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LICENSES, TAKING OF GAME AND FISH 98.46

CHAPTER 98

LICENSES, TAKING OF GAME AND FISH

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NOTE: For definitions, see section 97.40.

98.01-98.44 [Repealed, 1945 c 248 s 7]

98.45 REQUIREMENT. Subdivision 1. Except as specifically permitted in chapters 97 to 102, no person may take, buy, sell, transport, or possess any protected wild animals of this state or any aquatic plants without first procuring a license therefor as provided in section 98.46 or in section 98.48. Every license is issued for the calendar year and is void after the last day of the open season or the lawful time within that year during which the acts authorized may be performed. No license to take beaver or otter may be issued to any person after the third day of the open season provided therefor for that year. No license to take deer with firearm may be issued after the first day of the regular rifle season, and all license agents shall return all stubs and unsold license blanks to the county auditor on the second day of such season. Only one license of each kind, except the non-resident short term angling license, may be issued to a person in any calendar year. No license may be transferred except as expressly authorized.

Subd. 2. Every person to whom a license is issued shall have it upon his person while doing any act for which the license is required and while traveling to and from the grounds upon which such acts are performed, and upon the request of any conservation officer or peace officer shall exhibit the license issued to him. No receipt for license fees, copy of any license, or any evidence purporting to show the issuance of a license is valid evidence so as to entitle the holder to exercise the rights or privileges conferred by a license.

Subd. 3. No person may lend or transfer to another or borrow or solicit from another any license, coupon, or seal attached thereto or issued therewith, or use any license, coupon, or seal not issued to him unless otherwise expressly authorized.

Subd. 4. Except as provided in subdivision 6, a person who is not a citizen of the United States may take, buy, sell, transport, or possess wild animals in this state only as a nonresident. Any firearm in possession of such alien for any purpose, other than hunting as a nonresident, is contraband and subject to confiscation.

Subd. 5. When provision is not made for a license for nonresidents to engage in activities requiring a license of residents, nonresidents may not engage in such activities.

Subd. 6. An alien wife or husband of a resident of this state may take, buy, sell, transport, or possess wild animals as a resident. Any other alien who has made a declaration of intention to become a citizen of the United States in accordance with the statutes of the United States relating to the naturalization of aliens, and who is qualified as a resident of the state except for citizenship, may take, buy, sell, transport, or possess wild animals as a resident.

Subd. 7. A non-resident who is a bona fide full-time student at a public or private educational institution in this state who resides in the state of Minnesota during the full term of the school year may take fish, or small game, and obtain licenses therefor as a resident upon such proof of his status as a student as the commissioner may prescribe.

[1945 c 248 s 2; 1949 c 150 s 17; 1953 c 308 s 1; 1955 c 182 s 1; 1959 c 164 s 1; 1959 c 225 s 1; 1965 c 522 s 1; 1967 c 904 s 1; 1967 c 905 s 9]

98.46 FEES. Subdivision 1. Subject to all applicable provisions of law, the licenses specified in this section shall be issued upon payment of the fees herein specified.

Subd. 2. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To take small game, \$2;
- (2) To take deer with firearms, \$5;
- (3) To take deer with bow and arrow, \$5;
- (4) To take fish by angling, \$2.25;
- (5) Combination husband and wife, to take fish by angling, \$2.75;
- (6) To take moose, \$5.25.

Subd. 3. The fees for the following license, to be issued to residents only, shall be:

- (1) To harvest wild rice, \$3.
- (2) No license shall be required of any person under 16 years of age. No license shall be required of a recipient of old age assistance or members of his immediate family. Identification cards shall be issued without fee to any such recipient and to each member of the family. The term "immediate family" shall include husband and wife and minor children having their abode and domicile with the parent or legal guardian.

Subd. 4. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To trap fur bearing animals, except beaver, \$3;
- (2) To buy or sell raw furs anywhere within the state, \$20;
- (3) To buy or sell raw furs anywhere within the state as authorized in (2) and including the privilege of selling to resident manufacturers or to unlicensed non-residents, representing unlicensed non-residents as a broker or agent, or conducting a fur auction wherein sales are made to unlicensed non-residents or resident manufacturers, \$200, provided that no raw furs shall be delivered to any unlicensed non-resident until a registration card disclosing the purchaser's name and place of business, the number and species of fur and the name and place of business of the licensee from whom the purchase is being made has been forwarded by such licensee to the division of game and fish, and provided further that any employee, partner or officer buying or selling at the established place of business only for such licensee may secure a supplemental license for \$10;

(4) To trap beaver during an open season or by permit when doing damage, \$2.50.

