pelt or hide in possession. [97.44 s. 7]

Subd. 7. EXCEPTIONS TO THIS SECTION. This section does not apply to mounted specimens of wild animals, antlers, tanned hides, and dressed furs lawfully taken. [97.44 s. 6]

Sec. 73. [97A.511] FUR-BEARING ANIMALS.

The skins of fur-bearing animals and the flesh of beaver, muskrat, raccoon, rabbits and hares, legally taken and bearing the required seals or tags required by the game and fish laws, may be bought, sold, and transported at any time. The flesh of beaver, raccoon, rabbits, and hare may not be transported out of the state. [100.30]

Sec. 74. [97A.515] PELTS, SKINS, AND HIDES TAKEN ON INDIAN RESERVATIONS.

The pelts, skins, and hides of protected wild animals taken on an Indian reservation in this state, except the Fond du Lac reservation, may be transported, sold, and disposed of as prescribed by the commissioner. [100.303]

Sec. 75. [97A.521] TRANSPORTATION OF WILD ANIMALS; GENERALLY.

Subdivision 1. GENERAL AUTHORITY; RESIDENTS. A resident may transport wild animals to any place in the state if the resident and the animals are in the same vehicle. [97.45 s. 3]

Subd. 2. GENERAL AUTHORITY; NONRESIDENTS. A nonresident may transport wild animals taken in the state if the nonresident and the animals are in the same vehicle. [97.45 s. 6, 7]

Subd. 3. WILD ANIMALS IN CONTAINERS. A person that transports wild animals in a container must mark or identify the container as prescribed under the game and fish laws or by commissioner's order. [97.45 s. 1]

[Bracketed paragraph notes cite text sources]

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 4. ANIMALS THAT MAY BE LAWFULLY SOLD. During the open season a person may transport a protected wild animal within the state, and to a destination outside the state, if the animal may be lawfully sold and the transportation is not otherwise prohibited. [97.45 s. 2]

Subd. 5. UNLAWFUL WILD ANIMALS PROHIBITED. A person may not transport wild animals taken, bought, sold, or possessed in violation of the game and fish laws. [97.45 s. 1]

Sec. 76. [97A.525] TRANSPORTATION OF WILD ANIMALS BY COMMON CARRIER.

Subdivision 1. RESIDENTS. A resident may transport wild animals within the state by common carrier without being in the vehicle if the resident has the license required to take the animals and they are shipped to the resident. The wild animals that may be transported by common carrier are:

- (1) deer, bear, and moose;
- (2) undressed game birds; and
- (3) fish. [97.45 s. 4]

Subd. 2. NONRESIDENTS. A nonresident may transport wild animals by common carrier without being in the vehicle if the nonresident has the license required to take the animals and they are shipped to the nonresident. [97.45 s. 6, 7]

Subd. 3. EMPLOYEE OF CARRIER. An employee of a carrier may not transport wild animals as baggage while performing duties for the carrier. [97.45 s. 3]

Subd. 4. STATEMENT REQUIRED FOR PROTECTED WILD ANIMALS. A person that transports protected wild animals by common carrier, including animals carried in baggage, must attach a statement to each shipment. The statement must include the name, address, and license number of the person shipping the animals, the number and species of the animals in the shipment, and the signature of the licensee. [97.45 s. 3, 12]

Subd. 5. CARRIER MUST BE SHOWN SHIPPER'S LICENSE. A common carrier may not accept a shipment of big or small game unless the carrier is shown the license of the shipper to take the game. [97.45 s. 11]

Subd. 6. WAYBILL MUST SPECIFY ANIMALS. The waybill or receipt issued by a common carrier to a shipper must specify the number and species of wild animals being shipped. [97.45 s. 14]

Subd. 7. ANIMALS IN POSSESSION OF SHIPPER. Wild animals that are transported by common carrier are considered to be in the possession of the shipper. [97.45 s. 7(a), 10]

[Bracketed paragraph notes cite text sources]

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Sec. 77. [97A.531] SHIPMENT OF WILD ANIMALS TAKEN IN CANADA.

A person may ship, within or out of the state, wild animals lawfully taken and possessed in Canada and that have lawfully entered the state. The shipment must have the shipping coupons required for a shipment originating in the province where the animals were taken. Fish that are lawfully taken and possessed in Canada may be brought into the state for filleting and packing and may be transported within the state or out of the state. [97.45 s. 8]

Sec. 78. [97A.535] POSSESSION AND TRANSPORTATION OF DEER, BEAR, AND MOOSE.

Subdivision 1. TAGS REQUIRED. A person may not possess or transport deer, bear, or moose taken in the state unless a tag is attached to the carcass in a manner prescribed by the commissioner. The commissioner must prescribe the type of tag that has the license number of the owner, the year of its issue, and other information prescribed by the commissioner. The tag must be attached to the deer, bear, or moose when:

(1) the animal is in a camp, or a place occupied overnight or the yard surrounding the place; or

(2) the animal is on a motor vehicle. [98.46 s. 22]

Subd. 2. DEER TAKEN BY ARCHERY AND MOOSE MUST HAVE ADDITIONAL TAG. Deer taken by archery and moose must be tagged as prescribed by the commissioner, in addition to the tag required in subdivision 1. [98.46 s. 22]

Subd. 3. TRANSPORTATION PERIOD RESTRICTED. A person may transport one deer, one bear, or one moose during the open season and the two days following the season, and afterwards as prescribed by the commissioner. [97.45 s. 1, 7]

Subd. 4. TRANSPORTATION BY PERSON OTHER THAN LICENSEE. A person other than the licensee may transport deer, bear, or moose that the licensee has registered as prescribed by the commissioner. The person must transport the animal by the most direct route. A tag must be attached to the animal and marked in ink with the address, license number, signature of the licensee, and the locations from which and to which the animal is being transported. [97.45 s. 4a]

Subd. 5. HEADS, HIDES, AND CLAWS. A resident that has a license to take deer, bear, or moose may transport the head or hide of the animal within or out of the state for mounting or tanning. The hides of deer, bear, and moose, and the claws of bear legally taken and with the tags that are required by this section, may be bought, sold, and transported at any time. [97.45 s. 3, 4, 100.30]

[Bracketed paragraph notes cite text sources]

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Sec. 79. [97A.541] NONRESIDENT: SMALL GAME TAGS.

A nonresident may not possess or transport a raccoon, bobcat, Canada lynx, or fox taken in this state without a tag attached to the animal. The commissioner shall prescribe, by order, the type of tag and the number of tags to be issued with each nonresident raccoon, bobcat, Canada lynx, or fox license and shall furnish the tags with the licenses to be issued. [98.46 s. 26]

Sec. 80. [97A.545] TRANSPORTATION OF GAME BIRDS.

Subdivision 1. RESIDENTS SHIPPING BY COMMON CARRIER. A resident that ships undressed game birds to the resident by common carrier without being in the vehicle may not make more than three shipments during a license year. A shipment may not contain more than the resident's daily limit. [97.45 s. 4]

Subd. 2. NONRESIDENTS SHIPPING BY COMMON CARRIER. A nonresident that ships undressed game birds to the nonresident by common carrier without being in the vehicle must obtain a shipping permit from the commissioner. The commissioner shall issue the permit upon request, without a fee. The carrier receiving the shipment must cancel the permit as prescribed by the commissioner. [97.45 s. 7b]

Subd. 3. SHIPPING TO OTHER PERSONS. A person must obtain a permit from the commissioner to ship game birds to another person within or out of the state. The person must have the licenses required to take the game birds. [97.45 s. 9]

Subd. 4. UNDRESSED GAME BIRDS TAKEN IN ADJACENT STATES. A person may transport into the state dressed game birds that are lawfully taken and possessed in adjacent states. A resident may ship the undressed game birds by common carrier within the state. A nonresident may ship the undressed game birds out of the state by common carrier. Each shipment must be tagged or sealed by a conservation officer as prescribed by the commissioner. [97.45 s. 9]

Sec. 81. [97A.551] TRANSPORTATION OF FISH.

Subdivision 1. NONRESIDENTS SHIPPING BY COMMON CARRIER. (a) A nonresident that ships fish to the nonresident by common carrier without being in the vehicle may only make one shipment of fish during a license year. The shipment may contain one of the following:

- (1) one undressed fish of any size;
 - (2) 25 pounds or less of undressed fish; or
 - (3) 15 pounds or less of filleted or dressed game fish. [97.45 s. 6(1)]
- (b) The nonresident must obtain a shipping permit from the commissioner.

[Bracketed paragraph notes cite text sources]

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The commissioner shall issue a shipping permit upon request, without a fee. The carrier receiving the shipment must cancel the permit as prescribed by the commissioner. [97.45 s. 6(1)]

(c) For shipments of filleted or dressed game fish under this subdivision, the statement required under section 76, subdivision 4, must include the net weight of the fish. [97.45 s. 6]

Subd. 2. FISH TRANSPORTED THROUGH STATE. A person may not transport game fish taken in another state or country through the state during the closed season or in excess of the possession limit unless the fish are:

(1) transported by common carrier; or

(2) tagged, sealed, or marked as prescribed by the commissioner. [97.45 s. 13]

Subd. 3. SHIPPING ONE FISH TO ANY PERSON. A person that has a license to take fish may ship one fish to any person within or out of the state after obtaining a permit from the commissioner. [97.45 s. 9]

ARTICLE 2

CHAPTER 97B

HUNTING

HUNTING RESTRICTIONS AND REQUIREMENTS

Section 1. [97B.001] TRESPASS.

Subdivision 1. AGRICULTURAL LAND DEFINITION. For purposes of this section, "agricultural land" means land:

(1) that is plowed or tilled;

(2) that has standing crops or crop residues; or

(3) within a maintained fence for enclosing domestic livestock. [100.273 s. 1]

[Bracketed paragraph notes cite text sources]

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Subd. 2. PERMISSION REQUIRED TO ENTER AGRICULTURAL LAND TO HUNT OR OPERATE VEHICLES. Except as provided in subdivisions 5 and 6, a person may not enter agricultural land to hunt or operate a motor vehicle for pleasure purposes, unless the person obtains permission of the owner, occupant, or lessee. [100.273 s. 2]

Subd. 3. ENTERING LAND PROHIBITED AFTER NOTICE. Except as provided in subdivisions 5 and 6, a person may not enter any land to take a wild animal after being notified not to do so orally by the owner, occupant, or lessee. [100.273 s. 3]

Subd. 4. ENTERING POSTED LAND PROHIBITED; SIGNS. (a) Except as provided in subdivision 6, a person may not enter any land that is posted under this subdivision to take a wild animal unless the person has obtained the permission of the owner, occupant, or lessee. [100.273 s. 3]

(b) The owner, occupant, or lessee of private land, or an authorized manager of public land may prohibit unauthorized hunting, trapping, fishing, or trespassing on the land by posting signs that:

(1) display letters at least two inches high;

(2) are signed by the owner, occupant, lessee, or authorized manager; and

(3) are at intervals of 1,000 feet or less along the boundary of the area, or in a wooded area where boundary lines are not clear, at intervals of 500 feet or less.

(c) A person may not erect a sign that states "no hunting," "no trapping," "no fishing," "no trespassing," or another sign that prohibits trespass on land or water where the person does not have a property right, title, or interest to use the land. [100.273 s. 6]

Subd. 5. RETRIEVING WOUNDED GAME FROM AGRICULTURAL LAND. A hunter, on foot, may retrieve wounded game, during the open season for the game, from agricultural land that is not posted under subdivision 4, without permission of the landowner. The hunter must leave the land immediately after retrieving the wounded game. [100.273 s. 7]

Subd. 6. RETRIEVING DOGS FROM PRIVATE LAND. A person may, without permission of the landowner, enter private land on foot to retrieve a dog that has treed or is at bay with a raccoon, bobcat, coyote, or fox. After retrieving the dog, the person must immediately leave the premises. [100.273 s. 7]

Subd. 7. TAKING WITH FIREARMS IN CERTAIN AREAS. (a) A person may not take a wild animal with a firearm within 500 feet of a building occupied by a human or livestock without the written permission of the owner or occupant:

(1) on another person's private agricultural land; or

[Bracketed paragraph notes cite text sources]

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(2) on a public right-of-way.

(b) A person may not take a wild animal with a firearm without the written permission of the owner within 500 feet of a stockade or corral containing livestock.

(c) A person may not take a wild animal with a firearm:

(1) on land other than agricultural land within 200 feet of a building occupied by a human without the oral permission of the owner or occupant of the building; or [100.273 s. 5]

(2) within 500 feet of a burning area.

Subd. 8. DESTRUCTION OF PROPERTY; GATE CLOSING. A person may not:

(1) wound or kill another person's domestic animal;

(2) destroy, cut, or tear down another person's fence, building, grain, crops, live tree, or sign erected under subdivision 4; or

(3) pass through another person's closed gate without returning the gate to its original position. [100.273 s. 4]

Sec. 2. [97B.005] TRAINING DOGS.

Subdivision 1. FIELD TRAINING; PERMIT REQUIRED FOR CERTAIN PERIOD. A person may not train hunting dogs afield from April 16 to July 14 except by special permit. The commissioner may issue a special permit, without a fee, to train hunting dogs afield on land owned by the trainer or on land that the owner provides written permission. The written permission must be carried in personal possession of the trainer while training the dogs. [98.48 s. 13, 100.29 s. 20]

Subd. 2. RESTRICTION ON AMMUNITION WHILE TRAINING. A person that is training a dog afield and carrying a firearm may only have blank cartridges and shells in personal possession when the season is not open for any game bird. [100.29 s. 20]

Subd. 3. PERMITS FOR ORGANIZATIONS TO USE GAME BIRDS AND FIREARMS. The commissioner may issue special permits, without a fee, to organizations to use firearms and live ammunition on domesticated birds or banded game birds from game farms for holding field trials and training retrieving dogs. [98.48 s. 2]

Subd. 4. USE OF RACCOONS. The commissioner may issue special permits, without a fee, to possess one raccoon to train dogs for raccoon hunting. [98.48 s. 7]

Sec. 3. [97B.011] DOGS PURSUING BIG GAME.

[Bracketed paragraph notes cite text sources]

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A dog that is known to have killed or is observed wounding, killing, or pursuing in a manner that endangers big game may be killed by a peace officer or conservation officer, or, between January 1 and July 14, by any person. The officer or person is not liable for damages for killing the dog. [100.29 s. 19]

Sec. 4. [97B.015] FIREARM SAFETY COURSE.

Subdivision 1. ESTABLISHMENT. The commissioner shall make rules establishing a statewide course in the safe use of firearms. At least one course must be held within the boundary of each school district. The courses must be conducted by the commissioner in cooperation with other organizations. The courses must instruct youths in commonly accepted principles of safety in hunting and handling common hunting firearms. [97.81 s. 1]

Subd. 2. ADMINISTRATION, SUPERVISION, AND ENFORCEMENT. (a) The commissioner shall appoint a qualified person from the enforcement division under civil service rules as supervisor of hunting safety and prescribe the duties and responsibilities of the position. The commissioner shall determine and provide the enforcement division with the necessary personnel for this section.

(b) The commissioner may appoint one or more county directors of hunting safety in each county. An appointed county director is responsible to the enforcement division. The enforcement division may appoint instructors necessary for this section. County directors and instructors shall serve on a voluntary basis without compensation. The enforcement division must supply the materials necessary for the course. [97.82, 97.85 s. 1]

Subd. 3. LIABILITY INSURANCE. The commissioner shall obtain insurance to cover all liability incurred by the county directors and instructors for bodily injury, death, and property damage in the performance of their duties under this section. [97.85 s. 2]

Subd. 4. STUDENT FEE. To defray the expense of the course, the enforcement division shall collect a fee not to exceed \$5 from each person that takes the firearm safety course. [97.85 s. 1]

Subd. 5. FIREARMS SAFETY CERTIFICATE. The commissioner shall issue a firearms safety certificate to a person that satisfactorily completes the required course of instruction. A certificate may not be issued to a person under age 12. A person that is age 11 may take the firearms safety course and may receive a firearms safety certificate at age 12. The form and content of the firearms safety certificate shall be prescribed by the commissioner. [97.81 s. 2, 97.83 s. 1]

Sec. 5. [97B.021] POSSESSION OF FIREARMS BY PERSONS UNDER AGE 16.

Subdivision 1. RESTRICTIONS. (a) Except as provided in this subdivi-

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sion, a person under the age of 16 may not possess a firearm, unless accompanied by a parent or guardian. [97.83 s. 1]

(b) A person under age 16 may possess a firearm without being accompanied by a parent or guardian:

(1) on land owned by, or occupied as the principal residence of, the person or the person's parent or guardian;

(2) while participating in an organized target shooting program with adult supervision;

(3) while the person is participating in a firearms safety program or traveling to and from class; or

(4) if the person is age 14 or 15 and has a firearms safety certificate.

(c) For purposes of this section a guardian is a legal guardian or a person age 18 or older that has been authorized by the parent or legal guardian to supervise the person under age 16. [97.83 s. 1]

Subd. 2. SEIZURE OF UNLAWFULLY POSSESSED FIREARMS. A law enforcement officer shall seize a firearm used in violation of this section. The officer must tag the seized firearm with the name and address of the person from whom it was taken and give the person a receipt. The firearm shall be placed in the custody of the conservation officer in charge of the area where the seizure was made. [97.83 s. 2]

Subd. 3. RETURN OR FORFEITURE OF SEIZED FIREARMS. A firearm seized under this section must be returned to the person from whom it was seized when the person presents a firearms safety certificate to the conservation officer. The person must present the certificate within 90 days after the beginning of the first firearms training course in the county after the firearm was seized. If the person does not present a certificate, the firearm is contraband and forfeited to the state, and shall be disposed of as prescribed by the commissioner. [97.83 s. 3]

Sec. 6. [97B.025] ADVANCED HUNTER EDUCATION.

The commissioner may establish advanced education courses for hunters and trappers. The commissioner, with the approval of the commissioner of finance, may impose a fee not to exceed \$10 for each person attending an advanced education course. The commissioner shall establish the fee under section 16A.128. [97.851]

Sec. 7. [97B.031] USE AND POSSESSION OF FIREARMS.

