

visions 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~~ lawful shooting hours for waterfowl.

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~~ lawful shooting hours 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.

Subd. 4. **DECOYS THAT ARE NAVIGATIONAL HAZARD PROHIBITED.** A person may not leave decoys in public waters between sunset and one hour before ~~sunrise~~ lawful shooting hours if the decoys constitute a navigational hazard.

Approved April 21, 1988

CHAPTER 588—H.F.No. 2265

An act relating to game and fish; affording protection to and authorizing a season on crows; regulating seasons and release and taking of pheasants on private shooting preserves; authorizing residents under 16 to take turkeys if they possess a firearms safety certificate; authorizing nursing home residents to fish without a license and disabled hunters to take deer or turkey with crossbows; exempting hunters on shooting preserves from the pheasant stamp requirement; authorizing use of battery powered landing nets in taking fish; regulating the taking of walleyed pike in the Rainy River; redefining a private fish hatchery for licensing purposes and regulating the acquisition of fish and acquisition and transportation of minnows; regulating the mesh size of Lake Superior ciscoe nets and authorizing aeration of public waters by riparian landowners under permit; amending Minnesota Statutes 1986, sections 97A.015, subdivision 52; 97A.121, subdivision 2, and by adding a subdivision; 97A.435, subdivision 2; 97A.445, subdivision 2; 97B.715, subdivision 1; 97B.731, by adding a subdivision; 97C.515, by adding a subdivision; 97C.805, subdivision 2; 378.22, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 97C.211, subdivisions 1 and 2a; and 378.22, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 97B and 97C; repealing Minnesota Statutes 1987 Supplement, sections 97B.315 and 97C.402.

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

Section 1. Minnesota Statutes 1986, section 97A.015, subdivision 52, is amended to read:

Subd. 52. **UNPROTECTED BIRDS.** "Unprotected birds" means English

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sparrow, blackbird, ~~crow~~, starling, magpie, cormorant, common pigeon, and great horned owl.

Sec. 2. Minnesota Statutes 1986, section 97A.121, subdivision 2, is amended to read:

Subd. 2. **SEASON.** The open season for hunting in private shooting preserves is from ~~September 1~~ July 15 through ~~March 31~~ April 15. Sanctioned registered field trials in private shooting preserves may be held from April 16 to July 14 after notification to the commissioner. The commissioner may restrict the open 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.

Sec. 3. Minnesota Statutes 1986, section 97A.121, is amended by adding a subdivision to read:

Subd. 4a. PHEASANTS. A private shooting preserve licensed to release pheasants must release at least 500 pheasants on the licensed shooting preserve area during the private shooting preserve hunting season. At least 20 pheasants must be released within 14 days before a day that pheasants are hunted. The number of pheasants harvested may not exceed 95 percent of the number of pheasants released during the private shooting preserve hunting season.

Sec. 4. Minnesota Statutes 1986, section 97A.435, subdivision 2, is amended to read:

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 or possesses a firearms safety certificate.

Sec. 5. Minnesota Statutes 1986, section 97A.445, subdivision 2, is amended to read:

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 Veterans Administration hospital; ~~and~~
- (3) an inmate of a state correctional facility; and
- (4) a resident of a nursing home.

Sec. 6. **[97B.106] CROSSBOW PERMITS FOR HUNTING.**

The commissioner may issue a special permit, without a fee, to take deer or turkey with a crossbow to a person that is unable to hunt by archery because of

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a permanent physical disability. The disability, established by medical evidence, and the inability to hunt by archery must be verified in writing by a licensed physician. The person must obtain the appropriate license. The crossbow must:

- (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 at least ten inches long with a broadhead.

Sec. 7. Minnesota Statutes 1986, section 97B.715, subdivision 1, is amended to read:

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.

Sec. 8. Minnesota Statutes 1986, section 97B.731, is amended by adding a subdivision to read:

Subd. 3. CROW SEASON. The commissioner shall prescribe a 124-day open season and restrictions for taking crows. The open season may not be shorter than the maximum season allowed under federal law. The remainder of the year crows may be taken as allowed by federal law.

Sec. 9. [97C.347] **LANDING NETS.**

Subdivision 1. USE AND POSSESSION. A person may use and possess a landing net to net a fish taken by angling.

Subd. 2. ELECTRIC LANDING NETS. A person may net fish taken by angling with a battery powered landing net that discharges an electric current if the net is designed to temporarily immobilize the fish so that it can be safely released, provided the batteries do not exceed nine volts and the current produced does not exceed 40 milliamps.

Subd. 3. STUDY; LIMITATION. The commissioner must conduct a study to determine how electric landing nets affect the fishery resource, including proper law enforcement. The study must be completed by January 1, 1990.