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

- (1) To spear fish from a dark house, \$1;
- (2) For any fish house or dark house used during the winter fishing season, \$2 for each fish house or dark house not rented or offered for hire, and \$3 for each fish house or dark house rented or offered for hire;
- (3) To net whitefish, tullibees or herring from inland lakes or international waters, for domestic use only, for each net, \$1;
- (4) To conduct a taxidermist business, \$2;
- (5) To maintain fur and game farms, including deer, \$5;
- (6) To take mussels or clams, \$5;
- (7) To prepare dressed game fish shipments for nonresidents as provided by Minnesota Statutes, Section 97.45, Subdivision 6, as amended, \$10;
- (8) Itinerant minnow dealer, \$15 plus \$10 for each vehicle;
- (9) Itinerant minnow dealer's helper, \$2.50 for each helper. Itinerant minnow dealer's helpers' licenses shall be issued to the itinerant minnow dealer and are transferable by the dealer at will to his own helpers;
- (10) Exporting minnow dealer, \$200, plus \$10 for one vehicle only. No licenses to transport fathead minnows beyond the boundaries of the state will be issued for 1961 calendar year after the effective date of Laws 1961, Chapter 477, and the number issued prior to the effective date of Laws 1961, Chapter 477 will not be exceeded in subsequent years. The renewal of such existing licenses will be reserved through April 1 of the following year; licenses not so renewed will not be made available until the total number has been reduced to below 35 licenses.

Each vehicle license shall cover a specific truck, tractor-trailer, or semi-trailer, the serial number, license number, make, and model shall be specified on the license which must be conspicuously posted in the vehicle licensed. No vehicle shall be licensed if the maximum tank capacity exceeds 300 cubic feet, inside measurement, and unless it complies with reasonable regulations adopted pursuant to the provisions of Minnesota Statutes, Section 101.42, Subdivision 5.

The exporting minnow dealer's license and vehicle license are void upon the sale of the business or death of the licensee. Provided, however, a succeeding owner of the business upon meeting the required qualifications will be issued the required

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licenses upon application and payment therefor. In the event of the death of the licensee the administrator or executor of the estate may purchase such licenses and operate the business until the sale thereof. If there is no estate then the widow or a member of the immediate family, if qualified, will be issued the required licenses upon application and payment therefor.

Subd. 6. Fees for the following licenses to net for commercial purposes in the boundary waters between Wisconsin and Minnesota from Taylors Falls to the junction of the Mississippi River and Lake St. Croix and from Lake St. Croix to the Iowa border, to be issued to residents only, shall be:

- (1) For a seine not exceeding 500 feet, \$20;
- (2) For a seine in excess of 500 feet, but not over 1,000 feet, \$30;
- (3) For each 100 feet of seine in excess of 1,000 feet, \$2;
- (4) For helper's license, \$5.

Subd. 7. Fees for the following licenses to net for commercial purposes in the boundary waters between Wisconsin and Minnesota from Lake St. Croix to the Iowa border, to be issued to residents only, shall be:

- (1) For each gill net not exceeding 500 feet in length, \$2.50;
- (2) For each gill net exceeding 500 feet, but not over 1,000 feet, \$5;
- (3) For each fyke net or hoop net, \$5;
- (4) For each bait or turtle net, \$1;
- (5) For each set line, \$1.25 for each identification tag to be attached to each set line;
- (6) For helper's license, \$5.

Subd. 8. Fees for the following licenses to take rough fish with set lines, or seines, in the Mississippi River from the St. Croix River junction to St. Anthony Falls, to be issued to residents only, shall be:

- (1) For a seine not exceeding 500 feet, \$20; for a seine in excess of 500 feet, but not over 1,000 feet, \$30; for each 100 feet of seine or fraction thereof in excess of 1,000 feet, \$2;
- (2) For each set line, \$5;
- (3) For helper's license, \$5.

Subd. 9. A license to take rough fish with one set line, containing not more than ten hooks, 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, for domestic use, shall be issued to residents only, upon payment of the fee of \$1.

Subd. 10. Fees for the following licenses to net fish in Lake of the Woods, to be issued to residents only, shall be:

- (1) For each pound net or staked trap net, \$35;
- (2) For each fyke net with wings or lead not exceeding four feet in height, \$5;
- (3) For each fyke net with either wings or lead over four feet in height, an additional \$5 for each additional two feet or fraction thereof;
- (4) For each 100 feet of gill net, \$1.50;
- (5) For each submerged trap net, \$15;
- (6) For helper's license, \$5;
- (7) For each trawl, \$500.

Subd. 11. Fees for the following licenses to net fish in Rainy Lake, to be issued to residents only, shall be:

- (1) For each pound net, \$35;
- (2) For each 100 feet of gill net, \$1.50;
- (3) For helper's license, \$5.

Subd. 12. Fees for the following licenses to fish commercially in Lake Superior, to be issued to residents only, shall be:

- (1) For a boat 18 feet or less in length, \$10;
- (2) For a boat over 18 feet, but no more than 24 feet in length, \$25;
- (3) For a boat over 24 feet in length, but not more than 35 feet in length, \$50;
- (4) For a boat over 35 feet in length, \$50, plus \$1 per foot over 35 feet.