Subdivision 1. FIREARMS AND AMMUNITION THAT MAY BE USED TO TAKE BIG GAME. (a) A person may take big game with a firearm only if:

[Bracketed paragraph notes cite text sources]

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(1) the rifle, shotgun, and handgun used is a caliber of at least .23 inches;

(2) the firearm is loaded only with single projectile ammunition;

(3) a projectile used is a caliber of at least .23 inches and has a soft point or is an expanding bullet type;

(4) the ammunition has a case length of at least 1.285 inches;

(5) the muzzle-loader used is incapable of being loaded at the breech;

(6) the smooth-bore muzzle-loader used is a caliber of at least .45 inches; and

(7) the rifled muzzle-loader used is a caliber of at least .40 inches.

(b) A person may not take big game with a .30 caliber M-1 carbine cartridge. [100.29 s. 9]

Subd. 2. HANDGUNS FOR SMALL GAME. A person may take small game with a handgun of any caliber in a manner prescribed by the commissioner. [100.29 s. 2]

Subd. 3. FIREARMS LARGER THAN TEN GAUGE PROHIBITED. A person may not use a firearm with a bore larger than a ten gauge to take a protected wild animal. [100.29 s. 2]

Subd. 4. SILENCERS PROHIBITED. A person may not own or possess a silencer for a firearm or a firearm equipped to have a silencer attached. [100.29 s. 4]

Sec. 8. [97B.035] RESTRICTIONS ON ARCHERY EQUIPMENT.

Subdivision 1. HUNTING WITH BOWS RELEASED BY MECHANICAL DEVICES. A person may not hunt with a bow drawn, held, or released by a mechanical device, except with a disabled hunter permit issued under section 29. [100.29 s. 7, 26]

Subd. 2. POSSESSION OF CROSSBOWS. A person may not possess a crossbow outdoors or in a motor vehicle during the open season for any game, unless the crossbow is unstrung, and in a case or in a closed trunk of a motor vehicle. [100.29 s. 26]

Subd. 3. POISONED AND EXPLOSIVE ARROWS. A person may not hunt with an arrow that is poisoned or has an explosive tip. [100.29 s. 7]

Sec. 9. [97B.041] POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.

A person may not possess a firearm or ammunition outdoors during the period beginning the tenth day before the open firearms season and ending the

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second day after the close of the season within an area where deer may be taken by a firearm, except:

(1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area may be used to take big game in that area if the person has a valid big game license in possession;

(2) a firearm that is unloaded and in a case or in a closed trunk of a motor vehicle;

(3) a shotgun and only shells containing shot;

(4) a handgun or rifle and only short, long, and long rifle cartridges that are caliber of .22 inches;

(5) handguns possessed by a person authorized to carry a handgun under sections 624.714 and 624.715 for the purpose authorized; and

(6) on a target range operated under a permit from the commissioner.
[100.29 s.3]

Sec. 10. [97B.045] TRANSPORTATION OF FIREARMS.

A person may not transport a firearm in a motor vehicle unless the firearm is:

(1) unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed;

(2) unloaded and in the closed trunk of a motor vehicle; or

(3) a handgun carried in compliance with sections 624.714 and 624.715.
[100.29 s. 5]

Sec. 11. [97B.051] TRANSPORTATION OF ARCHERY BOWS.

A person may not transport an archery bow in a motor vehicle unless the bow is:

(1) unstrung;

(2) completely contained in a case; or

(3) in the closed trunk of a motor vehicle. [100.29 s. 5]

Sec. 12. [97B.055] DISCHARGING FIREARMS AND BOWS AND ARROWS.

Subdivision 1. RESTRICTIONS RELATED TO HIGHWAYS. A person may not discharge a firearm or an arrow from a bow on, over, or across an improved public highway at a big game animal. A person may not discharge a firearm or bow and arrow within the the right-of-way of an improved public highway at a big game animal. The commissioner may by order extend the

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Changes or additions are indicated by underline, deletions by ~~strikeout~~.

application of this subdivision to the taking of migratory waterfowl in designated locations. [100.31]

Subd. 2. RESTRICTIONS RELATED TO MOTOR VEHICLE. A person may not take a wild animal with a firearm or by archery from a motor vehicle except as permitted in this section. [100.29 s. 5]

Subd. 3. HUNTING FROM VEHICLE BY DISABLED HUNTERS. The commissioner may issue a special permit, without a fee, to discharge a firearm or bow and arrow from a stationary motor vehicle to a licensed hunter that is physically unable to walk with or without crutches, braces, or other mechanical support. A person with a temporary disability may be issued an annual permit and a person with a permanent disability may be issued a permanent permit. [98.48 s. 12]

Subd. 4. TAKING BOUNTY ANIMALS FROM AIRPLANES AND SNOWMOBILES. The commissioner may issue a special permit, without fee, to take animals that the state pays a bounty for, from an airplane or a snowmobile. [98.48 s. 10]

Sec. 13. [97B.061] REPORTS AND RECORDS.

If requested by the commissioner, a person who has taken game must submit a report to the commissioner on a furnished form before February 1, stating the number and kind of each game animal taken during the preceding calendar year. [98.51 s. 1]

Sec. 14. [97B.065] HUNTING WHILE INTOXICATED OR USING NARCOTICS PROHIBITED.

A person may not take protected wild animals with a firearm or by archery while visibly intoxicated or under the influence of narcotics. [100.29 s. 6]

Sec. 15. [97B.071] RED OR BLAZE ORANGE REQUIREMENTS.

A person may not hunt or trap during the open season in a zone or area where deer may be taken by firearms, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is bright red or blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square. [100.29 s. 8]

Sec. 16. [97B.075] HUNTING RESTRICTED BETWEEN EVENING AND MORNING.

A person may not take protected wild animals, except raccoon and fox, with a firearm or by archery between the evening and morning times established by commissioner's order. [100.29 s. 1]

Sec. 17. [97B.081] USING ARTIFICIAL LIGHTS TO LOCATE ANIMALS.

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Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. WITH FIREARMS AND BOWS. (a) A person may not cast the rays of a spotlight, headlight, or other artificial light on a highway, or in a field, woodland, or forest, to spot, locate, or take a wild animal, while having in possession, either individually or as one of a group of persons, a firearm, bow, or other implement that could be used to kill big game.

(b) This subdivision does not apply to a firearm that is:

(1) unloaded;

(2) in a gun case expressly made to contain a firearm that fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of the firearm exposed; and

(3) in the closed trunk of a motor vehicle.

(c) This subdivision does not apply to a bow that is:

(1) completely encased or unstrung; and

(2) in the closed trunk of a motor vehicle.

(d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm or bow must be placed in the rearmost location of the vehicle. [100.29 s. 10]

Subd. 2. WITHOUT FIREARMS. Between the hours of 10:00 p.m. and 6:00 a.m. from September 1 to December 31, a person may not cast the rays of a spotlight, headlight, or other artificial light in a field, woodland, or forest to spot, locate, or take a wild animal except to take raccoons under section 46, subdivision 3. It is not a violation of this subdivision for a person to carry out any agricultural, occupational, or recreational practice, including snowmobiling that is not related to spotting, locating or taking a wild animal. [100.29 s. 9a]

Sec. 18. [97B.085] USE OF RADIOS TO TAKE ANIMALS.

Subdivision 1. TAKING PROTECTED ANIMALS PROHIBITED. A person may not use radio equipment to take a protected wild animal. [100.29 s. 27]

Subd. 2. TAKING UNPROTECTED WILD ANIMALS; PERMIT REQUIRED. A person may not use radio equipment to take unprotected wild animals without a permit. The commissioner may issue a permit to take unprotected animals with radio equipment. The commissioner shall cancel the permit upon receiving a valid complaint of misconduct regarding the permittee's hunting activities. [100.29 s. 27]

Sec. 19. [97B.091] USE OF MOTOR VEHICLES TO CHASE WILD ANIMALS PROHIBITED.

A person may not use a motor vehicle to intentionally drive, chase, run over, kill, or take a wild animal. [100.26 s. 1, 100.29 s. 28, 29]

[Bracketed paragraph notes cite text sources]

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Sec. 20. [97B.095] DISTURBING BURROWS AND DENS.

A person may not disturb the burrow or den of a wild animal between November 1 and April 1 without a permit. [100.29 s. 24]

Sec. 21. [97B.101] HUNTING WITH FERRETS PROHIBITED.

A person may not take a protected wild animal with the aid of a ferret. [100.29 s. 23]

Sec. 22. [97B.105] HUNTING BY FALCONRY.

A person may take a protected wild animal by falconry under rules prescribed by the commissioner. [100.27 s. 8]

BIG GAME

Sec. 23. [97B.201] NO OPEN SEASON FOR ELK, CARIBOU, AND ANTELOPE.

There may not be an open season on elk, caribou, or antelope. [100.27 s. 1]

Sec. 24. [97B.205] USE OF DOGS AND HORSES TO TAKE BIG GAME PROHIBITED.

A person may not use a dog or horse to take big game. [100.29 s. 14]

Sec. 25. [97B.211] HUNTING BIG GAME BY ARCHERY.

Subdivision 1. POSSESSION OF FIREARMS PROHIBITED. A person may not take big game by archery while in possession of a firearm. [100.29 s. 7]

Subd. 2. ARROWHEAD REQUIREMENTS. Arrowheads used for taking big game must be sharp and barbless and have a single two-edged blade at least one inch wide, or three or more blades at least three inches in circumference. The arrowhead must be made of:

- (1) hicarbon steel and weigh at least 110 grains; or
- (2) mill-tempered spring steel with a plastic core or ferrule and weigh at least 90 grains. [100.29 s. 7]

DEER

Sec. 26. [97B.301] DEER LICENSES AND LIMITS.

Subdivision 1. LICENSES REQUIRED. A person may not take deer without a license. A person must have a firearms deer license to take deer with firearms and an archery deer license to take deer by archery except as provided in this section. [98.45 s. 1, 100.272]

[Bracketed paragraph notes cite text sources]

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Subd. 2. LIMIT OF ONE DEER. Except as provided in subdivisions 3 and 4, a person may obtain one firearms deer license and one archery deer license in the same license year, but may take only one deer. [100.272]

Subd. 3. PARTY HUNTING. If two or more persons with licenses to take deer by firearms, or two or more persons with licenses to take deer by archery, are hunting as a party, a member of the party may take more than one deer, but the total number of deer taken by the party may not exceed the number of persons licensed to take deer in the party. [100.272]

Subd. 4. EXPERIMENTAL TWO DEER. The commissioner may, by order, allow a person to take two deer during each of the 1986 and 1987 calendar years. The commissioner shall prescribe the conditions for taking the second deer including:

(1) taking by firearm or archery;

(2) obtaining an additional license; and

(3) payment of a fee not more than the fee for a firearms deer license. [100.281]

Sec. 27. [97B.305] COMMISSIONER MAY LIMIT NUMBER OF DEER HUNTERS.

The commissioner may limit the number of persons that may hunt deer in an area if it is necessary to prevent an overharvest or improve the distribution of hunters. The commissioner may, by order, establish a method, including a drawing, to impartially select the hunters for an area. The commissioner shall give preference to hunters that have previously applied and have not been selected. [97.48 s. 24]

Sec. 28. [97B.311] DEER SEASONS AND RESTRICTIONS.

The commissioner may, by order, prescribe restrictions and designate areas where deer may be taken. The commissioner may, by order, prescribe the open seasons for deer within the following periods:

(1) taking with firearms, other than muzzle-loading firearms, between November 1 and December 15;

(2) taking with muzzle-loading firearms between September 1 and December 31; and

(3) taking by archery between September 1 and December 31. [100.27 s. 2]

Sec. 29. [97B.315] CROSSBOW PERMITS.

The commissioner may issue a special permit, without a fee, to take deer with a crossbow to a person that is unable to hunt in another manner because of a permanent physical disability. The disability, established by medical evidence, and the inability to hunt in another manner must be verified in writing by a licensed physician. The person must obtain an archery deer license. The crossbow must:

[Bracketed paragraph notes cite text sources]

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

- (1) be fired from the shoulder;
 - (2) deliver at least 42 foot-pounds of energy at a distance of ten feet;
 - (3) have a stock at least 30 inches long;
 - (4) have a working safety; and
 - (5) be used with arrows or bolts of at least ten inches long with a broadhead.
- [98.48 s. 16]

Sec. 30. [97B.321] SNARES, TRAPS, SET GUNS, AND SWIVEL GUNS PROHIBITED.

A person may not take deer with the aid of a snare, trap, set gun, or swivel gun. [100.29 s. 12]

Sec. 31. [97B.325] DEER STAND RESTRICTIONS.

A person may not take deer from a man-made platform or other structure higher than nine feet above the ground. The restriction does not apply to a portable stand that is chained, belted, clamped, or tied with rope. [100.29 s. 14]

BEAR

Sec. 32. [97B.401] BEAR LICENSE REQUIRED.

A person may not take bear without a bear license except as provided in section 35 to protect property. [98.45 s. 1]

Sec. 33. [97B.405] COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.

The commissioner may limit the number of persons that may hunt bear in an area, if it is necessary to prevent an overharvest or improve the distribution of hunters. The commissioner may establish, by order, a method, including a drawing, to impartially select the hunters for an area. The commissioner shall give preference to hunters that have previously applied and have not been selected. [97.48 s. 24, 100.27 s. 2, 9]

Sec. 34. [97B.411] BEAR SEASON AND RESTRICTIONS.

The commissioner may, by order, prescribe the open season and the areas and restrictions for the taking of bear. [100.27 s. 2, 9]

Sec. 35. [97B.415] TAKING BEAR TO PROTECT PROPERTY.

A person may take a bear at any time to protect the person's property. The person must report the bear taken to a conservation officer within 48 hours. The bear may be disposed of as prescribed by the commissioner. [100.27 s. 9]

[Bracketed paragraph notes cite text sources]

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Sec. 36. [97B.421] PERMIT REQUIRED TO SNARE BEARS.

A person may not use a snare to take a bear except under a permit from the commissioner. [100.29 s. 13]

Sec. 37. [97B.425] BAITING BEARS.

A person placing bait to take bear must display a tag at each site where bait is placed and register the sites. The commissioner shall prescribe the method of tagging and registering the sites. A person may not use solid waste containing bottles, cans, plastic, paper, metal, or other materials that are not readily biodegradable as a bait to attract bear. [100.29 s. 31]

Sec. 38. [97B.431] BEAR HUNTING GUIDES.

A person may not place bait for bear, or guide hunters to take bear, for compensation without a bear hunting guide license. A bear hunting guide is not required to have a license to take bear unless the guide is attempting to shoot a bear. The commissioner shall adopt rules for qualifications for issuance and administration of the licenses. [98.455]

MOOSE

Sec. 39. [97B.501] MOOSE LICENSE REQUIRED.

A person may not take moose without a moose license. [98.45 s. 1]

Sec. 40. [97B.505] MOOSE SEASON AND RESTRICTIONS.

The commissioner may, by order, prescribe the open season and the areas and conditions for the taking of moose. [100.27 s. 2]

Sec. 41. [97B.511] MOOSE STAND RESTRICTIONS.

A person may not take moose from a man-made platform or other structure higher than nine feet above the ground. The restriction does not apply to a portable stand that is chained, belted, clamped, or tied with rope. [100.29 s. 14]

SMALL GAME

Sec. 42. [97B.601] SMALL GAME LICENSES.

Subdivision 1. REQUIREMENT. A person may not take small game without a small game license except as provided in subdivision 4. [98.47 s. 6]

Subd. 2. TRAPPING SMALL GAME. A person may not take small game with traps without a trapping license and a small game license except as provided in subdivision 4. [98.47 s. 6]

Subd. 3. NONRESIDENTS: RACCOON, BOBCAT, FOX, COYOTE, CANADA LYNX. A nonresident may not take raccoon, bobcat, fox, coyote, or

[Bracketed paragraph notes cite text sources]

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Canada lynx without a separate license to take that animal in addition to a small game license. [98.46 s. 14]

Subd. 4. EXCEPTION TO LICENSE REQUIREMENTS. (a) A resident under age 16 may take small game without a small game license, and a resident under age 13 may trap without a trapping license, as provided in article 1, section 63, subdivision 3.

(b) A person may take small game without a small game license on land occupied by the person as a principal residence.

(c) An owner or occupant may take certain small game causing damage without a small game or trapping license as provided in section 53. [98.47 s. 1, 10, 100.27 s. 7]

Sec. 43. [97B.605] COMMISSIONER MAY RESTRICT TAKING OF CERTAIN SMALL GAME ANIMALS.

The commissioner may prescribe restrictions on and designate areas where gray and fox squirrels; cottontail and jack rabbits; snowshoe hare; raccoon; lynx; bobcat; fox; fishers; and badger may be taken and possessed. [100.27 s. 3]

Sec. 44. [97B.611] SQUIRRELS.

Subdivision 1. SEASONS FOR GRAY AND FOX SQUIRRELS. The statewide open season for gray and fox squirrels may be prescribed by the commissioner between October 15 and December 31. The commissioner may prescribe areas with additional open seasons. [100.27 s. 3]

Subd. 2. FIRE AND SMOKE PROHIBITED. A person may not set fire to a tree or use smoke to take squirrels. [100.29 s. 15]

Sec. 45. [97B.615] RABBIT AND HARE SEASON.

The statewide open season for cottontail, jack rabbits, and snowshoe hare may be prescribed by the commissioner between September 16 and March 1. [100.27 s. 3]

Sec. 46. [97B.621] RACCOONS.

Subdivision 1. SEASON. The statewide open season for raccoon may be prescribed by the commissioner between October 15 and December 31. [100.27 s. 3]

Subd. 2. PERIOD FOR TREEING RACCOONS. Notwithstanding subdivision 1, a person may use dogs to pursue and tree raccoons without killing or capturing the raccoons from January 1 to April 15 and July 15 to October 14. [100.27 s. 3]

Subd. 3. NIGHTTIME HUNTING RESTRICTIONS. To take raccoons between sunset and sunrise, a person:

[Bracketed paragraph notes cite text sources]

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(1) must be on foot;

(2) may use an artificial light only if hunting with dogs;

(3) may not use a rifle other than one of a .22 inch caliber with .22 short, long, or long rifle, rimfire ammunition; and

(4) may not use shotgun shells with larger than No. 4 shot. [100.29 s. 10]

Subd. 4. **PROHIBITED METHODS OF TAKING.** A person may not take a raccoon;

(1) in a den or hollow tree;

(2) by cutting down a tree occupied by raccoon; or

(3) by setting fire to a tree or using smoke. [100.29 s. 15]

Sec. 47. [97B.625] LYNX AND BOBCAT.