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Sec. 10. [97C.403] RAINY RIVER WALLEYE RESTRICTIONS.

Subdivision 1. POSSESSION LIMIT. The possession limit for walleyes taken from the Rainy River is six per day.

Subd. 2. SIZE LIMIT. (a) Except as provided in paragraph (b), only one walleye over 19-1/2 inches in length may be included in the limit taken from the Rainy River each day.

(b) From March 1 until April 14, a person may take walleyes from the Rainy River but the walleyes possessed for a limit may not exceed 19-1/2 inches.

Subd. 3. OPEN SEASON. The open season for walleye in the Rainy River is from the third Saturday in May until April 14.

Subd. 4. COMMISSIONER'S RESTRICTIONS. The commissioner shall attempt to negotiate an agreement with the province of Ontario for walleye seasons and limits that substantially comply with subdivisions 1, 2, and 3, and make every effort to bilaterally close the Rainy River during the spawning season between March 1 and April 14. If an agreement is made, the commissioner may, by order, set different limits and seasons for taking walleyes from the Rainy River in accordance with the agreement, provided the size limits in subdivision 2 are not exceeded.

Sec. 11. Minnesota Statutes 1987 Supplement, section 97C.211, subdivision 1, is amended to read:

Subdivision 1. LICENSE REQUIRED. A person may not operate a private fish hatchery without a private fish hatchery license. A private fish hatchery is a facility for raising fish, including minnows, for sale for, stocking waters for, angling, or processing.

Sec. 12. Minnesota Statutes 1987 Supplement, section 97C.211, subdivision 2a, is amended to read:

Subd. 2a. ACQUISITION OF FISH. (a) A private fish hatchery may not obtain fish outside of the state unless the fish or the source of the fish are approved by the commissioner. The commissioner may apply more stringent requirements to fish or a source of fish from outside the state than are applied to fish and sources of fish from within the state. The commissioner must either approve or deny the acquisition within 30 days after receiving a written request for approval. Minnows acquired must be processed and not released into public waters, except as provided in section 97C.515, subdivision 4. A request may be for annual acquisition.

(b) If the commissioner denies approval, a written notice must be submitted to the applicant stating the reasons for the denial and the commissioner must:

- (1) designate approved sources to obtain the desired fish or fish eggs; or

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(2) sell the fish or fish eggs from state fish hatcheries at fair market value.

Sec. 13. Minnesota Statutes 1986, section 97C.515, is amended by adding a subdivision to read:

Subd. 4. PRIVATE FISH HATCHERY. A person with a private fish hatchery license may transport minnows from contiguous states to the private fish hatchery, provided the minnows are used for processing or feeding hatchery fish. The commissioner may require inspection of minnows transported from outside the state.

Sec. 14. Minnesota Statutes 1986, section 97C.805, subdivision 2, is amended to read:

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) 1-3/4 inches, extension measure, for nets used to take ciscoes ~~in Lake Superior~~; and

(2) 3-1/2 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.

Sec. 15. Minnesota Statutes 1987 Supplement, section 378.22, subdivision 2, is amended to read:

Subd. 2. **POSTING REQUIREMENTS.** (a) Where an aeration system is used on the ice of public waters, signs shall be posted by the permittee at a height of from four to six feet in a rectangular pattern at each corner of the open water, and additional signs between the corner signs so that a sign is posted at least every 100 feet.

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(b) Additional signs shall be posted by the permittee on the shoreline of the public waters at each public access point and other areas commonly used by the public for access to the lake.

(c) The signs shall comply with the applicable order of the commissioner of natural resources.

Sec. 16. Minnesota Statutes 1986, section 378.22, is amended by adding a subdivision to read:

Subd. 6. PUBLIC WATERS WITHOUT ACCESS. (a) A riparian landowner may aerate public waters with a permit under this subdivision if the public waters do not have a public access and the person aerating the public waters owns all of the riparian land or all of the possessory rights to the riparian lands.

(b) The provisions of this section do not apply to the aeration under this subdivision except the public waters must be posted as provided under subdivision 2, paragraphs (a) and (c).

Sec. 17. **REPEALER.**

Section 9 is repealed December 1, 1990. Minnesota Statutes 1987 Supplement, sections 97B.315 and 97C.402, are repealed.

Sec. 18. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Approved April 21, 1988

CHAPTER 589—H.F.No. 2520

An act relating to commerce; clarifying certain procedures and fees relating to the statewide uniform commercial code computerized filing system; amending Minnesota Statutes 1987 Supplement, sections 336.9-407; 336.9-411; and 336.9-413.

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

Section 1. Minnesota Statutes 1987 Supplement, section 336.9-407, is amended to read:

336.9-407 INFORMATION FROM FILING OFFICER.

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

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