

## CHAPTER 101

## FISH

**101.41. SEASONS AND LIMITS.**

Validity of commissioner's order intended for reduction of fire hazards and prohibiting the taking of certain fish. Brook trout defined. 1942 OAG 4, April 29, 1942 (211-c-13).

War time schedule to be disregarded in respect to hours for taking game or fish. 1942 OAG 5, Feb. 19, 1942 (208-A-3).

Where the purpose of taking whitefish is for home use and family consumption, they may be given without compensation in reasonable amounts. OAG Dec. 27, 1944 (211-A-3).

Anyone may take minnows from public waters, but must not infringe upon the rights of landowners. The public has the same right to set minnow traps as does the landowner. Neither may interfere with the traps of the other. As the landowner owns the fee of the highway, and the state an easement, the public cannot occupy the highway for taking minnows except with the consent of the fee owner. OAG April 11, 1947 (211-C-6).

**101.411 SPEARING ROUGH FISH; LIMITATIONS.**

HISTORY. 1947 c. 364 s. 1.

**101.42 RESTRICTIONS AND PROHIBITIONS.**

Amended by L. 1947 c. 308 s. 1; L. 1947 c. 609 s. 24.

Possession of nets in public waters is presumptive evidence of unlawful taking of fish. 1944 OAG 54, May 3, 1944 (211-A-8).

The public may take minnows from public land, and from public waters, so that they do not trespass on privately owned property. 1944 OAG 58, Sept. 18, 1944 (211-C-6).

Fish lawfully taken in a dark house may be given away. OAG Dec. 22, 1944 (211-A-3).

The use of a decoy by placing minnows in a glass jar is not prohibited. OAG Feb. 25, 1946 (211-A-7).

The use of an artificial light as a bobber which lights, by a spring device, when the fish bites the hook, violates section 101.42. OAG Oct. 8, 1946 (211-a-1).

It is illegal to take fish with spring gun with spear attached. OAG Jan. 2, 1947 (211-a-7).

**101.44 FROGS, SEASONS AND REGULATIONS.**

Defendant on appeal from the sentence of the justice of the peace on questions of law and fact had the right to withdraw his plea of guilty in district court. State v Prickett, 217 M 629, 15 NW(2d) 95.

"Native frogs", referred to in a statute regulating the taking and possession, are frogs native of the state where produced and caught, and do not include frogs produced in another state. State v Prickett, 221 M 179, 21 NW(2d) 474.

**101.47 REGULATIONS OF OVER-CROWDED LAKES.**

HISTORY. 1947 c. 263 s. 1.

**101.48 RAINBOW AND STEELHEAD TROUT.**

HISTORY. 1947 c. 341 s. 1.