Subdivision 1. SEASON. Based upon population estimates, the commissioner may set the open season for lynx or bobcat. [100.27 s. 3]

Subd. 2. PERMIT REQUIRED TO SNARE. A person may not use a snare to take lynx or bobcat except under a permit from the commissioner. [100.29 s. 13]

Sec. 48. [97B.631] FOX.

Subdivision 1. RESTRICTIONS ON TAKING. A person may not remove a fox from a den or trap fox within 300 feet of a fox den from April 1 to August 31. [100.27 s. 3]

Subd. 2. PERMIT REQUIRED TO SNARE. A person may not use a snare to take fox except under a permit from the commissioner. [100.29 s. 13]

Sec. 49. [97B.635] FISHER; BADGER; OPPOSSUM; AND PINE MARTEN.

Based upon population estimates, the commissioner may set the open season for fisher, badger, opossum, and pine marten. [100.27 s. 3]

Sec. 50. [97B.641] COUGAR AND WOLVERINE.

There is no open season for cougar or wolverine. [100.27 s. 1]

Sec. 51. [97B.645] WOLVES.

Subdivision 1. USE OF DOGS AND HORSES PROHIBITED. A person may not use a dog or horse to take a timber wolf. [100.29 s. 14]

Subd. 2. PERMIT REQUIRED TO SNARE. A person may not use a snare to take a wolf except under a permit from the commissioner. [100.29 s. 13]

[Bracketed paragraph notes cite text sources]

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Sec. 52. [97B.651] UNPROTECTED MAMMALS.

Mammals that are unprotected wild animals may be taken at any time and in any manner, except with artificial lights, or by using a motor vehicle in violation of section 19. Poison may not be used to take unprotected mammals unless the safety of humans and domestic livestock is ensured. Unprotected mammals may be possessed, bought, sold, or transported in any quantity. [100.26 s. 1, 3]

Sec. 53. [97B.655] TAKING ANIMALS CAUSING DAMAGE.

Subdivision 1. OWNERS AND OCCUPANTS MAY TAKE CERTAIN ANIMALS. A person may take mink, squirrel, rabbit, hare, raccoon, lynx, bobcat, fox, or beaver on land owned or occupied by the person where the animal is causing damage. The person may take the animal without a license and in any manner except by poison, or artificial lights in the closed season. Raccoons may be taken under this subdivision with artificial lights during open season. A person that kills mink, raccoon, lynx, bobcat, fox, or beaver under this subdivision must bring the entire animal to a conservation officer or employee of the division within 24 hours after the animal is killed. [100.27 s. 7]

Subd. 2. SPECIAL PERMIT FOR TAKING PROTECTED WILD ANIMALS. The commissioner may issue special permits under article 1, section 53, subdivision 5, to take protected wild animals that are damaging property. A person must have the required license and seals to take beaver under the permit. [98.48 s. 5]

Sec. 54. [97B.661] REMOVAL OF BEAVER FROM STATE LANDS.

The commissioner may remove beaver at state expense from state land if the county board where the land is located adopts a resolution requesting the removal. [97.56]

Sec. 55. [97B.665] IMPAIRMENT OF DRAINAGE BY BEAVER DAMS.

Subdivision 1. AGREEMENT BY COUNTY BOARD, LANDOWNER, AND COMMISSIONER. (a) When a drainage watercourse is impaired by a beaver dam, the commissioner shall take action to remove the impairment, if:

- (1) the county board unanimously consents;
- (2) the landowner approves;
- (3) the commissioner agrees; and
- (4) the action is financially feasible.

(b) In a county with unanimous consent of the county board of commissioners and approval of the landowner, the department shall take action agreed to by unanimous consent of the county board, the commissioner, and the landowner. The action may include destruction or alteration of beaver dams and removal of beaver. This subdivision does not apply to state parks, state game refuges, and federal game refuges. [97.57 s. 1]

[Bracketed paragraph notes cite text sources]

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 2. PETITION TO DISTRICT COURT. If a beaver dam causes a threat to personal safety or a serious threat to damage property, and a person cannot obtain consent under subdivision 1, a person may petition the district court for relief. The court may order the commissioner to take action to reduce the threat. [97.57 s. 2]

Sec. 56. [97B.671] PREDATOR CONTROL PROGRAM.

Subdivision 1. AUTHORIZATION TO TAKE PREDATORS. If the commissioner determines that predators are damaging domestic or wild animals and further damage can be prevented, the commissioner shall authorize the taking of the predators by predator controllers. The commissioner shall define the area where the predators may be taken, the objectives to be achieved, payments to be made, the methods to be used, and when the predator control shall cease. [97.487 s. 3]

Subd. 2. CERTIFICATION OF PREDATOR CONTROLLERS. The commissioner shall certify a person as a predator controller if the person has not violated a provision of this section and meets qualifications of experience, ability, and reliability. The commissioner shall establish application procedures, prescribe forms, and maintain a list of predator controllers. The application procedures must include reports from conservation officers and other department field personnel as to the ability and reliability of the applicants. [97.487 s. 4, 6]

Subd. 3. PREDATOR CONTROL PAYMENTS. The commissioner shall pay a predator controller the amount the commissioner prescribes for each predator taken. The commissioner shall pay at least \$25 but not more than \$60 for each wolf or coyote taken. The commissioner may require the predator controller to submit proof of the taking and a signed statement concerning the predators taken. [97.487 s. 5]

BIRDS

Sec. 57. [97B.701] PROTECTED BIRDS.

Subdivision 1. TAKING OF BIRDS, NESTS, AND EGGS MUST BE AUTHORIZED. Protected birds, their nests, and their eggs may be taken only as authorized under the game and fish laws. [100.26 s. 2]

Subd. 2. PROHIBITED METHODS OF TAKING. A person may not take protected birds:

- (1) with a trap, net, or snare;
- (2) using bird lime;
- (3) with a swivel or set gun; or
- (4) by dragging a rope, wire, or other device across a field. [100.29 s. 16]

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Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 58. **[97B.705] RESTRICTIONS ON TRAPPING BIRDS.**

(a) Except as provided in this section, a person may not take a bird with a steel jaw leg-hold trap mounted on a pole, post, tree stump, or other perch more than three feet above the ground.

(b) A person that has a game farm license and a permit to take great horned owls issued under United States Code, title 16, section 704, may trap great horned owls from April 1 to October 15. The trap must be a padded jaw trap as prescribed by the commissioner and mounted at a height so that the trapped owl may rest on the ground. Uninjured birds shall be released alive and injured birds receive appropriate veterinary treatment. [100.29 s. 32]

Sec. 59. **[97B.711] GAME BIRDS.**

Subdivision 1. SEASONS FOR CERTAIN UPLAND GAME BIRDS. (a) The commissioner may, by order, prescribe an open season in designated areas between September 16 and December 31 for:

- (1) pheasant;
- (2) ruffed grouse;
- (3) sharp tailed grouse;
- (4) Canada spruce grouse;
- (5) prairie chicken;
- (6) gray partridge;
- (7) chukar partridge;
- (8) quail; and
- (9) turkey.

(b) The commissioner may by order prescribe an open season for turkey in the spring. [100.27 s. 5]

Subd. 2. DAILY AND POSSESSION LIMITS FOR CERTAIN UPLAND GAME BIRDS. (a) A person may not take more than five in one day or possess more than ten of each of the following:

- (1) pheasant;
- (2) ruffed grouse;
- (3) sharp tailed grouse;
- (4) prairie chicken;

[Bracketed paragraph notes cite text sources]

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(5) gray partridge; and

(6) chukar partridge.

(b) A person may not take more than ten quail in one day or possess more than 15 bob-white quail.

(c) The commissioner may, by order, reduce the daily and possession limits established in this subdivision. [100.28 s.2]

Sec. 60. [97B.715] PHEASANTS.

Subdivision 1. STAMP REQUIRED. (a) Except as provided in paragraph (b), a person required to possess a small game license may not hunt pheasants without a pheasant stamp in possession.

(b) The following persons are exempt from this subdivision:

(1) residents under age 18 or over age 65; and

(2) persons hunting on licensed private shooting preserves in Norman, Becker, Wadena, Cass, Crow Wing, Aitkin, or Carlton county, and locations north of the northern boundaries of these counties. [97.4843 s. 2]

Subd. 2. DAILY AND POSSESSION HEN PHEASANT LIMITS. A person may not take more than one hen pheasant in one day or possess more than two hen pheasants. [100.28 s. 2]

Subd. 3. HUNTING HOURS. A person may not take pheasants between the evening time that the commissioner establishes by order and 9 a.m. [100.29 s. 1]

Sec. 61. [97B.721] LICENSE REQUIRED TO TAKE TURKEY.

A person may not take turkey without a small game license and a turkey license. [98.46 s. 2, 14]

Sec. 62. [97B.725] LICENSE REQUIRED TO GUIDE HUNTERS.

A person may not guide turkey hunters for compensation without a turkey hunter guide license. The license must be obtained before the day of the opening of the turkey season. The commissioner shall prescribe qualifications for the issuance of turkey hunter guide licenses. [98.456]

Sec. 63. [97B.731] MIGRATORY BIRDS.

Subdivision 1. MIGRATORY GAME BIRDS. Migratory game birds may be taken and possessed. A person may not take migratory game birds in violation of federal law. [100.27 s. 6]

Subd. 2. TAKING MOURNING DOVES PROHIBITED. Mourning doves may not be taken in the state. [100.27 s. 6]

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MIGRATORY WATERFOWL

Sec. 64. [97B.801] MINNESOTA MIGRATORY WATERFOWL STAMP REQUIRED.

Except as provided in this section, a person required to possess a small game license may not take migratory waterfowl without a Minnesota migratory waterfowl stamp in possession. Residents under age 18 or over age 65 and persons hunting on their own property are not required to possess the stamp. [97.4841 s. 2]

Sec. 65. [97B.805] RESTRICTIONS ON METHOD OF TAKING WATERFOWL ON WATER.

Subdivision 1. HUNTER MUST BE CONCEALED. (a) A person may not take migratory waterfowl, coots, or rails in open water unless the person is:

(1) within a natural growth of vegetation sufficient to partially conceal the person or boat; or

(2) pursuing or shooting wounded birds.

(b) A person may not take migratory waterfowl, coots, or rails in public waters from a permanent artificial blind or sink box. [100.29 s. 17]

Subd. 2. RESTRICTIONS ON WATERCRAFT.

(a) A person using watercraft to take migratory waterfowl must comply with subdivision 1.

(b) Migratory waterfowl may be taken from a watercraft propelled by motor or sails only if the watercraft has stopped and the motor is shut off and the sails are furled. [100.29 s. 5]

(c) Migratory waterfowl may be taken from a floating watercraft if the craft is drifting, beached, moored, resting at anchor, or is being propelled by paddle, oars, or pole. [100.29 s. 5]

Subd. 3. UNATTENDED BOATS. During the open season for waterfowl, a person may not leave an unattended boat used for hunting waterfowl in public waters between sunset and one hour before sunrise, unless the boat is adjacent to private land under the control of the person and the water does not contain a natural growth of vegetation sufficient to partially conceal a hunter or a boat. [100.29 s. 18]

Sec. 66. [97B.811] DECOYS AND BLINDS ON PUBLIC LANDS AND WATERS.

Subdivision 1. BLINDS AND DECOYS PROHIBITED BEFORE SEASON. A person may not erect a blind or place decoys in public waters or on

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public land more than one hour before the open season for waterfowl. [100.29 s. 18]

Subd. 2. HOURS FOR PLACING DECOYS. Except as provided in subdivisions 3 and 4, a person may not place decoys in public waters or on public lands more than one hour before sunrise during the open season for waterfowl. [100.29 s. 18]

Subd. 3. RESTRICTIONS ON LEAVING DECOYS OVERNIGHT. During the open season for waterfowl, a person may not leave decoys in public waters between sunset and one hour before sunrise unless:

(1) the decoys are in waters adjacent to private land under the control of the hunter; and

(2) there is not natural vegetation growing in water sufficient to partially conceal a hunter. [100.29 s. 18]

Subd. 4. DECOYS THAT ARE NAVIGATIONAL HAZARD PROHIBITED. A person may not leave decoys in public waters between sunset and one hour before sunrise if the decoys constitute a navigational hazard. [100.29 s. 18]

FUR-BEARING ANIMALS, TRAPPING

Sec. 67. [97B.901] COMMISSIONER MAY REQUIRE TAGS ON FUR-BEARING ANIMALS.

The commissioner may, by order, require persons taking fur-bearing animals to tag the animals where they are taken. The commissioner shall prescribe the manner of issuance and the type of tag, which must show the year of issuance. The commissioner shall issue the tag, without a fee, upon request. [98.46 s. 21]

Sec. 68. [97B.905] FUR BUYING AND SELLING LICENSES.

Subdivision 1. RESIDENT LICENSE.

(a) A resident that has a license to buy and sell raw furs may buy and sell raw furs in the state including:

(1) selling raw furs to a manufacturer, representing nonresidents;

(2) selling raw furs to a broker or agent, representing a nonresident; and

(3) conducting a fur auction that makes sales to resident manufacturers and nonresidents.

(b) An employee, partner, or officer buying or selling only for a raw fur dealer licensee at an established place of business licensed under article 1, section 68, subdivision 21, clause (a), may obtain a supplemental license under article 1, section 68, subdivision 21, clause (b). [98.46 s. 4]

[Bracketed paragraph notes cite text sources]

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Subd. 2. NONRESIDENT LICENSE. A nonresident must obtain a license under article 1, section 68, subdivision 22, to buy or sell raw furs within the state, except a license is not required to buy from a person licensed under article 1, section 68, subdivision 21. [98.46 s. 16]

Subd. 3. BOND REQUIRED FOR FUR BUYER LICENSE APPLICANTS. Applicants for a raw fur dealer's license must, at the time of application for the license, furnish a corporate surety bond in favor of the state for \$1,000 payable upon violation of the game and fish laws. [98.46 s. 23]

Sec. 69. [97B.911] MUSKRAT SEASONS.

The commissioner may establish open seasons for muskrat between October 25 and April 30. The open season in an area may not exceed 90 days. The commissioner may prescribe restrictions for the taking of muskrat. [100.27 s. 4]

Sec. 70. [97B.915] MINK SEASONS.

The commissioner may establish open seasons for mink between October 25 and April 30. The open season in an area may not exceed 90 days. The commissioner may prescribe restrictions for the taking of mink. [100.27 s. 4]

Sec. 71. [97B.921] OTTER SEASONS.

The commissioner may establish open seasons for otter between October 25 and April 30. The open season in an area may not exceed 30 days. Otter may be taken only by trapping and is subject to restrictions prescribed by the commissioner. [100.27 s. 4]

Sec. 72. [97B.925] BEAVER SEASONS.

The commissioner may establish open seasons for beaver between October 25 and April 30. Beaver may be taken only by trapping and is subject to restrictions prescribed by the commissioner. [100.27 s. 4]

Sec. 73. [97B.931] HOURS FOR TENDING TRAPS RESTRICTED.

A person may not tend a trap set for wild animals between 7:00 p.m. and 5:00 a.m. [100.29 s. 25]

Sec. 74. [97B.935] USE OF VEHICLES FOR TRAPPING BEAVER AND OTTER.

Subdivision 1. GENERAL PROHIBITION. Except as provided in this section, a person may not use a snowmobile or an all-terrain vehicle during the open season for beaver or otter, and for two days after the open seasons end, to transport or check beaver or otter traps or to transport beaver or otter carcasses or pelts. [100.29 s. 30]

Subd. 2. ALLOWED IN DESIGNATED COUNTIES. The commissioner may, by order, designate counties where snowmobiles and all-terrain vehicles may be used to transport and check beaver and otter traps and to transport beaver or otter carcasses or pelts. [100.29 s. 30]

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Subd. 3. SPECIAL PERMIT FOR DISABLED. The commissioner may issue a special permit to use a snowmobile or all-terrain vehicle to transport or check beaver or otter traps or to transport beaver or otter carcasses or pelts to a licensed trapper physically unable to walk as specified in section 12, subdivision 3. [100.29 s. 30]

Sec. 75. [97B.941] TAMPERING WITH TRAPS.

A person may not remove or tamper with a trap legally set to take fur-bearing animals or unprotected wild animals without authorization. Authorized persons include the commissioner and the owner or lessee of the land where the trap is located. [100.29 s. 33]

Sec. 76. [97B.945] SETTING OF TRAPS NEAR WATER RESTRICTED.

A person may not set a trap within 150 feet of a stream, lake, or navigable water within 30 days before the open season for mink and muskrat without a special permit by the commissioner. [100.295]

ARTICLE 3

CHAPTER 97C

FISHING

FISHING HABITAT

Section 1. [97C.001] EXPERIMENTAL WATERS.

Subdivision 1. DESIGNATION. The commissioner may designate all or part of a lake or stream as experimental waters. The designated experimental waters may not exceed 100 lakes and 25 streams at one time. Only lakes and streams that have a public access may be designated. The commissioner shall establish methods and criteria for public initiation of experimental waters designation and for public participation in the evaluation of the waters designated. [97.48 s. 26]

Subd. 2. PUBLIC MEETING. Before the commissioner designates experimental waters, a public meeting must be held in the county where the largest portion of the lake or stream is located. At least seven days before the public meeting, notice of the meeting must be published in a legal newspaper within the counties where the lake or stream is located. If a lake to be designated has

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a water area of more than 1,500 acres, a public meeting must also be held in the seven-county metropolitan area. [97.48 s. 26]

Subd. 3. SEASONS, LIMITS, AND REGULATIONS. The commissioner may, by order, establish open seasons, limits, methods, and other regulations to take fish on experimental waters. [97.48 s. 26]

Sec. 2. [97C.005] SPECIAL MANAGEMENT LAKES.

The commissioner may classify waters for their primary use as trophy lakes, family fishing lakes, special species management lakes, and other designated uses. [97.48 s. 26a]

Sec. 3. [97C.011] MUSKELLUNGE LAKES.

(a) The commissioner may, after holding a public meeting, designate waters with muskellunge as muskellunge waters.

(b) The commissioner may prescribe rules for each designated muskellunge waters that:

- (1) restrict spearing from a darkhouse;
- (2) restrict angling from a darkhouse;
- (3) limit the open season to take fish;
- (4) limit the size of fish that may be kept; and
- (5) limit the number of each species of fish that may be kept.

