

CHAPTER 98

LICENSES

98.45 REQUIREMENT OF LICENSES.

Decisions relating to license provisions under former laws. (See notes under applicable sections in Volume I.) *Waldo v Gould*, 165 M 128, 206 NW 46; *Bohman v Gould*, 169 M 374 211 NW 577; *State v Cloud*, 179 M 180, 228 NW 611.

Compliance with section 303.09 does not render such corporation a "resident" within the meaning of fur-buyer's license act, entitling it to a resident fur-buyer's license upon payment of the fee required of residents. *State ex rel v Starkweather*, 214 M 232, 7 NW(2d) 747.

A tribal Indian cannot be prosecuted by the state for shooting game out of season for consumption by himself and family where the shooting occurs within the limits of the reservation of the tribe, upon ceded lands, not allotted to or occupied by him, but allotted to a deceased Indian of the same tribe, no fee-simple patent having been issued. *State v Jackson*, 218 M 429, 16 NW(2d) 752.

Aliens residing in Minnesota for six months do not become residents for the purpose of obtaining licenses under the game and fish laws. 1944 OAG 51, May 31, 1944 (209-A).

Persons convicted are not penalized by loss of license for more than one year. 1944 OAG 53, Nov. 6, 1944 (209-D).

98.46 LICENSES, FEES.

Subdivision 1. Amended by L. 1947, c. 283, s. 1; L. 1947, c. 357, s. 1; L. 1947, c. 424, s. 2; L. 1947, c. 559, s. 1; and L. 1947, c. 609, s. 9.

Subd. 2. Amended by L. 1947, c. 357, s. 2; and L. 1947, c. 609, s. 10.

Subd. 3. Amended by L. 1947, c. 300, s. 2; L. 1947, c. 424, s. 3; and L. 1947, c. 609, s. 11.

Both husband and wife must complete application for combination resident license. 1942 OAG 1, May 19, 1941 (209).

Compliance with the provisions of section 303.09, authorizing a foreign corporation to conduct its business in Minnesota, does not render such corporation a "resident" within the meaning of the fur buyer's license act, entitling it to a resident fur buyer's license upon payment of the fee required of residents. *State ex rel v Starkweather*, 214 M 232, 7 NW(2d) 747.

Law requiring fur dealers to keep complete book records of all transactions in buying and selling raw furs, is a penal statute and its provisions are mandatory. Nothing in the law in any way compels him to give evidence against himself since such books and records are quasi public documents. *State v Stein*, 215 M 308, 9 NW(2d) 763.

A partnership is a legal entity with respect to its connection with game and fish laws and must procure a separate fur buyer's license distinct from those procured by members of the firm. 1944 OAG 52, Jan. 28, 1944 (209-E).

98.47 EXCEPTIONS TO LICENSE REQUIREMENTS.

Subdivision 1. Amended by L. 1947, c. 357, s. 2.

Subd. 4. Amended by L. 1947, c. 609, s. 12.

Subd. 5. Amended by L. 1947, c. 609, s. 13.

Subd. 9. Amended by L. 1947, c. 300, s. 3; and by L. 1947, c. 609, s. 14.

L. 1923, c. 426, s. 28, excepting persons under 21 years from obtaining a hunter's license was unconstitutional as to that provision because based upon an arbitrary classification. *State v Erickson*, 159 M 287, 198 NW 1000.

Youths under 16, who desire to possess or transport deer, must obtain deer hunting license and seal with coupons. OAG Oct. 11, 1943 (209-G).

98.48 SPECIAL PERMITS.

Amended by L. 1947, c. 609, s. 15.

98.50 ISSUANCE OF LICENSES.

Aliens residing in Minnesota for six months do not become residents for the purpose of obtaining licenses under the game and fish laws. 1944 OAG 51, May 31, 1944 (209-A).

98.51 REPORTS AND RECORDS.

Subdivision 1. Amended by L. 1947, c. 609, s. 16.

Subd. 2. Amended by L. 1947, c. 609, s. 17.

NOTE: Provisions found in section 98.12 repealed and directing commissioner to revoke licenses for certain reasons were omitted as inconsistent with the general revocation provisions as contained in section 98.52, subdivision 1; but see *State v Stein*, 215 M 308, 9 NW (2d) 763, as to general enforcement of provisions requiring fur dealers to keep records.

98.52 LOSS AND REVOCATION OF LICENSES.

Persons convicted are not penalized by loss of license for more than one year. 1944 OAG 53, Nov. 6, 1944 (209-D).