(c) The commissioner must give notice and hold a hearing before adopting rules under this subdivision. The rules must have a termination date and may only be extended upon a showing by the commissioner, at a hearing, that the muskellunge population in the designated waters has been enhanced.

(d) The provisions of section 39, subdivision 1, requiring the angling season on a lake to be closed in proportion to the spearing season do not apply to designated muskellunge lakes. [101.475 s. 1, 2]

Sec. 4. [97C.015] MISSISSIPPI RIVER FISH REFUGE.

Subdivision 1. ESTABLISHMENT. The portion of the Mississippi river described in subdivision 3 is a fish refuge when the commissioner concludes a fish refuge agreement with the appropriate state authority in Wisconsin. The agreement must require that a similar fish refuge is established in the Wisconsin waters of the Mississippi river described in subdivision 3. [99.29 s. 1, 3]

Subd. 2. FISHING RESTRICTION. A person may not take fish from a fish refuge after it is established under this section. [99.29 s. 2]

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Subd. 3. LOCATION. The location of the fish refuge is the portion of the Mississippi river downstream from lock and dam No. 3 located at milepost 796.9 above the mouth of the Ohio river, to the downstream end of Diamond island located at milepost 794.8. [99.29 s. 1]

Sec. 5. [97C.021] ANGLING RESTRICTED IN TROUT STREAMS.

A person may only take fish from a designated trout stream during the open season for trout in the stream. [97.4842 s. 1, 101.42 s. 9]

Sec. 6. [97C.025] FISHING AND MOTORBOATS PROHIBITED IN SPAWNING BEDS AND FISH PRESERVES.

A person may not take fish from or drive motorboats over waters designated as spawning beds or fish preserves. [101.42 s. 5]

Sec. 7. [97C.031] LAKES WITH UNBALANCED FISH POPULATIONS.

The commissioner may establish and amend a list of lakes and rivers that have been found by the director, to contain an unbalanced fish population, or to contain species of fish that have become stunted from overpopulation. The list may not include more than 100 lakes and rivers, or more than six in a county. The commissioner may, by order, establish open seasons, limits, and methods of taking fish from lakes and rivers on the list. The order must be published in each county containing the lake or river. [101.47 s. 1]

Sec. 8. [97C.035] ENDANGERED FISH POPULATIONS.

Subdivision 1. CONDITIONS. If the commissioner determines that fish in shallow waters are endangered by lack of oxygen in the winter, or if waters will be restored with the use of piscicides, the commissioner shall rescue the fish under subdivision 2 or allow taking of the fish under subdivision 3. [97.48 s. 16]

Subd. 2. RESCUE OF FISH. If the commissioner rescues fish endangered by lack of oxygen in the winter, the fish may be transferred to other waters, sold, or otherwise disposed of. [97.48 s. 16]

Subd. 3. TAKING OF FISH. (a) The commissioner may, by order, authorize residents to take fish:

(1) in any quantity;

(2) in any manner, except by use of seines, hoop nets, fyke nets, and explosives; and

(3) for personal use only, except rough fish may be sold.

(b) In an emergency the commissioner may authorize the taking of fish without publishing the order if notice is posted conspicuously along the shore of the waters. [97.48 s. 16]

[Bracketed paragraph notes cite text sources]

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Sec. 9. [97C.041] COMMISSIONER MAY REMOVE ROUGH FISH.

The commissioner may take rough fish, lake whitefish, and rainbow smelt with seines, nets, and other devices. The commissioner may hire or contract persons, or issue permits, to take the fish. The commissioner shall prescribe the manner of taking and disposal. The commissioner may award a contract under this section without competitive bidding. Before establishing the contractor's compensation, the commissioner must consider the qualifications of the contractor, including the contractor's equipment, knowledge of the waters, and ability to perform the work. [97.48 s. 2, 4]

Sec. 10. [97C.045] REMOVAL OF ROUGH FISH FROM BOUNDARY WATERS.

The commissioner may enter into agreements with North Dakota, South Dakota, Wisconsin, and Iowa, relating to the removal of rough fish in boundary waters. The agreements may include:

- (1) contracting to remove rough fish;
- (2) inspection of the work;
- (3) the division of proceeds; and
- (4) regulating the taking of rough fish. [97.48 s. 2]

Sec. 11. [97C.051] SPECIAL PERMITS TO USE PISCICIDES.

Subdivision 1. PERMIT. The commissioner may issue a special permit, without a fee, to apply piscicides to restore waters at the permittee's expense. The permit may be issued to an individual, a group of riparian owners, or a lake improvement association. The permit may only be issued if all riparian owners have consented in writing. [98.48 s. 15]

Subd. 2. TAKING OF FISH. The commissioner may set special open seasons, limits, and methods to take fish before the piscicides are applied. The commissioner must post the special provisions at or near the waters. [98.48 s. 15]

Sec. 12. [97C.055] DEAD FISH REMOVAL.

The commissioner shall remove and dispose of dead fish that accumulate in or upon the shores of public waters in quantities that are a public nuisance or are detrimental to game fish. [101.46]

Sec. 13. [97C.061] DRAGGING A WEIGHT OR AN ANCHOR THROUGH VEGETATION.

A person may not use a motorboat to drag an anchor or other weight through aquatic vegetation, except by commissioner's order. [101.42 s. 19]

[Bracketed paragraph notes cite text sources]

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Sec. 14. [97C.065] POLLUTANTS IN WATERS.

A person may not dispose of any substance in state waters, or allow any substance to enter state waters, in quantities that injure or are detrimental to the propagation of wild animals or taint the flesh of wild animals. Each day of violation is a separate offense. An occurring or continuous violation is a public nuisance. An action may be brought by the attorney general to enjoin and abate nuisance upon request of the commissioner. This section does not apply to chemicals used for pest control for the general welfare of the public. [101.42 s. 17]

Sec. 15. [97C.071] PERMIT REQUIRED FOR STRUCTURE IN PUBLIC WATERS.

A person may not construct or maintain a dam or other obstruction, except a boat pier, in or over public waters without a permit from the commissioner. The commissioner may establish permit conditions for the construction or modification of a fishway around or over a dam or obstruction. [101.42 s. 13]

Sec. 16. [97C.075] FISH SCREENS IN FLOWING WATERS.

A person may not obstruct a creek, stream, or river to prevent the passage of fish with a rack or screen without the permission of the commissioner. The person that erected the obstruction, or the owner of the land where the obstruction is located, must immediately remove the obstruction upon order of the commissioner. [101.43]

Sec. 17. [97C.081] FISHING CONTESTS.

Subdivision 1. RESTRICTIONS. A person may not conduct a fishing contest on waters except as provided in this section. [101.42 s. 21]

Subd. 2. CONTESTS WITHOUT A PERMIT. A person may conduct a fishing contest with entry fees of \$10, or less, per person and total prizes valued at \$2,000, or less, without a permit from the commissioner. The commissioner may, by order, establish restrictions on the fishing contest to protect fish and fish habitat and for the safety of contest participants. [101.42 s. 21]

Subd. 3. CONTESTS AUTHORIZED BY COMMISSIONER. The commissioner may, by order or permit, allow fishing contests with entry fees over \$10 per person and total prizes valued at more than \$2,000. Permits must be issued without a fee and if the commissioner does not deny the permit within 14 days, excluding holidays, after receipt of an application, the permit is granted. [101.42 s. 21]

PROPAGATION**Sec. 18. [97C.201] STATE FISH STOCKING PROHIBITED WITHOUT PUBLIC ACCESS.**

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The commissioner and state agencies may only stock fish in waters where there is public access. [97.485]

Sec. 19. [97C.205] RULES FOR SPORTING ORGANIZATIONS TO REAR AND STOCK FISH.

The commissioner shall prescribe rules designed to encourage local sporting organizations to propagate game fish by using rearing ponds. The rules must:

(1) prescribe methods to acquire brood stock for the ponds by seining public waters;

(2) allow the sporting organizations to own and use seines and other necessary equipment; and

(3) prescribe methods for stocking the fish in public waters that give priority to the needs of the community where the fish are reared and the desires of the organization operating the rearing pond. [97.48 s. 20]

Sec. 20. [97C.211] PRIVATE FISH HATCHERIES.

Subdivision 1. LICENSE REQUIRED. A person may not operate a private fish hatchery without a private fish hatchery license. [98.46 s. 17]

Subd. 2. RULES FOR OPERATION. The commissioner shall prescribe rules that allow a person to maintain and operate a private fish hatchery to raise and dispose of fish indigenous to state waters. [97.48 s. 22]

Subd. 3. FISHING LICENSE NOT REQUIRED FOR PERSONS TO TAKE FISH. A person may take fish by angling without a fishing license at a licensed private fish hatchery or an artificial pool containing only fish purchased from a private fish hatchery, if the operator of the hatchery or pool furnishes each person catching fish a certificate prescribed by the commissioner. The certificate must state the number and species of the fish caught and other information as prescribed by the commissioner. A person without a fishing license may possess, ship, and transport within the state the fish caught in the same manner as fish taken by a resident with a fishing license. [97.48 s. 22]

Subd. 4. LICENSE REQUIRED TO TAKE SUCKER EGGS. A person may not take sucker eggs from public waters for a private fish hatchery without a license to do so. [98.46 s. 17]

Sec. 21. [97C.215] SPECIAL PERMITS FOR UNITED STATES AGENTS.

The commissioner may issue a special permit, without a fee, to an authorized agent of the United States to conduct fish culture operations, rescue work, and related fishery operations. [98.48 s. 11]

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FISHING METHODS

Sec. 22. [97C.301] LICENSE REQUIRED TO TAKE FISH.

Subdivision 1. REQUIREMENT. Unless exempted under article 1, section 62, 63, or 66, subdivision 1, a person must have a license to take fish as provided in this section. [98.45 s. 1]

Subd. 2. ANGLING. A person may not take fish without an angling license. [98.47 s. 6]

Subd. 3. SPEARING. A person may not take fish by spearing from a dark house without a dark house spearing license and an angling license. [98.47 s. 6]

Subd. 4. NETTING. A person may not take fish by netting without the required license to net fish and an angling license. [98.47 s. 6]

Sec. 23. [97C.305] TROUT AND SALMON STAMP.

A person over age 16 and under age 65 required to possess an angling license must have a trout and salmon stamp in possession to take fish by angling in:

- (1) a stream designated by the commissioner as a trout stream;
- (2) a lake designated by the commissioner as a trout lake; or
- (3) Lake Superior. [97.4842 s. 1]

Sec. 24. [97C.311] LAKE SUPERIOR FISHING GUIDE LICENSE.

A person may not operate a charter boat and guide anglers on Lake Superior for compensation without a Lake Superior fishing guide license. The commissioner shall prescribe rules for qualification and issuance of the licenses. [98.457]

Sec. 25. [97C.315] ANGLING LINES AND HOOKS.

Subdivision 1. LINES. An angler may not use more than one line except:

- (1) two lines may be used to take fish through the ice; and
- (2) the commissioner may, by order, authorize the use of two lines in areas designated by the commissioner in Lake Superior. [97.40 s. 32, 101.41 s. 2, 2a]

Subd. 2. HOOKS. An angler may not have more than one hook on a line, except:

- (1) three artificial flies may be on a line used to take largemouth bass, smallmouth bass, trout, crappies, sunfish, and rock bass; and
- (2) a single artificial bait may contain more than one hook. [97.40 s. 32, 101.42 s. 2]

[Bracketed paragraph notes cite text sources]

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Sec. 26. [97C.321] RESTRICTIONS ON UNATTENDED LINES.

Subdivision 1. GENERAL PROHIBITION. A person may not take fish by angling with a set line or an unattended line except as provided in this section and section 60. [101.42 s. 20]

Subd. 2. ICE FISHING. A person may use an unattended line to take fish through the ice if:

- (1) the person is within sight of the line; or
- (2) a tip-up is attached to the line and the person is within 80 feet of the tip-up. [101.42 s. 20]

Sec. 27. [97C.325] PROHIBITED METHODS OF TAKING FISH.

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

- (1) explosives, chemicals, drugs, poisons, lime, medicated bait, fish berries, or other similar substances;
- (2) substances or devices that kill, stun, or affect the nervous system of fish;
- (3) nets, traps, trot lines, or snares; or
- (4) spring devices that impale, hook, or capture fish.

(b) If a person that possesses a substance or device listed in paragraph (a) on waters, shores, or islands, it is presumptive evidence that the person is in violation of this section. [101.42 s. 11]

Sec. 28. [97C.331] SNAGGING FISH PROHIBITED.

A person may not take fish with a snagline, snagpole, snaghook, or cluster of fish hooks, designed to be placed in or drawn through the water to hook the body of a fish. [101.42 s. 4]

Sec. 29. [97C.335] USE OF ARTIFICIAL LIGHTS TO TAKE FISH PROHIBITED.

A person may not use artificial lights to lure or attract fish, or to see fish in the water while spearing. [101.42 s. 3]

Sec. 30. [97C.341] CERTAIN FISH PROHIBITED FOR BAIT.

A person may not use live minnows imported from outside of the state, game fish, gold fish, or carp for bait. [101.42 s. 6]

Sec. 31. [97C.345] RESTRICTIONS ON USE AND POSSESSION OF NETS AND SPEARS.

Subdivision 1. PERIOD WHEN USE PROHIBITED. Except as specifically

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authorized, a person may not take fish from February 16 to April 30 with a spear, fish trap, net, dip net, seine, or other device capable of taking fish. [101.42 s. 18]

Subd. 2. POSSESSION. (a) Except as specifically authorized, a person may not possess a spear, fish trap, net, dip net, seine, or other device capable of taking fish on or near any waters. Possession includes personal possession and in a vehicle.

(b) A person may possess spears, dip nets, bows and arrows, and spear guns allowed under section 38 on or near waters between sunrise and sunset after April 30. [101.42 s. 18]

Subd. 3. DIP NETS. A person may possess and use a dip net between one hour before sunrise and one hour after sunset after April 30. [101.42 s. 18a]

Subd. 4. EXCEPTIONS. This section does not apply to:

- (1) nets used to take rainbow smelt during the open season;
- (2) nets used to land game fish taken by angling;
- (3) seines or traps used for the taking of minnows for bait; and
- (4) angling equipment. [101.42 s. 18, 18a]

Sec. 32. [97C.351] FISH NETS MUST HAVE TAG ATTACHED.

A person may not possess a fish net unless specifically authorized or a metal tag is attached bearing the name and address of the owner when the net is not in use and the name and address of the operator when the net is in use, as prescribed by the commissioner. This section does not apply to minnow nets, landing nets, dip nets, and nets in stock for sale by dealers. [101.42 s. 12]

Sec. 33. [97C.355] DARK HOUSES AND FISH HOUSES.

Subdivision 1. IDENTIFICATION REQUIRED. All shelters on the ice of state waters, including dark houses and fish houses, must have the name and address of an owner legibly painted on the exterior in letters with characters at least three inches high. [101.42 s. 16]

Subd. 2. LICENSE REQUIRED. A person may not take fish from a dark house or fish house unless the house is licensed and has a metal license tag attached to the exterior as prescribed by the commissioner. The commissioner must issue a metal tag that is at least two inches in diameter with a 3/16 inch hole in the center with a dark house or fish house license. The metal tag must be stamped with a number to correspond with the license and the year of issue. [98.46 s. 5] [101.42 s. 16]

Subd. 3. DOOR MUST OPEN FROM OUTSIDE. A person may not use a dark house or fish house unless the door is constructed so that it can be opened from the outside when it is in use. [101.42 s. 16]

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Subd. 4. DISTANCE BETWEEN HOUSES. A person may not erect a dark house or fish house within ten feet of an existing dark house or fish house. [101.42 s. 16]

Subd. 5. BURNING OF STRUCTURES. A person may not burn a structure on the ice of state waters without permission of the commissioner. The commissioner may allow burning only after determining that the structure cannot be removed from the ice by another reasonable manner. The owner must remove the remains of the burned structure from the ice. [101.42 s. 16]

Subd. 6. RESTRICTIONS FOR NONRESIDENTS. A nonresident may only obtain a license for a fish house that is collapsible and portable, and the house may not be unattended. [98.46 s. 15]

Subd. 7. DATES AND TIMES HOUSES MAY REMAIN ON ICE. (a) After February 28, a fish house or dark house may not be on the ice between 12:00 a.m. and 7:00 a.m. A fish house or dark house on the ice in violation of this subdivision is subject to the enforcement provisions of paragraph (b). The commissioner may, by order, extend the date beyond February 28 for any part of international boundary waters. Copies of the order must be conspicuously posted on the shores of the waters as prescribed by the commissioner. [101.42 s. 16]

(b) A conservation officer must confiscate a fish house or dark house in violation of paragraph (a). The officer may remove, burn, or destroy the house. The officer shall seize the contents of the house and hold them for 60 days. If the seized articles have not been claimed by the owner, they may be retained for the use of the division or sold at the highest price obtainable in a manner prescribed by the commissioner. [101.42 s. 16]

Subd. 8. CONFISCATION OF UNLAWFUL STRUCTURES. Structures on the ice in violation of this section may be confiscated and disposed of, retained by the division, or sold at the highest price obtainable, in a manner prescribed by the commissioner. [101.42 s. 16]

Sec. 34. [97C.361] RESTRICTIONS ON FISH HOUSES AND DARK HOUSES IN THE BOUNDARY WATERS CANOE AREA.

A person may only use a portable fish house or dark house within the boundary waters canoe area. The house must be removed from the waters and collapsed or disassembled each night. The house may not remain in the boundary waters canoe area if the person leaves the boundary waters canoe area. [101.425]

Sec. 35. [97C.365] SPEARS PROHIBITED WHILE ANGLING IN FISH HOUSE OR DARK HOUSE.

A person may not have a spear within a dark house or fish house while angling. [101.42 s. 16]

[Bracketed paragraph notes cite text sources]

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Sec. 36. [97C.371] SPEARING FISH.

Subdivision 1. SPECIES ALLOWED. Only rough fish, catfish, lake whitefish, and northern pike may be taken by spearing. [101.41 s. 4]

Subd. 2. DARK HOUSES REQUIRED FOR CERTAIN SPECIES. Catfish, lake whitefish, and northern pike may be speared only from dark houses. [101.41 s. 4]

Subd. 3. RESTRICTIONS WHILE SPEARING FROM DARK HOUSE. A person may not take fish by angling or the use of tip-ups while spearing fish in a dark house. [101.42 s. 20]

Subd. 4. OPEN SEASON. The open season for spearing through the ice is December 1 to February 15. [101.41 s. 4]

Sec. 37. [97C.375] TAKING ROUGH FISH BY SPEARING OR ARCHERY.

A resident may take rough fish by spearing or archery during the times, in waters, and in the manner prescribed by the commissioner. [101.411]

Sec. 38. [97C.381] HARPOONING ROUGH FISH.

A resident may use a rubber powered gun, spring gun, or compressed air gun to take rough fish by harpooning. The harpoon must be fastened to a line not more than 20 feet long. The commissioner may prescribe the times, the waters, and the manner for harpooning rough fish. [101.51]

Sec. 39. [97C.385] COMMISSIONER'S AUTHORITY TO REGULATE WINTER FISHING.

Subdivision 1. SUMMER ANGLING SEASON TO BE CLOSED IN SAME PROPORTION. If the commissioner closes the statutory open season for the spearing of a game fish species in any waters, the commissioner must, in the same order, close the following statutory open season for angling for the same species in the waters in the same proportion. [97.48 s. 1]

Subd. 2. SUMMER ANGLING LIMITS MUST BE SAME AS SPEARING. If the commissioner reduces the limit of a species of game fish taken by spearing in any waters under article 1, section 8, subdivision 2, the commissioner must reduce the limit for taking of the species by angling in the waters during the following open season for angling. [97.48 s. 1]

Subd. 3. CLOSING LAKES AND STREAMS IN A COUNTY. The commissioner may not close the open season for taking game fish through the ice on more than 50 percent of the named lakes or streams of a county under article 1, section 8, subdivision 2. [97.48 s. 1]

Sec. 40. [97C.391] BUYING AND SELLING FISH.

[Bracketed paragraph notes cite text sources]

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. GENERAL RESTRICTIONS. A person may not buy or sell fish taken from the waters of this state, except:

- (1) minnows;
- (2) rough fish excluding ciscoes;
- (3) fish taken under licensed commercial fishing operations;
- (4) fish raised in a private hatchery that are tagged or labeled as prescribed by the commissioner; and
- (5) fish lawfully taken and subject to sale from other states and countries. [101.41 s. 4; 101.42 s. 3]

Subd. 2. RESTRICTIONS ON CERTAIN GAME FISH. Largemouth bass, smallmouth bass, rock bass, muskellunge, and sunfish may not be bought or sold unless bought or sold by a private hatchery to stock waters for recreational fishing as prescribed by the commissioner. [101.42 s. 7]

Sec. 41. [97C.395] OPEN SEASONS FOR ANGLING.

Subdivision 1. DATES FOR CERTAIN SPECIES. The open seasons to take fish by angling are as follows:

- (1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth bass, from May 15 to the third Monday in February;
- (2) for lake trout, from January 1 to October 31;
- (3) for brown trout, brook trout, rainbow trout, and splake, between January 1 to October 31 as prescribed by the commissioner by order except as provided in section 45, subdivision 2; and
- (4) for salmon, as prescribed by the commissioner by order. [101.41 s. 2; 101.50]

Subd. 2. CONTINUOUS SEASON FOR CERTAIN SPECIES. For sunfish, white crappie, black crappie, yellow perch, catfish, rock bass, white bass, lake whitefish, and rough fish, the open season is continuous. [101.41 s. 2]

Sec. 42. [97C.401] COMMISSIONER AUTHORIZED TO PRESCRIBE LIMITS.

Unless otherwise provided in this chapter, the commissioner shall, by order, prescribe the limits on the number of each species of fish that may be taken in one day and the number that may be possessed. [101.41 s. 6]

Sec. 43. [97C.405] MUSKELLUNGE SIZE LIMITS.

(a) Except as allowed under paragraph (b), if a person catches a muskellunge less than 36 inches long in waters north of trunk highway No. 210, the person must immediately release the fish into the waters.

[Bracketed paragraph notes cite text sources]

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(b) The commissioner may designate lakes north of trunk highway No. 210 where muskellunge less than 36 inches, but not less than 30 inches long, may be retained. [101.42 s. 1a]

Sec. 44. [97C.411] STURGEON AND PADDLEFISH.

Lake sturgeon, shovelnose sturgeon, and paddlefish may not be taken, bought, sold, transported or possessed except as provided by order of the commissioner. The commissioner may only allow the taking of these fish in waters that the state boundary passes through except that an order that applies to the St. Croix river must also apply to its tributaries. [101.41 s. 1]

Sec. 45. [97C.415] TROUT AND SALMON.

Subdivision 1. HOURS FOR TAKING TROUT RESTRICTED. A person may not take trout, except lake trout between 11:00 p.m. and one hour before sunrise. [101.42 s. 8]

Subd. 2. LAKE SUPERIOR STREAMS. The commissioner may prescribe the open season and conditions for taking brook trout, brown trout, rainbow trout, steelhead trout, and salmon in any portion of a stream that flows into Lake Superior. [101.48]

Subd. 3. SALMON. The commissioner may prescribe, by order, the method of taking and possessing salmon. [101.50]

MINNOWS

Sec. 46. [97C.501] MINNOW LICENSES REQUIRED.

Subdivision 1. MINNOW RETAILERS. (a) A person may not be a minnow retailer without a minnow retailer license except as provided in subdivision 3. [98.46 s. 17]

(b) A minnow retailer must obtain a minnow retailer's vehicle license for each motor vehicle used by the minnow retailer to transport more than 12 dozen minnows to the minnow retailer's place of business, except as provided in subdivision 3. [97.40 s. 27; 98.46 s. 17(1)]

Subd. 2. MINNOW DEALERS. (a) A person may not be a minnow dealer without a minnow dealer license except as provided in subdivision 3.

(b) A minnow dealer must obtain a minnow dealer's helper license for each person employed to take, buy, sell, or transport minnows by the minnow dealer. The minnow dealer may transfer a helper's license from a former helper to a new helper.

(c) A minnow dealer must obtain a minnow dealer's vehicle license for each motor vehicle used to transport minnows. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle.

[Bracketed paragraph notes cite text sources]

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(d) A minnow dealer may not transport minnows out of the state without an exporting minnow dealer license. A minnow dealer must obtain an exporting minnow dealer's vehicle license for each motor vehicle used to transport minnows out of the state. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle. [98.46 s. 5]

Subd. 3. LICENSE EXEMPTION FOR MINORS SELLING LEECHES. A resident under age 18 may take leeches, sell leeches at retail, and transport leeches without a minnow retailer or dealer license. [97.40 s. 12]

Subd. 4. NONRESIDENT MINNOW HAULERS. (a) A nonresident may not transport minnows in a motor vehicle without an exporting minnow hauler license. [97.45 s. 15, 98.46 s. 5a]

(b) A nonresident must obtain an exporting minnow hauler's vehicle license for the motor vehicle used to transport minnows. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle. [98.46 s. 5a]

(c) Only one nonresident motor vehicle license may be issued to an exporting minnow hauler. [98.46 s. 5a]

Sec. 47. [97C.505] MINNOWS.

Subdivision 1. AUTHORITY TO TAKE, POSSESS, BUY, AND SELL. Minnows may be taken, possessed, bought, and sold, subject to the restrictions in this chapter. [101.41 s. 4]

Subd. 2. CONTINUOUS OPEN SEASON. The open season for taking minnows is continuous, except as provided in subdivisions 3 and 4. [101.41 s. 4]

Subd. 3. CLOSING WATERS. The commissioner may close any state waters for commercially taking minnows if a survey is conducted and the commissioner determines it is necessary to close the waters to prevent depletion or extinction of the minnows. [97.48 s. 6]

Subd. 4. HOURS OF TAKING. A person may not take minnows from one hour after sunset to one hour before sunrise. [101.42 s. 5]

Subd. 5. RESTRICTIONS ON TAKING FROM TROUT WATERS. A person may not take minnows from designated trout lakes or trout streams without a special permit issued by the commissioner. [101.42 s. 5]

Subd. 6. APPROVED EQUIPMENT REQUIRED. A person must use equipment approved by the commissioner to possess or transport minnows for sale. [101.42 s. 5]

Sec. 48. [97C.511] MINNOW SEINES.

[Bracketed paragraph notes cite text sources]

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. SIZE RESTRICTIONS. Except as provided in subdivision 2, a person may not take minnows with a seine longer than 25 feet, and deeper than:

- (1) 148 meshes of 1/4 inch bar measure;
- (2) 197 meshes of 3/16 inch bar measure; or
- (3) four feet of material of less than 3/16 inch bar measure. [101.42 s. 5]

Subd. 2. LICENSED MINNOW DEALERS. A minnow dealer may take minnows with a seine that is not longer than 50 feet, and not deeper than:

- (1) 222 meshes of 1/4 inch bar measure;
- (2) 296 meshes of 3/16 inch bar measure; or
- (3) six feet of material of less than 3/16 inch bar measure. [101.42 s. 5]

Sec. 49. [97C.515] IMPORTED MINNOWS.

Subdivision 1. GENERAL PROHIBITION. A person may not bring live minnows into the state except as provided in this section. [101.42 s. 6]

Subd. 2. PERMIT FOR TRANSPORTATION. A person may transport minnows through the state with a permit from the commissioner. The permit must state the name and address of the person, the number and species of minnows, the point of entry into the state, the destination, and the route through the state. The permit is not valid for more than 12 hours after it is issued. [101.42 s. 6]

Subd. 3. USE IN HOME AQUARIUMS ALLOWED. A person may bring live minnows into the state for home aquariums. [101.42 s. 6]

Sec. 50. [97C.521] TRANSPORTATION OF CARP FINGERLINGS PROHIBITED.

A person may not transport live carp fingerlings. [101.42 s. 6]

Sec. 51. [97C.525] RESTRICTIONS ON TRANSPORTATION OF MINNOWS.

Subdivision 1. APPLICABILITY. This section does not apply to the transportation of 24 dozen minnows, or less, or to transportation with a permit issued under section 49, subdivision 2. [97.45 s. 15]

Subd. 2. TRANSPORTING OUT OF THE STATE. A person may not transport minnows out of the state, except as provided in this section. [97.45 s. 15]

Subd. 3. MINNOW DEALERS AND HAULERS. A resident minnow

[Bracketed paragraph notes cite text sources]

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dealer or a nonresident exporting minnow hauler may transport leeches, suckers, and fathead minnows out of the state. A nonresident exporting minnow hauler must possess a bill of lading issued by a minnow dealer with an exporting minnow dealer's license. The bill of lading must be on a form furnished by the commissioner and must state the exporting minnow hauler's name and address, the route through the state, number and species of minnows, and the time it was issued. [97.45 s. 15]

Subd. 4. MINNOW RETAILERS. A minnow retailer transporting minnows from a place of wholesale purchase to the retailer's place of business must use the most reasonably direct route. [97.45 s. 15]

Subd. 5. OUT OF STATE VEHICLES. The exporting minnow hauler must transport the minnows out of the state within 24 hours of the time of issuance stated on the bill of lading. A person may not transport minnows in a motor vehicle licensed in another state without an exporting minnow hauler's vehicle license. [97.45 s. 15, 98.46 s. 5]

AMPHIBIANS

Sec. 52. [97C.601] FROGS.

Subdivision 1. SEASON. The open season for frogs is May 16 to March 31. The commissioner may, by order, establish closed seasons in specified areas. [101.44]

Subd. 2. LICENSE REQUIRED. (a) A person may not take or possess frogs without an angling license if the person is required to have an angling license to take fish.

(b) A person may not purchase, possess, and transport frogs for purposes other than bait without a license to purchase, possess, and transport frogs.

(c) A person may not take, possess, transport, and sell frogs for purposes other than bait without a license to take, possess, transport, and sell frogs. [101.44]

Subd. 3. TAKING WITH CLOTH SCREENS PROHIBITED. A person may not use cloth screens or similar devices to take frogs. [101.44]

Subd. 4. TAKING WITH ARTIFICIAL LIGHTS. The commissioner may issue permits to take frogs with the use of artificial lights in waters designated in the permit. [97.48 s. 21]

Subd. 5. LIMITS. (a) A person may possess frogs, up to six inches long, without limit if the frogs are possessed, bought, sold, and transported for bait.

(b) Unless the commissioner prescribes otherwise, a person may possess frogs over six inches long and:

[Bracketed paragraph notes cite text sources]

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(1) transport the frogs, except by common carrier; and

(2) sell the frogs in any quantity during the open season.

(c) The length of a frog is measured from the tip of the nose to the tip of the hind toes, with the legs fully extended. [101.44]

Subd. 6. BUYING AND SELLING FOR PURPOSES OTHER THAN BAIT. The commissioner shall prescribe rules for buying, selling, possessing, and transporting frogs for purposes other than bait. [101.44]

Subd. 7. FOR HUMAN CONSUMPTION. The commissioner may issue permits for importing, raising, and selling frogs for human consumption. [101.441]

Sec. 53. [97C.605] TURTLES.

Subdivision 1. LICENSE REQUIRED. A person may not take, possess, buy, sell, or transport turtles without an angling license. [101.45]

Subd. 2. SALES LICENSE. A person may not take, transport, or purchase unprocessed turtles for sale without a turtle seller's license. A person with a turtle seller's license may take turtles for sale as prescribed by the commissioner. [101.45]

Subd. 3. TAKING; METHODS PROHIBITED. A person may take turtles in any manner, except by use of explosives, drugs, poisons, lime, and other harmful substances, or by the use of traps or nets other than landing nets. [101.45]

Subd. 4. ARTIFICIAL LIGHTS. The commissioner may issue permits to take turtles with the use of artificial lights in designated waters. [97.48 s. 21]

Sec. 54. [97C.611] SNAPPING TURTLES; LIMITS.

A person may not possess more than ten snapping turtles of the species *Chelydra serpentina*. The size of the turtles must have a dorsal surface of the shell that measures at least ten inches long. [101.45]

Sec. 55. [97C.615] COMMISSIONER MAY REMOVE TURTLES.

The commissioner may take turtles with seines, nets, and other devices. The commissioner may hire or contract persons, or issue permits, to take the turtles. The commissioner shall prescribe the manner of taking and disposal. The commissioner may award a contract under this section without competitive bidding. Before establishing the contractor's compensation, the commissioner must consider the qualifications of the contractor, including the contractor's equipment, knowledge of the waters, and ability to perform the work. [97.48 s. 4]

Sec. 56. [97C.621] AREAS MAY BE CLOSED TO TAKING TURTLES.

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The commissioner may prohibit the taking of turtles from state waters where operations are being conducted to aid fish propagation. [97.48 s. 17]

MUSSELS AND CLAMS

Sec. 57. [97C.701] TAKING MUSSELS.

Subdivision 1. COMMISSIONER'S AUTHORITY. The commissioner may prescribe conditions for taking mussels. [97.48 s. 5]

Subd. 2. USE OF BOATS TO TAKE MUSSELS. A person may not use more than one boat or rig to take mussels except a boat for towing without a mussel-taking apparatus attached. [102.24 s. 2]

Subd. 3. NUMBER AND SIZE OF BARS RESTRICTED. While taking mussels a person may not:

- (1) possess more than four crow-foot bars or bars having hooks attached;
- (2) have more than two bars in the water; or
- (3) use bars longer than 20 feet in length. [102.24 s. 2]

Subd. 4. DREDGES; RESTRICTIONS. A person may only use one dredging apparatus to take mussels. The dredge openings may not be greater than three feet or have prongs longer than four inches. [102.24 s. 2]

Subd. 5. PITCHFORKS PERMITTED FOR CLAM SHELLS. A person may use a pitchfork to gather clam shells. [102.24 s. 2]

Subd. 6. POSSESSION, SALE, AND TRANSPORTATION. Mussels and clams may be possessed, bought, sold, and transported in any quantity during the open season and seven days after the season closes. [102.23]

Sec. 58. [97C.705] MUSSEL SEASONS.

Subdivision 1. OPEN SEASON. The open season for taking mussels is from May 16 to the last day of February. [102.24 s. 1]

Subd. 2. CLOSED AREAS. The commissioner may close up to 50 percent of the mussel producing waters of the state to the taking of mussels. [97.48 s. 5]

Sec. 59. [97C.711] MUSSEL SIZE LIMITS.

A person may not take mussels less than one and three-fourths inches in the greatest dimension, except pigtoes. A person must return undersized mussels to the water without injury. [102.24 s. 1, 2]

[Bracketed paragraph notes cite text sources]

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NETTING AND COMMERCIAL FISHING

Sec. 60. [97C.801] TAKING ROUGH FISH ON MISSISSIPPI AND MINNESOTA RIVERS.

Subdivision 1. ROUGH FISH ON MINNESOTA AND MISSISSIPPI RIVERS. (a) A license is required to take rough fish by set line 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. [98.46 s. 9]

(b) A person may use only one set line to take rough fish 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, and the set line must:

(1) have not more than ten hooks;

(2) be set only in the flowing waters of the river;

(3) staked only at one end; and

(4) remain at the location designated in the application for license unless approval of the commissioner has been given to change the location. [102.25 s. 2]

(c) Notwithstanding section 40, subdivision 1, rough fish taken under this subdivision may not be bought or sold. [98.46 s. 9]

Subd. 2. COMMERCIAL FISH NETTING AND SET LINES ON MISSISSIPPI RIVER. (a) A license is required to commercially take rough fish with seines and set lines in the Mississippi river from the St. Croix river junction to St. Anthony Falls. [98.46 s. 7, 8]

(b) A person may take rough fish in the Mississippi river, from the St. Croix river junction to St. Anthony Falls, only with the following equipment and methods:

(1) operations shall be conducted only in the flowing waters of the river and in tributary backwaters prescribed by the commissioner;

(2) only one set line may be used that has an identification tag and not more than 100 hooks;

(3) seines may be used only as prescribed by the commissioner;

(4) seines must be hauled to a landing immediately after being placed;

(5) two seines may not be joined together in the water;

(6) a net may not be raised, laid out, or landed, between sunset and sunrise;
and

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(7) the location of a net or seine may not be changed from the place specified in the license application without notifying the commissioner of the proposed change. [102.25 s. 1]

Sec. 61. [97C.805] NETTING OF LAKE WHITEFISH AND CISCOES.

Subdivision 1. OPEN SEASON. The commissioner shall, by order, prescribe the open season and open state waters for netting lake whitefish and ciscoes. The commissioner may prescribe that the date for the open season to begin is prior to the effective date of the order under article 1, section 9, if the commissioner posts notice of the date and time in appropriate public places at least 48 hours before the open season begins. [97.53 s. 3, 101.41 s. 5]

Subd. 2. RESTRICTIONS. (a) The netting of lake whitefish and ciscoes is subject to the restrictions in this subdivision.

(b) A person may not use:

(1) more than two nets;

(2) a net more than 100 feet long; or

(3) a net more than three feet wide.

(c) The mesh size of the nets may not be less than:

(1) one and three-fourths inches, extension measure, for nets used to take ciscoes in Lake Superior; and

(2) three and one-half inches, extension measure, for all other nets.

(d) A net may not be set in water, including ice thickness, deeper than six feet.

(e) The commissioner may designate waters where nets may be set so that portions of the net extend into water deeper than six feet under conditions prescribed by the commissioner to protect game fish. A pole or stake must project at least two feet above the surface of the water or ice at one end of each net.

(f) A net may not be set within 50 feet of another net. [101.41 s. 5]

Subd. 3. FISH MAY NOT BE SOLD. Notwithstanding section 40, subdivision 1, lake whitefish and ciscoes taken under this section may not be bought or sold. [101.41, s. 5]

Subd. 4. NO LIMIT ON ROUGH FISH NETTED. Lake whitefish and ciscoes taken under this section may be taken and possessed without limit. Rough fish caught while netting may be retained. [101.41 s. 5]

Sec. 62. [97C.811] COMMERCIAL FISHING IN INLAND WATERS.

[Bracketed paragraph notes cite text sources]

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. INLAND WATERS DEFINED. For the purposes of this section and article 1, section 68, subdivision 30, "inland waters" means all waters entirely located within the boundaries of the state and the border waters between Minnesota and North Dakota, South Dakota and Iowa, excluding those waters described in section 60. [102.285 s. 1]

Subd. 2. COMMERCIAL FISH DEFINED. For purposes of this section and article 1, section 68, subdivision 30, "commercial fish" are carp; bowfin; burbot; ciscoe; goldeye; rainbow smelt; black bullhead, brown bullhead, and yellow bullhead; lake whitefish; members of the sucker family, Catostomidae, including white sucker, redbone, bigmouth buffalo, and smallmouth buffalo; members of the drum family, Sciaenidae, including sheepshead; and members of the gar family, Lepisosteidae. [102.285 s. 1]

Subd. 3. REGULATION. The commissioner shall, by order, regulate the taking, possession, transportation, and sale of commercial fish, and the licensing of commercial fishing operators in inland waters. [102.285 s. 1]

Subd. 4. LICENSES REQUIRED. A person may not commercially fish inland waters without a commercial fishing license. Nonresidents may only be licensed to fish waters not previously assigned to residents. In the license application the applicant must list the number of feet of seine of each depth to be licensed. [98.46 s. 9a, 100.285 s. 1]

Subd. 5. SEASON. Licenses to net commercial fish in inland waters are issued to residents and nonresidents annually subject to this section and shall be valid for commercial fishing during the open season for commercial fishing in inland waters from the day after Labor Day to the day before the open season for walleye. [98.46 s. 9a]

Subd. 6. LICENSE INVALIDATION. (a) A license to take commercial fish is void upon:

- (1) the licensee's death;
- (2) sale of the commercial fishing business;
- (3) removal of the commercial fishing business from the state;
- (4) conviction of two or more violations of inland commercial fishing laws within a license period; or
- (5) failure to apply for a new or renewal license prior to June 15 of any year.

(b) A commercial inland fishing license is not subject to the license revocation provisions of article 1, section 57. Commercial fishing rights and area assignments covered by a license that becomes void reverts to the commissioner for reassignment. [102.285 s. 6]

Subd. 7. MONTHLY REPORTS. A licensed inland commercial fishing

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operator shall submit a report on the licensed activities the operator was engaged in to the commissioner each month. The report must be on a form provided by the commissioner and submitted prior to the 15th day of the following month. The report shall be submitted whether fishing activity took place unless the operator has a written release from this obligation signed by the commissioner. [102.285 s. 5]

Sec. 63. [97C.815] **COMMERCIAL FISHING AREAS.**

Subdivision 1. DESIGNATION. The commissioner shall specify inland commercial fishing areas, taking into account the amount, size, and proximity of waters specified, the species to be removed, and the type and quantity of fishing gear and equipment necessary to provide an adequate removal effort. The commissioner may change inland commercial fishing area boundaries by order prior to a new licensing period. [102.285 s. 2]

Subd. 2. ASSIGNMENT. The commissioner shall assign licensed inland commercial fishing operators to commercial fishing areas and each operator shall be obligated to fish in the area that the commissioner has assigned to them. The commissioner's assignment shall be valid as long as the assigned operator continues to purchase a license, continues to provide an adequate removal effort in a good and professional manner, and is not convicted of two or more violations of laws or rules governing inland commercial fishing operations during any one license period. In the operator assignment, the commissioner shall consider the proximity of the operator to the area, the type and quantity of fish gear and equipment possessed, knowledge of the affected waters, and general ability to perform the work well. [102.285 s. 3]

Subd. 3. UNUSED AREAS. If an area is not assigned, or the operator licensed for the area is not fishing that area, the commissioner may issue a special inland commercial fishing permit for the area. The permit may be issued to an individual holding a valid inland commercial fishing license. The permit must describe the specific waters involved, the county, the species to be removed, the equipment to be used, and the time period of the total operation. [102.285 s. 4]

Subd. 4. INLAND COMMERCIAL FISHING TRADE ASSOCIATION; LICENSE PROBLEMS. The commissioner shall consult with representatives of the inland commercial fishing trade association when disagreements arise in the areas of license issuance, problems with performance pursuant to the license, area assignments, and the entry of new commercial fishing operators into the inland commercial fishery. [102.285 s. 7]

Sec. 64. [97C.821] **POSSESSION, SALE, AND TRANSPORTATION OF COMMERCIAL FISH.**

Subject to the applicable provisions of the game and fish laws, fish taken under commercial fishing licenses may be possessed in any quantity, bought, sold, and transported during the open seasons provided for the fish, and for

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seven days after the season closes. Fish frozen or cured during the open season may be transported, bought, and sold at any time. [102.23]

Sec. 65. [97C.825] LAKE OF THE WOODS AND RAINY LAKE FISHING.

Subdivision 1. NEW COMMERCIAL FISHING LICENSES PROHIBITED. The commissioner may not issue a new commercial fishing license that allows netting of game fish on Lake of the Woods and Rainy Lake. [102.235]

Subd. 2. RESTRICTIONS ON FISH AND NETS. The following regulations and restrictions shall apply to all commercial fishing operations conducted in Lake of the Woods and Rainy Lake unless otherwise changed by order of the commissioner under authority of article 1, section 8, subdivision 4:

(a) Any fish, except largemouth bass, smallmouth bass, rock bass, muskellunge, crappies, sturgeon, and sunfish, may be taken subject to all other restrictions contained in the game and fish laws.

(b) Pound net mesh and staked trap net mesh may not be less than two and one-half inches nor more than four inches stretch measure in the pound or crib.

(c) Gill net mesh may not be less than four inches stretch measure, and may not be more than 30 meshes in width.

(d) Fyke net mesh may not be less than two and one-half inches nor more than four inches stretch measure in the pot or crib. Fyke nets may not have a hoop or opening more than six feet in height, wings more than 100 feet in length, nor a lead more than 400 feet in length.

(e) Submerged trap net mesh may not be less than two and one-half inches nor more than three inches stretch measure in the heart, pot, or crib. A submerged trap net may not have a pot or crib exceeding 150 square feet in area, a lead exceeding 300 feet in length, nor a pot or lead exceeding 12 feet in depth. [102.26 s. 1]

Subd. 3. NET LIMITS FOR INDIVIDUAL OPERATORS. A person may not operate more than six pound nets, 4,000 feet of gill nets, eight submerged trap nets, ten fyke or staked trap nets, or one pound net station. [102.26 s. 2]

Subd. 4. NET LOCATION. Nets may only be set at a place consented to by the commissioner. [102.26 s. 2]

Subd. 5. NET LIMITS FOR LAKE OF THE WOODS AND RAINY LAKE. The maximum amount of nets permitted to be licensed shall be:

(a) In Lake of the Woods, 50-pound nets, 80,000 feet of gill nets or 160 submerged trap nets, and 80 fyke or staked trap nets. Licenses for submerged trap nets may be issued instead of licenses for gill nets in the ratio of not more than one submerged trap net per 500 feet of gill net, and the maximum permissi-

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ble amount of gill nets shall be reduced by 500 feet for each submerged trap net licensed.

(b) In Rainy Lake, 20-pound nets and 20,000 feet of gill nets.

(c) When a licensee has had a license revoked or surrendered, the commissioner shall not be required to issue licenses for the amount of netting previously authorized under the revoked or surrendered license.

(d) Commercial fishing may be prohibited in the Minnesota portions of international waters when it is prohibited in the international waters by Canadian authorities.

(e) The commissioner may adopt rules to limit the total amount of game fish taken by commercial fishing operators in Lake of the Woods in any one season and shall apportion the amount to each licensee in accordance with the number and length of nets licensed. [102.26 s. 3]

Subd. 6. WALLEYE LIMITS, LAKE OF THE WOODS. The commissioner shall limit the maximum poundage of walleye that may be taken by commercial fishing operators in Lake of the Woods in any one season on the following schedule:

<u>YEAR</u>	<u>WALLEYE TAKE IN POUNDS</u>
<u>1984</u>	<u>164,000</u>
<u>1985</u>	<u>150,000</u>
<u>1986</u>	<u>135,000</u>
<u>1987</u>	<u>120,000</u>
<u>1988</u>	<u>100,000</u>
<u>1989</u>	<u>80,000</u>
<u>1990</u>	<u>60,000</u>
<u>1991</u>	<u>30,000</u>
<u>1992</u>	<u>0</u>

The allocation of walleye poundage among the licensees shall be determined by order of the commissioner. [102.26 s. 3a]

Subd. 7. WALLEYE LIMITS; RAINY LAKE. The commissioner shall limit the maximum poundage of walleye that may be taken by commercial fishing operators in Rainy Lake in any one season on the following schedule:

<u>YEAR</u>	<u>WALLEYE TAKE IN POUNDS</u>
<u>1984</u>	<u>14,500</u>
<u>1985</u>	<u>12,500</u>
<u>1986</u>	<u>10,500</u>
<u>1987</u>	<u>8,500</u>
<u>1988</u>	<u>6,500</u>
<u>1989</u>	<u>4,500</u>
<u>1990</u>	<u>2,500</u>
<u>1991</u>	<u>1,000</u>
<u>1992</u>	<u>0</u>

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The seasonal commercial walleye take in pounds in Rainy Lake shall be allocated among the licensees by order of the commissioner. [102.26 s. 3b]

Subd. 8. GILL NETS; LAKE OF THE WOODS AND RAINY LAKE. Gill net licenses on Lake of the Woods and Rainy Lake shall be canceled after the 1987 license year. A gill net licensee whose license is canceled as provided in this subdivision retains the walleye quota held at the time of cancellation, subject to the quota phase-out schedule in subdivision 6 or 7. Notwithstanding subdivision 1, the licensee may be issued a pound or trap net license for the netting of game fish in accordance with the quota of the licensee. [102.26 s. 3c]

Subd. 9. WALLEYE QUOTAS; SALE, TRANSFER. An existing licensee may transfer the walleye quota allocated to the licensee under subdivision 6 or 7 to any other existing licensee or, after July 1, 1985, the licensee may sell the quota to the state. If a licensee sells the quota to the state, the licensee must sell the quota for all years remaining in the quota schedule as provided in subdivision 6 or 7. A sale to the state shall be at the present wholesale value of the quota as determined assuming the following:

(1) an allocation to the licensee of the same proportion of the total remaining walleye quota as allocated in the year of sale; and

(2) 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. A quota sold to the state cancels and is not available for reallocation to another licensee. When a walleye quota is sold to the state and canceled, the gill net license of the licensee is canceled. [102.26 s. 3d]

Subd. 10. TAKING EGGS FOR PROPAGATION; COMMISSIONER'S RULE. The commissioner may require a person licensed to take fish for commercial purposes in the waters covered by this section to take eggs for propagation purposes when it can be done in connection with the licensed commercial fishing. The eggs must be taken under rules prescribed by the commissioner. [102.26 s. 4]

Sec. 66. [97C.831] NAMAKAN AND SAND POINT LAKES; COMMERCIAL FISHING.

Subdivision 1. LAKE WHITEFISH AND ROUGH FISH. Lake whitefish and rough fish may be taken by licensed commercial fishing operators unless otherwise changed by order of the commissioner, under section 61, subdivision 1, from Namakan Lake and Sand Point Lake. [102.27 s. 1]

Subd. 2. GILL NETS PROHIBITED ON SAND POINT LAKE. Gill nets may not be used in Sand Point Lake. [102.27 s. 1]

Subd. 3. MAXIMUM AMOUNT OF NETS IN SAND POINT LAKE. The maximum amount of nets permitted to be licensed in Sand Point Lake shall be 12 pound, fyke, or submerged trap nets. [102.27 s. 3]

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Subd. 4. MAXIMUM AMOUNT OF NETS IN NAMAKAN LAKE. The maximum amount of nets that may be licensed in Namakan Lake shall be (1) 7,000 feet of gill net, with a mesh not less than four inches stretch measure, and (2) 12 pound, fyke, or submerged trap nets. [102.27 s. 2]

Sec. 67. [97C.835] LAKE SUPERIOR COMMERCIAL FISHING.

Subdivision 1. COMMERCIAL FISHING LICENSE FOR LAKE SUPERIOR. (a) A license to fish commercially in Lake Superior shall be issued only to a resident who possesses 5,000 feet of gill net of mesh sizes permitted in subdivisions 4 and 5 or two pound nets, has landed fish in the previous year with a value of at least \$1,500, except for those state waters from Duluth to Silver Bay upon the discretion of the commissioner, and has engaged in commercial fishing for at least 50 days of the previous year. An applicant shall be issued a license without meeting these requirements if the applicant is 65 or more years of age and has held a license continuously since 1947. An applicant may be issued a license, at the discretion of the commissioner, if failure to meet these requirements resulted from illness or other mitigating circumstances, or the applicant has reached the age of 65 and has been licensed at least ten of the previous 15 years. Persons receiving licenses under these provisions for applicants 65 years of age or more must be in attendance at the setting and lifting of nets. The commissioner may issue multiple licenses to individuals who meet these requirements and have held multiple licenses prior to 1978. [98.46 s. 12]

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

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

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

(3) has served at least two years as a helper in a Minnesota Lake Superior licensed commercial fishing operation. [98.46 s.12]

Subd. 2. TYPES OF FISH PERMITTED. Lake trout, ciscoes, chubs, alewives, lake whitefish, round whitefish, pygmy whitefish, rainbow smelt, and rough fish may be taken by licensed commercial fishing operators from Lake Superior, in accordance with this section. [102.28 s. 1]

Subd. 3. POUND NETS AND TRAP NETS. Pound or trap nets may be used to take round whitefish, pygmy whitefish, ciscoes, chubs, alewives, rainbow smelt, and rough fish in Lake Superior, including St. Louis Bay, under the rules prescribed by the commissioner. [102.28 s. 2]

Subd. 4. GILL NETS; LAKE TROUT AND LAKE WHITEFISH. Gill nets for taking lake trout and lake whitefish may not be less than 4-1/2 inch extension

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measure mesh. The commissioner may prescribe rules to limit the total amount of gill net to be licensed for the taking of lake trout and lake whitefish and may limit the amount of net to be operated by each licensee. [102.28 s. 3]

Subd. 5. GILL NETS; CISCOES. Gill nets for taking ciscoes and chubs may not be less than 2-1/4 inch extension measure mesh and may not exceed 2-3/4 inch extension measure mesh. [102.28 s. 4]

Subd. 6. MAXIMUM AMOUNT OF GILL NET IN LAKE SUPERIOR. The amount of gill net licensed in Minnesota waters of Lake Superior may not exceed 300,000 feet of net weighted to fish in a floating or suspended position off the bottom and 300,000 feet of net weighted to fish on the bottom. [102.28 s. 4]

Subd. 7. MAXIMUM AMOUNT OF GILL NET FOR EACH LAKE SUPERIOR LICENSEE. A licensee may not operate more than 6,000 feet of gill net weighted to fish in a floating or suspended position off the bottom or 25,000 feet of gill net weighted to fish on the bottom. The commissioner may authorize gill net footage in excess of the individual limits when the commissioner determines that all of the gill net footage permitted for Minnesota waters of Lake Superior would not otherwise be allocated in a license year. The commissioner must allocate this excess gill net footage equitably among the licensees who have applied for it. [102.28 s. 4]

Subd. 8. SPECIAL PERMITS. The commissioner may issue special permits to duly licensed commercial fishing operators not exceeding 20 in number, for the purpose of taking trout and lake whitefish spawn during the closed season for the propagation of trout in Lake Superior and adjacent waters under rules prescribed by the commissioner. [102.28 s. 5]

Sec. 68. [97C.841] HELPER'S LICENSE.

A 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, must have a helper's license, unless the person is the holder of a master's license.

(b) A helper's license is transferable from one helper to another by the holder of a master's license applying to the commissioner. [98.47 s.9]

Sec. 69. [97C.845] INTERFERENCE WITH COMMERCIAL FISHING.

A person may not:

(1) knowingly place or maintain an obstruction that will hinder, prevent, or interfere with a licensed commercial fishing operation;

(2) remove fish from nets licensed under the game and fish laws; or

(3) knowingly damage, disturb, or interfere with commercial fishing nets. [102.29]

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Sec. 70. [97C.851] COMMERCIAL FISHING IN INTERNATIONAL WATERS; RESORT OWNERS.

A license to buy or sell fish or to take fish commercially in international waters extending from Pigeon Point West to the North Dakota boundary line may not be issued to a person engaged in the business of conducting a summer resort, or to a member of the person's household or to an employee of the person. [98.47 s. 7]

Sec. 71. [97C.855] UPPER AND LOWER RED LAKE AND NETT LAKE; TRANSPORTATION, SALE, AND DISPOSAL.

The commissioner may, by order, allow the transportation, sale, and disposal of fish taken within the Red Lake Indian Reservation on Upper Red Lake and Lower Red Lake and from waters within the Nett Lake Indian Reservation also known as Bois Forte Indian Reservation. [102.30]

Sec. 72. [97C.861] FISH VENDOR REQUIREMENTS.

Subdivision 1. LICENSE REQUIRED. A person may not sell fish with the use of a motor vehicle without a fish vendor's license. [98.46 s. 19]

Subd. 2. MISREPRESENTATION OF FISH. (a) A licensed fish vendor or the vendor's employee may not misrepresent a species of fish to be sold. If a licensed fish vendor or employee of the fish vendor is convicted of misrepresenting a species of fish that is sold, the license shall be revoked, and the licensee is not eligible to obtain a fish vendor's license for one year after revocation.

(b) Misrepresentation includes the designation of fish by a name other than its common name in:

(1) the state; and

(2) in the locality where it was taken if it is not generally known by any common name in the state. [98.46 s. 19(4)]

Sec. 73. [97C.865] FISH PACKERS.

(a) A person may not prepare dressed game fish for shipment without a fish packer's license. The fish packer must maintain a permanent record of:

(1) the name, address, and license number of the shipper;

(2) the name and address of the cosignee; and

(3) the number of each species and net weight of fish in the shipment.

(b) The records of the fish packer must be made available to an enforcement officer upon request. [97.45 s. 6(4)]

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ARTICLE 4

AMENDMENTS TO OTHER STATUTES AND CROSS REFERENCE
AMENDMENTS

Section 1. Minnesota Statutes 1984, section 9.071, is amended to read:

9.071 SETTLEMENT OF CLAIMS; OTHER SPECIFIED POWERS.

The council has the powers with respect to the:

(1) Cancellation or compromise of claims due the state provided in sections 10.11 to 10.15;

(2) Timberlands provided in sections 90.031, 90.041, 90.151;

(3) Lands acquired from the United States provided in section 94.50;

(4) Lands subject to delinquent drainage assessments provided in section 84A.20;

(5) Transfer of lands between departments of state government provided in section 15.16;

(6) Sale or exchange of lands within national forests provided in sections 92.30, 92.31;

(7) Approval of acquisition of land for camping or parking area provided in ~~section 97.48~~ article 1, sections 26 and 27;

(8) Modification of iron leases provided in section 93.191;

(9) Awarding permits to prospect for iron ore provided in section 93.17;

(10) Approval of regulations for issuance of permits to prospect for minerals under state lands provided in section 93.08;

(11) Construction of dams provided in section 110.13.

Sec. 2. Minnesota Statutes 1984, section 14.02, subdivision 4, is amended to read:

Subd. 4. **RULE.** "Rule" means every agency statement of general applicability and future effect, including amendments, suspensions, and repeals of rules, adopted to implement or make specific the law enforced or administered by it or to govern its organization or procedure. It does not include (a) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public; (b) rules of the commissioner of corrections relating to the internal management of institutions under the commissioner's control and those rules governing the inmates thereof prescribed pursuant to section 609.105; (c) rules of the division of game and fish

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published in accordance with article 1, section ~~97.53~~ 9; (d) rules relating to weight limitations on the use of highways when the substance of the rules is indicated to the public by means of signs; (e) opinions of the attorney general; (f) the systems architecture plan and long range plan of the state education management information system provided by section 121.931; (g) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932; (h) the comprehensive statewide plan of the crime control planning board provided in section 299A.03; (i) special terms and conditions for an interim certificate of confirmation of the Minnesota cable communications board provided in section 238.09; (j) occupational safety and health standards provided in section 182.655; or (k) rules of the commissioner of public safety adopted pursuant to section 169.128.

Sec. 3. Minnesota Statutes 1984, section 14.38, subdivision 6, is amended to read:

Subd. 6. **EXEMPT RULES.** Rules adopted, amended, suspended, or repealed by any agency but excluded from the definition of "rule" in section 14.02, subdivision 4, shall have the force and effect of law upon compliance with subdivision 7.

However, subdivisions 5 to 9 do not apply to:

- (1) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public; or,
- (2) opinions of the attorney general; or,
- (3) rules published in accordance with article 1, section ~~97.53~~ 9.

Sec. 4. Minnesota Statutes 1984, section 18.021, subdivision 3, is amended to read:

Subd. 3. **DESTRUCTIVE OR NUISANCE ANIMALS.** "Destructive or nuisance animals" includes such animals as rats, gophers, mice, and other unprotected wild animals as defined in ~~Minnesota Statutes 1961, article 2, section 100.26~~ 53, and ~~acts amendatory thereof~~, which the commissioner may designate as dangerous to the welfare of the people.

Sec. 5. Minnesota Statutes 1984, section 84.0274, subdivision 6, is amended to read:

Subd. 6. **STATE'S RESPONSIBILITIES.** When the state proposes to purchase land for natural resources purposes, the commissioner of natural resources and, where applicable, the commissioner of administration shall have the following responsibilities:

- (a) The responsibility to deal fairly and openly with the landowner in the purchase of property;

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(b) The responsibility to refrain from discussing price with the landowner before an appraisal has been made. In addition, the same person shall not both appraise and negotiate for purchase of a tract of land;

(c) The responsibility to use private fee appraisers to lower the state's acquisition costs to the greatest extent practicable; and

(d) The responsibility to acquire land in as expeditious a manner as possible. No option shall be made for a period of greater than two months if no survey is required or for nine months if a survey is required, unless the landowner, in writing, expressly requests a longer period of time. Provided that, if county board approval of the transaction is required pursuant to article 1, section 97.481-28, no time limits shall apply. If the state elects not to purchase property upon which it has an option, it shall pay the landowner \$500 after the expiration of the option period. If the state elects to purchase the property, unless the landowner elects otherwise, payment to the landowner shall be made no later than 90 days following the state's election to purchase the property provided that the title is marketable and the owner acts expeditiously to complete the transaction.

Sec. 6. [84.0285] GAME AND FISH CITATION QUOTAS PROHIBITED.

The commissioner of natural resources, or the director of the division of enforcement and field service, may not order, mandate, require, or in any manner suggest, directly or indirectly, to a conservation officer that the conservation officer issue a certain number of game and fish law violations on a daily, weekly, monthly, quarterly, or yearly quota basis, except that the commissioner or director may utilize a conservation officer's total enforcement activity, in comparison to the total enforcement activity of all conservation officers, in the evaluation of an officer's performance.

Sec. 7. [84.034] MAINTENANCE OF CEMETERY IN WHITEWATER WILDLIFE MANAGEMENT AREA.

The commissioner shall maintain in a proper and decent manner and keep free of weeds any cemetery in the Whitewater state wildlife management area. [99.251]

Sec. 8. [84.0894] ENFORCEMENT OF AQUATIC PLANTS AND ENDANGERED SPECIES.

An enforcement officer shall enforce a violation of sections 9 to 13 in the same manner as a violation of the game and fish laws. [97.50 s.1, 5]

Sec. 9. [84.0895] PROTECTION OF THREATENED AND ENDANGERED SPECIES.

Subdivision 1. PROHIBITION. Notwithstanding any other law, a person may not take, import, transport, or sell any portion of an endangered species of wild animal or plant, or sell or possess with intent to sell an article made with

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any part of the skin, hide, or parts of an endangered species of wild animal or plant, except as provided in subdivisions 2 and 7. [97.488 s.7]

Subd. 2. APPLICATION. (a) Subdivision 1 does not apply to:

(1) plants on land classified for property tax purposes as class 2a or 2c agricultural land under section 273.13, or on ditches and roadways; and

(2) noxious weeds designated pursuant to sections 18.171 to 18.315 or to weeds otherwise designated as troublesome by the department of agriculture.

(b) If control of noxious weeds is necessary, it takes priority over the protection of endangered plant species, as long as a reasonable effort is taken to preserve the endangered plant species first.

(c) The taking or killing of an endangered plant species on land adjacent to class 3 or 3b agricultural land as a result of the application of pesticides or other agricultural chemical on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in the application of the pesticide or other chemical to avoid impact on adjacent lands. For the purpose of this paragraph, class 3 or 3b agricultural land does not include timber land, waste land, or other land for which the owner receives a state paid wetlands or native prairie tax credit.

(d) The accidental taking of an endangered plant, where the existence of the plant is not known at the time of the taking, is not a violation of subdivision 1. [97.488 s.1a]

Subd. 3. DESIGNATION. (a) The commissioner shall adopt rules under chapter 14, to designate species of wild animal or plant as:

(1) endangered, if the species is threatened with extinction throughout all or a significant portion of its range;

(2) threatened, if the species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range; or

(3) species of special concern, if although the species is not endangered or threatened, it is extremely uncommon in this state, or has unique or highly specific habitat requirements and deserves careful monitoring of its status. Species on the periphery of their range that are not listed as threatened may be included in this category along with those species that were once threatened or endangered but now have increasing or protected, stable populations.

(b) The range of the species in this state is a factor in determining its status as endangered, threatened, or of special concern. A designation by the secretary of the interior that a species is threatened or endangered is a prima facie showing under this section.

(c) The commissioner shall reevaluate the designated species list every three years after it is first adopted and make appropriate changes. The review must consider the need for further protection of species on the species of special concern list. Species may be withdrawn from designation in the same manner that species are designated. [97.488 s.2]

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Subd. 4. STUDIES. The commissioner may conduct investigations to determine the status and requirements for survival of a resident species of wild animal or plant. [97.488 s.3]

Subd. 5. MANAGEMENT. (a) Notwithstanding any other law, the commissioner may undertake management programs, issue orders, and adopt rules necessary to bring a resident species of wild animal or plant that has been designated as threatened or endangered to a point at which it is no longer threatened or endangered.

(b) Subject to the provisions of subdivision 6, management programs for endangered or threatened species include research, census, law enforcement, habitat acquisition, habitat maintenance, propagation, live trapping, transplantation, and regulated taking. [97.488 s.4]

Subd. 6. ENFORCEMENT. A peace officer or conservation officer, pursuant to chapter 626, may execute a warrant to search for and seize goods, merchandise, plant or animal taken, sold or offered for sale in violation of this section, or items used in connection with a violation of this section. Seized property must be held pending judicial proceedings. Upon conviction, seized property is forfeited to the state and must be offered to a scientific or educational institution or destroyed. [97.488 s.5]

Subd. 7. GENERAL EXCEPTIONS. (a) The commissioner may prescribe conditions for an act otherwise prohibited by subdivision 1 if:

- (1) the act is for the purpose of zoological, educational, or scientific study;
- (2) the act enhances the propagation or survival of the affected species;
- (3) the act prevents injury to persons or property; or
- (4) the social and economic benefits of the act outweigh the harm caused by it.

(b) A member of an endangered species may not be destroyed under clauses (3) or (4) until all alternatives, including live trapping and transplantation, have been evaluated and rejected. The commissioner may prescribe conditions to propagate a species or subspecies.

(c) A person may capture or destroy a member of an endangered species, without permit, to avoid an immediate and demonstrable threat to human life or property.

(d) The commissioner must give approval under this subdivision for forest management, including permit, sale, or lease of land for timber harvesting. [97.488 s.6]

Subd. 8. APPLICATION. This section does not apply retroactively or prohibit importation into this state and subsequent possession, transport, and sale of wild animals, wild plants, or parts of wild animals or plants that are legally imported into the United States or legally acquired and exported from

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another territory, state, possession, or political subdivision of the United States. [97.488 s.7]

Subd. 9. VIOLATIONS. A violation of this section is a misdemeanor. [97.488 s.8]

Sec. 10. [84.091] AQUATIC VEGETATION IN PUBLIC WATERS.

Subdivision 1. OWNERSHIP. The state is the owner of wild rice and other aquatic vegetation growing in public waters. A person may not acquire a property interest in wild rice or other aquatic vegetation or destroy wild rice or aquatic vegetation, except as authorized under this chapter. [97.42]

Subd. 2. LICENSE REQUIRED. A person may not harvest, buy, sell, transport, or possess aquatic plants without a license required under this chapter. A license shall be issued in the same manner as provided under the game and fish laws. [98.45 s.1; 98.50 s.1]

Subd. 3. LICENSE FEES. (a) The fees for the following licenses, to be issued to residents only, are:

(1) for harvesting wild rice, \$10; [98.46 s.3]

(2) for buying and selling wild ginseng, \$5; [98.46 s.3]

(3) for a wild rice dealer's license to buy and sell 50,000 pounds or less, \$70; and [98.46 s.18]

(4) for a wild rice dealer's license to buy and sell more than 50,000 pounds, \$250. [98.46 s.18]

(b) The weight of the wild rice shall be determined in its raw state. [98.46 s.18]

Sec. 11. [84.092] PERMITS TO HARVEST OR DESTROY AQUATIC PLANTS OTHER THAN WILD RICE.

Subdivision 1. AUTHORIZATION. The commissioner may issue permits, with or without a fee, to:

(1) gather or harvest aquatic plants, or plant parts, other than wild rice from public waters;

(2) transplant any aquatic plants into other public waters;

(3) destroy harmful or undesirable aquatic vegetation or organisms in public waters under prescribed conditions to protect the waters, desirable species of fish, vegetation, other forms of aquatic life, and the public. An application for a permit must be accompanied by a permit fee, if required. [98.48 s.9]

Subd. 2. FEES. (a) The commissioner shall establish a fee schedule for permits to harvest aquatic plants other than wild rice, by order, after holding a

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public hearing. The fees may not exceed \$100 per permit based upon the cost of receiving, processing, analyzing, and issuing the permit, and additional costs incurred after the application to inspect and monitor the activities authorized by the permit.

(b) A fee may not be charged to the state or a federal governmental agency applying for a permit.

(c) The money received for the permits under this subdivision shall be deposited in the treasury and credited to the game and fish fund. [98.48 s.9]

Subd. 3. PERMIT STANDARDS. The commissioner shall, by order, prescribe standards to issue and deny permits under subdivision 2. The standards must insure that aquatic plant control is consistent with shoreland conservation ordinances, lake management plans and programs, and wild and scenic river plans. [98.48 s.9]

Sec. 12. [84.093] WILD GINSENG.

The commissioner may establish regulations including seasons for harvesting to conserve wild ginseng. [97.48 s.18a]

Sec. 13. [84.152] WILD RICE.

Subdivision 1. REGULATIONS. The commissioner shall prescribe rules for harvesting and possessing wild rice. [97.48 s.18]

Subd. 2. LICENSE REQUIRED. A person who buys wild rice within the state for resale to anyone except consumers, or sells wild rice imported from outside the state to anyone within the state except consumers must have a wild rice dealer's license. [97.48 s.18]

Subd. 3. APPLICATION. (a) An application for a wild rice dealer's license must be made under a written oath. The form of a wild rice dealer's license application must include:

(1) the amount of wild rice, whether raw or processed, bought or sold by the applicant during the preceding calendar year;

(2) the amount of wild rice the applicant estimates will be bought or sold under the license; and

(3) other pertinent information required by the commissioner.

(b) The license fee must be paid in advance, based on the applicant's estimate. A license may not be issued for a fee based on a lesser amount of wild rice than was bought or sold by the applicant during the preceding calendar year. [98.46 s.18]

Subd. 4. SUPPLEMENTAL LICENSE. A wild rice dealer may not buy or sell wild rice for which a license is required in excess of the amount covered by the license. If a wild rice dealer desires to buy or sell wild rice in excess of the

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licensed amount, the dealer must apply for a supplemental license. The supplemental license shall be issued for the additional amount of wild rice upon payment of the prescribed fee, less credit for the fees paid for the previous license or licenses issued for the same calendar year. When the supplemental license is issued, the previous licenses held by the dealer shall be surrendered to the commissioner. [98.46 s.18]

Subd. 5. REPORTING REQUIREMENTS FOR BUYING WILD RICE. Raw rice purchased by a dealer must be reported in accordance with this subdivision. A wild rice dealer shall submit an annual report to the commissioner and keep a complete record in a book of all wild rice bought or sold during the period covered by the license. The record book must show: (1) the date of each transaction; (2) the names and addresses of all parties involved in the transaction other than the dealer; and (3) the amount of wild rice transferred, whether raw or processed. The record book must be available for inspection by the commissioner, the coordinator of wild rice, conservation officer, or agent of the commissioner at all reasonable times. A wild rice dealer must transmit a written report to the commissioner within ten days after the end of each calendar month during the period covered by the license. The commissioner shall prescribe the form of the report which must be signed by the licensee and state the total amount of wild rice bought or sold during the calendar month, whether raw or processed. [98.46 s.18]

Subd. 6. PENALTIES. (a) A person is guilty of a misdemeanor who:

(1) willfully makes a false statement in an application for a license or in a required report or record; or

(2) violates a provision relating to wild rice dealers.

(b) Each violation is a separate offense. An acquittal prohibits later prosecution based on a similar charge involving other wild rice in the same transaction.

(c) If a wild rice dealer is convicted of two offenses under this subdivision within three years, the dealer's license is null and void and the dealer may not be issued a license for one year after the date of the conviction. [98.46 s.18]

Sec. 14. Minnesota Statutes 1984, section 84.88, subdivision 2, is amended to read:

Subd. 2. A person registered as owner of a snowmobile may be fined not to exceed \$300 if a snowmobile bearing his registration number is operated contrary to the provisions of sections 84.81 to 84.88, ~~100.26, subdivision 1,~~ or ~~100.29, subdivisions 28 or 29~~ article 2, section 19. The registered owner may not be so fined if (a) the snowmobile was reported as stolen to the commissioner or a law enforcement agency at the time of the alleged unlawful act, or if (b) the registered owner demonstrates that the snowmobile either was stolen or was not in use at the time of the alleged unlawful act, or if (c) the registered owner

[Bracketed paragraph notes cite text sources].

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furnishes to law enforcement officers upon request the identity of the person in actual physical control of the snowmobile at the time of such violation. The provisions of this subdivision do not apply to any person who rents or leases a snowmobile if such person keeps a record of the name and address of the person or persons renting or leasing such snowmobile, the registration number thereof, the departure date and time, and expected time of return thereof. Such record shall be preserved for at least six months and shall be prima facie evidence that the person named therein was the operator thereof at the time it was operated contrary to sections 84.81 to 84.88, ~~100.26, subdivision 1, or 100.29, subdivisions 28 or 29~~ article 2, section 19. The provisions of this subdivision do not prohibit or limit the prosecution of a snowmobile operator for violating any of the sections referred to in this subdivision.

Sec. 15. Minnesota Statutes 1984, section 84.89, is amended to read:

84.89 CONFISCATION OF SNOWMOBILE USED IN BURGLARY.

A law enforcement officer shall seize any snowmobile, as defined in section 84.81, used for the purpose of gaining access to property for the purpose of committing the crime of burglary, as defined in section 609.58. Any snowmobile seized pursuant to this section shall be held, subject to the order of the district court of the county in which the burglary was committed, and shall be confiscated after conviction of the person from whom the snowmobile was seized and disposed of in accordance with the procedure provided for equipment used in committing game and fish violations by article 1, section 97.50, subdivision 6 ~~38~~, except that the balance of the proceeds from the sale of a confiscated snowmobile which are paid into the state treasury shall be credited to the general fund.

Sec. 16. Minnesota Statutes 1984, section 84A.02, is amended to read:

84A.02 MANAGEMENT.

Red Lake game preserve shall be under the management and control of the department, which shall have, and it is hereby given, full power and authority to make, establish, promulgate, and enforce all necessary rules and regulations, not inconsistent with the laws of the state, for the care, preservation, protection, breeding, propagation, and disposition of any and all species of wild life therein and the regulation, issuance, sale, and revocation of special licenses or special permits for hunting, fishing, camping, and other uses of this area, not inconsistent with the terms of sections 84A.01 to 84A.11 or other laws of the state now or hereafter applicable thereto. The department shall have power and authority, by means of rules and regulations, to declare the terms and conditions of these licenses and permits and the charges to be made therefor. These regulations may specify and control the terms under and by which wild life may be taken, captured, or killed therein, and under and by which fur-bearing animals, or animals and fish otherwise having commercial value, may be taken, captured, trapped, killed, sold, and removed therefrom. These rules and regulations may also provide for the afforestation and reforestation of lands now or hereafter

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owned by the state in this game preserve and hunting grounds, and for the sale of merchantable timber from these lands when and where, in the opinion of the department, the same can be sold and removed without damage or injury to the further use and development of the land for a habitat of wild life and game in this game preserve and hunting ground, and for the purposes for which this preserve and hunting ground is established by sections 84A.01 to 84A.11. The department may provide for the policing of this preserve and hunting ground in such manner as may be needful for the proper development and use of the preserve and hunting ground for the purposes specified, and all supervisors, guards, custodians, and caretakers assigned to duty in this preserve and hunting ground shall have and possess the authority and powers of peace officers while in their employment. The department shall also make and enforce such rules and regulations, not inconsistent with the laws of the state, concerning the burning of grass, timber slashings, and other inflammable matter, and the clearing, development, and use of lands in this preserve and hunting ground as may be necessary and advisable to prevent destructive forest fires and grass fires which would injure the use and development of this area for the preservation and propagation of wild life therein, and for the proper protection of the forest and wooded areas thereof. All lands within the boundaries of this preserve and hunting ground shall be subject to such rules and regulations, whether owned by the state or privately, consistent with the rights of the private owners and with the laws of this state now or hereafter applicable thereto. By such rules and regulations there may be established areas and zones within this preserve and hunting ground where hunting, fishing, trapping, or camping may be prohibited or specially regulated, for the purpose of protection and propagation of particular wild life therein.

All rules and regulations adopted and promulgated under the provisions of sections 84A.01 to 84A.11 shall be published in the manner now required by law under the provisions of article 1, section ~~97.53~~ 9, and shall be, in addition thereto, posted on the boundaries of this preserve and hunting ground.

Sec. 17. Minnesota Statutes 1984, section 85.018, subdivision 8, is amended to read:

Subd. 8. **ENFORCEMENT.** The provisions of this section may be enforced by officers of the department of natural resources as provided in ~~section 97.50~~ article 1, sections 33 to 40.

Sec. 18. Minnesota Statutes 1984, section 86A.06, is amended to read:

86A.06 RULES.

Each managing agency, in consultation with the commissioner of energy, planning and development, shall promulgate rules relating to the units of the outdoor recreation system within its jurisdiction, which shall provide for administration of the units in the manner specified in section 86A.05 and the laws relating to each type of unit. The authority provided by this subdivision does not amend or repeal authority possessed by the commissioner of natural resources

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pursuant to article 1, section ~~97.53~~ 9, subdivision ~~2~~ 3, and in no way is intended to modify or diminish authority possessed by the commissioner in relation to article 1, section ~~97.53~~ 9, subdivision ~~2~~ 3.

Sec. 19. Minnesota Statutes 1984, section 105.391, subdivision 3, is amended to read:

Subd. 3. Except as provided below, no public waters or wetlands shall be drained, and no permit authorizing drainage of public waters or wetlands shall be issued, unless the public waters or wetlands being drained are replaced by public waters or wetlands which will have equal or greater public value. However, after a state waterbank program has been established, wetlands which are eligible for inclusion in that program may be drained without a permit and without replacement of wetlands of equal or greater public value if the commissioner does not elect, within 60 days of the receipt of an application for a permit to drain the wetlands, to either (1) place the wetlands in the state waterbank program, or (2) acquire it pursuant to article 1, section ~~97.48~~ 28, or (3) indemnify the landowner through any other appropriate means, including but not limited to conservation restrictions, easements, leases, or any applicable federal program. If the applicant is not offered his choice of the above alternatives, he is entitled to drain the wetlands involved.

In addition, the owner or owners of lands underlying wetlands situated on privately owned lands may apply to the commissioner for a permit to drain the wetlands at any time after the expiration of ten years following the original designation thereof. Upon receipt of an application, the commissioner shall review the current status and conditions of the wetlands. If he finds that the current status or conditions are such that it appears likely that the economic or other benefits to the owner or owners which would result from drainage would exceed the public benefits of maintaining the wetlands, he shall grant the application and issue a drainage permit. If the application is denied, no additional application shall be made until the expiration of an additional ten years.

Sec. 20. Minnesota Statutes 1984, section 105.391, subdivision 12, is amended to read:

Subd. 12. The designation of waters as "public waters" or "wetlands" pursuant to this section shall not grant any additional or greater right of access to the public to those waters, nor is the commissioner required to acquire access to those waters under article 1, section ~~97.48~~, ~~subdivision 15~~ 27, nor is any right of ownership or usage of the beds underlying those waters diminished. Notwithstanding the designation of waters or lands as public waters or wetlands, all provisions of Minnesota law forbidding trespass upon private lands shall remain in full force and effect.

Sec. 21. Minnesota Statutes 1984, section 105.417, subdivision 4, is amended to read:

Subd. 4. **TROUT STREAMS.** Permits issued after June 3, 1977 to appro-

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prate water for any purpose from streams designated trout streams by the commissioner's orders pursuant to article 3, section ~~401.42~~ 5, shall be limited to temporary appropriations.

Sec. 22. Minnesota Statutes 1985 Supplement, section 105.74, is amended to read:

105.74 ADDITIONAL DUTIES OF BOARD.

In addition to duties elsewhere prescribed, the board has the function defined in sections 105.72 to 105.79 when the decision of the agency in a proceeding involves a question of water policy in one or more of the areas of water conservation, water pollution, preservation and management of wildlife, drainage, soil conservation, public recreation, forest management, and municipal planning under any of the following: Sections 84.57, ~~97.48~~, ~~subdivision 13~~ article 1, section 26, 105.41, 105.42, 105.43, 105.44, 105.64, 106A.011, 106A.015, 115.04, 115.05, and chapter 110.

Sec. 23. Minnesota Statutes 1984, section 111.81, subdivision 1, is amended to read:

Subdivision 1. The governing body of any city or town may expend funds for the control or destruction of harmful or undesirable aquatic vegetation or organisms in public waters and may cooperate with other such governing bodies and any landowners in such control or destruction. No such control or destruction shall be started unless a permit therefor has been issued by the commissioner of natural resources pursuant to section ~~98.48~~, ~~subdivision 9~~, 11 and all work shall be done in accordance with the terms and conditions of such permit.

Sec. 24. Minnesota Statutes 1984, section 343.21, subdivision 8, is amended to read:

Subd. 8. **CAGING.** No person shall cage any animal for public display purposes unless the display cage is constructed of solid material on three sides to protect the caged animal from the elements and unless the horizontal dimension of each side of the cage is at least four times the length of the caged animal. The provisions of this subdivision do not apply to the Minnesota state agricultural society, the Minnesota state fair, or to the county agricultural societies, county fairs, to any agricultural display of caged animals by any political subdivision of the state of Minnesota, or to district, regional or national educational livestock or poultry exhibitions. The provisions of this subdivision do not apply to captive wildlife, the exhibition of which is regulated by article 1, section ~~97.611~~ 7.

Sec. 25. Minnesota Statutes 1984, section 343.30, is amended to read:

343.30 INJURY TO BIRDS.

A person who in any manner maliciously maims, kills, or destroys any bird designated as unprotected by article 1, section ~~400.26~~ 2, subdivision ~~2~~ 52, or who maliciously destroys the nests or eggs of any such bird shall be guilty of a petty misdemeanor.

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Sec. 26. Minnesota Statutes 1984, section 352B.01, subdivision 2, is amended to read:

Subd. 2. "Member" means (a) all of the persons referred to and employed on and after July 1, 1943 pursuant to the provisions of Laws 1929, Chapter 355, and all acts amendatory thereof and supplementary thereto, currently employed by the state, whose salaries or compensation is paid out of funds of the state of Minnesota; (b) any conservation officer employed under the provisions of article 1, section ~~97.50~~ 33, currently employed by the state, whose salary or compensation is paid out of funds of the state; and (c) any crime bureau officer who was employed by the crime bureau and was a member of the highway patrolmen's retirement fund on July 1, 1978, whether or not that person has the power of arrest by warrant after that date, or who is employed as police personnel, with powers of arrest by warrant, pursuant to the provisions of section 299C.04, and who is currently employed by the state, and whose salary or compensation is paid out of funds of the state.

The term "member" shall not include any person employed in subsidized on-the-job training, work experience or public service employment as an enrollee under the federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement fund to meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing on forms prescribed by the executive director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive employment and training act, or the person agrees in writing on forms prescribed by the executive director to make the required employer contribution in addition to the required employee contribution.

Sec. 27. Minnesota Statutes 1984, section 361.25, is amended to read:

361.25 REGULATIONS.

The commissioner shall adopt, in the manner provided in sections 14.02, 14.04 to 14.36, 14.38, 14.44 to 14.45, and 14.57 to 14.62, and shall publish in the manner prescribed in article 1, section ~~97.53~~ 9, subdivision ~~2~~ 3, regulations relating to the application for, and form and numbering of watercraft licenses and the size, form, reflectorize material and display of watercraft license numbers which shall comply with the requirements of the federal watercraft numbering system, placement and regulation of docks, piers, buoys, mooring or marking devices and other structures in the waters of this state, rules of the road for watercraft navigation and standards for equipment used in the towing of persons on water skis, aquaplanes, surfboards, saucers, and other devices, standards for lights, signals, fire extinguishers, bilge ventilation, and lifesaving equipment, standards of safe load and power capacity, accounting, procedural and reporting requirements for county sheriff, designation of and swimming or bathing areas,

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standards of safety for watercraft offered for rent, lease, or hire; and in accordance with section 361.26, subdivision 2, clause (c), the commissioner shall by no later than January 1, 1975, adopt rules and regulations relating to the use of surface waters of this state by watercraft including but not limited to (1) standards and criteria for resolving conflicts in the use of water surfaces by watercraft, (2) procedures for dealing with problems involving more than one local governmental unit, (3) procedures for local enforcement and (4) procedures for carrying out the provisions of section 361.26, subdivision 2; and such other regulations as he deems necessary to carry out the provisions of this chapter.

Sec. 28. Minnesota Statutes 1984, section 383C.13, is amended to read:

383C.13 COUNTY AUDITOR; SALARY.

In each county in this state now or hereafter having a population of more than 150,000 and an area of over 5,000 square miles the county auditor shall receive an annual salary of \$7,000 as full compensation for all services. He shall, on the first day of each month, file in his office a complete statement of all the fees and commissions received by him of every name and nature whatsoever, including his commission as agent of the commissioner of game and fish pursuant to ~~Minnesota Statutes 1949, article 1, section 98.50~~ 70, and turn the same into the county treasury.

Sec. 29. Minnesota Statutes 1984, section 477A.12, is amended to read:

477A.12 ANNUAL APPROPRIATIONS; LANDS ELIGIBLE; CERTIFICATION OF ACREAGE.

There is annually appropriated to the commissioner of natural resources from the general fund for payment to counties within the state an amount equal to \$3 multiplied by the number of acres of acquired natural resources land, 75 cents multiplied by the number of acres of county-administered other natural resources land, and 37.5 cents multiplied by the number of acres of commissioner-administered other natural resources land located in each county as of July 1 of each year. Lands for which payments in lieu are made pursuant to article 1, section 97.49 11, subdivision 7 3, and Laws 1973, Chapter 567, shall not be eligible for payments under this section. Each county auditor shall certify to the department of natural resources during July of each year the number of acres of county-administered other natural resources land within his county. The department of natural resources may, in addition to the certification of acreage, require descriptive lists of land so certified. The commissioner of natural resources shall determine and certify the number of acres of acquired natural resources land and commissioner-administered natural resources land within each county.

Sec. 30. Minnesota Statutes 1984, section 477A.13, is amended to read:

477A.13 TIME OF PAYMENT, DEDUCTIONS.

Payments to the counties shall be made from the general fund during the

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month of July of the year next following certification. There shall be deducted from amounts paid any amounts paid to a county or township during the preceding year pursuant to sections 89.036, 97.49, subdivision 3 article 1, section 11, subdivisions 1 and 2, and 272.68, subdivision 3 with respect to the lands certified pursuant to section 477A.12.

Payments under section 477A.12 must also be reduced by the following percentages of the amounts paid during the preceding year under section 84A.51:

- (1) for the payment made July 15, 1984, 75 percent;
- (2) for the payment made July 15, 1985, 50 percent;
- (3) for the payment made July 15, 1986, 25 percent; and
- (4) for the payment made thereafter, 0 percent.

Sec. 31. [609.661] PENALTY FOR SET GUNS; SWIVEL GUNS.

A person who violates a provision relating to set guns or swivel guns is guilty of a gross misdemeanor. [97.55 s.7]

Sec. 32. [624.719] POSSESSION OF FIREARM BY NONRESIDENT ALIEN.

A nonresident alien may not possess a firearm except to take game as a nonresident under the game and fish laws. A firearm possessed in violation of this section is contraband and may be confiscated. [98.45 s.4]

Sec. 33. REPEALER.

Minnesota Statutes 1984, sections 97.40; 97.41; 97.42; 97.43; 97.431; 97.432; 97.433; 97.44; 97.45; 97.46; 97.47; 97.48; 97.481; 97.482; 97.483; 97.4841, subdivisions 1, 2, and 4; 97.4842, subdivisions 1 and 3; 97.4843, subdivisions 1, 3, and 4; 97.485; 97.487; 97.488, subdivisions 1 and 2 to 8; 97.49; 97.50, subdivisions 2 to 9; 97.501; 97.51; 97.52; 97.53; 97.54; 97.55, subdivisions 1 to 15; 97.56; 97.57; 97.611; 97.81; 97.82; 97.83; 97.85; 97.86; 98.45, subdivisions 1 to 8; 98.455; 98.456; 98.457; 98.46, subdivisions 1, 2a, 2b, 3, 4, 5a, 6 to 13, 16 to 26; 98.465; 98.47, subdivisions 1 to 3, 4 to 13, 15 to 18; 98.48, subdivisions 1 to 4, 6 to 16; 98.49; 98.50; 98.501; 98.51; 98.52, subdivisions 1 to 4; 99.25; 99.251; 99.26; 99.27; 99.28; 99.29; 100.26; 100.27, subdivisions 2 and 5 to 9; 100.271, subdivisions 1 and 3 to 5; 100.272; 100.273, subdivisions 1 to 5, 7, and 8; 100.28; 100.29, subdivisions 1 to 14, 16, 17, 18, 20, 23, 24, and 26 to 33; 100.295; 100.30; 100.303; 100.31; 100.32; 100.33; 100.34; 100.35; 100.36; 100.37; 101.41; 101.411; 101.42; 101.425; 101.43; 101.44; 101.441; 101.45; 101.46; 101.47; 101.48; 101.49; 101.50; 101.51; 102.23; 102.235; 102.24; 102.25; 102.26; 102.27; 102.28; 102.285; 102.29; 102.30; Minnesota Statutes 1985 Supplement, sections 97.484; 97.4841, subdivision 3; 97.4842, subdivision 2; 97.4843, subdivision 2; 97.488, subdivision 1a; 97.50, subdivision 1; 97.55, subdivisions 16 and 17; 97.851; 98.45, subdivision 9; 98.46, subdivisions 2, 5, 14, and 15; 98.47,

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subdivision 3a; 98.48, subdivision 5; 98.52, subdivision 6; 100.27, subdivisions 1, 3, and 4; 100.271, subdivision 2; 100.273, subdivisions 6 and 9; 100.281; 100.29, subdivisions 15, 19 and 25; and 101.475 are repealed.

Approved March 20, 1986

CHAPTER 387—H.F.No. 1185

An act relating to transportation; advertising devices; authorizing advertising on certain telephone booths; amending Minnesota Statutes 1984, section 160.27, subdivision 3.

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

Section 1. Minnesota Statutes 1984, section 160.27, subdivision 3, is amended to read:

Subd. 3. **OUTDOOR TELEPHONE BOOTHS.** (a) Outdoor telephone booths may be placed and maintained within the limits of any public highway, including city streets, when authorized by a written permit issued by the proper road authority.

(b) The governing body of a city or town may grant permission by license, permit, contract, or franchise to the owner of an outdoor telephone booth located within the right of way of a public highway or street to place advertising on the booth. This permission is subject to terms and conditions prescribed by the city or town. This paragraph does not preclude requirements for obtaining permits from the appropriate road authority having jurisdiction over a trunk highway, county highway, or state-aid highway.

Sec. 2. TRUNK HIGHWAY 15 RIGHT-OF-WAY.

The commissioner of transportation shall not sell, dispose of, or certify as surplus property under Minnesota Statutes, section 94.10, any real property owned by the department of transportation that adjoins, or lies within, the right-of-way of trunk highway 15 in St. Cloud. This prohibition does not apply to a sale or disposal of the property that occurs after a date that is two years before the date established by the commissioner for the letting of bids for construction on, or expansion of, the bridge on trunk highway 15 that crosses the Mississippi river.

Approved March 21, 1986

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