NOTE: Subd. 12 is also amended by Laws 1963, Chapter 70, Section 1 to read:

"Subd. 12. Fees for the following licenses to fish commercially for species other than lake trout and whitefish in Lake Superior, to be issued to residents only, shall be:

- (1) For a boat 18 feet or less in length, \$10;
- (2) For a boat over 18 feet, but no more than 24 feet in length, \$25;
- (3) For a boat over 24 feet in length, but not more than 35 feet in length, \$50;

(4) In addition to the above license fees the license for taking lake trout and whitefish shall be: For not to exceed 1,000 feet of gill net \$15 plus \$1 for each additional 1,000 feet or fraction thereof;
 (5) For helper's license, \$5."

Subd. 13. Fees for the following licenses to fish commercially in Namakan Lake and Sand Point Lake, to be issued to residents only, shall be:

- (1) For each 100 feet of gill net, Namakan Lake only, \$1.50;
- (2) For each pound, fyke or submerged trap net, \$15;
- (3) For helper's license, \$5.

Subd. 14. Fees for the following licenses, to be issued to non-residents, shall be:

- (1) To take small game and unprotected quadrupeds with firearms and bow and arrows, \$25;
- (2) To take deer and unprotected quadrupeds with firearms and bow and arrows, \$50.25;
- (3) To take deer and unprotected quadrupeds with a bow and arrows only, \$10.25;
- (4) To take moose in the Northwest Angle, \$50.25.

Subd. 15. Fees for the following licenses, to be issued to nonresidents, shall be:

- (1) To take fish by angling, \$5.25;
- (2) A short term individual license to take fish by angling for three consecutive days, \$3;
- (3) Combination husband and wife, to take fish by angling, \$9.

Subd. 16. Fee for the following license, to be issued to non-residents, shall be:

To buy or sell raw furs, \$200, except that a license shall not be required to buy from those licensed under subdivision 4 (3).

Subd. 17. Fees for the following licenses, to be issued to either residents or nonresidents, shall be:

- (1) To deal in live or engage in the business of preserving minnows; local minnow dealer, \$2.50.
- (2) To raise fish in a private hatchery, \$5.
- (3) To take under state supervision sucker eggs from public waters, for private fish hatchery purposes:
 - (a) To take not to exceed 100 quarts, \$50;
 - (b) To take in excess of 100 quarts, \$1 per quart for such excess.

Subd. 18. Fees for the following licenses, to be issued to either residents or non-residents shall be:

(1) For a wild rice dealer's license to buy wild rice within the state for resale to anyone except consumers, or to sell wild rice imported from outside the state to anyone within the state except consumers, or to process for resale by the processor to anyone wild rice not harvested by the processor himself, \$150 if the amount of wild rice bought, sold or processed by the licensee within the year covered by the license exceeds 50,000 pounds, \$100 if such amount exceeds 25,000 pounds but does not exceed 50,000 pounds, \$50 if such amount exceeds 5,000 pounds but does not exceed 25,000 pounds, or \$15 if such amount does not exceed 5,000 pounds. For the purposes hereof the weight of wild rice in its raw state shall govern, and two and one-half pounds of raw rice shall be deemed equivalent to one pound of processed rice.

(2) Every application for a license under this subdivision shall be made on oath in writing in such form as the commissioner shall prescribe, stating the amount of wild rice, whether raw or processed, bought, sold, or processed by the applicant during the calendar year preceding the year for which the license is sought, the amount which the applicant estimates he will buy, sell, or process under the license, and such other pertinent information as the commissioner may require. The license fee shall be paid in advance, based on such estimate, subject to adjustment as hereinafter provided; provided, that no license shall be issued for any year based on a lesser amount of wild rice than was bought, sold, or processed by the applicant during the preceding calendar year.

(3) Every licensee under this subdivision shall keep a correct and complete book record in the English language of all wild rice bought, sold, or processed by him during the period covered by his license, showing the date of each transaction, the names and addresses of all other parties thereto, and the amount of wild rice involved, whether raw or processed. Every such record shall be open for inspection by the commissioner, the director of wild rice harvesting, or any conservation officer or agent of the commissioner at all reasonable times. Every such licensee

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shall transmit to the commissioner within ten days after the end of each calendar month during the period covered by the license a written report, in such form as the commissioner shall prescribe, signed by the licensee, stating the total amount of wild rice bought, sold, or processed by him during such calendar month, whether raw or processed.

(4) No licensee under this subdivision shall at any time buy, sell, or process any wild rice for which a license is required hereunder in excess of the amount covered by his license. In case a licensee shall desire to buy, sell, or process any wild rice in excess of such amount, he shall before doing so make application for a supplemental license covering the increased amount of wild rice involved, and such license shall be issued to him upon payment of the prescribed fee therefor, less credit for the fees paid for the previous license or licenses issued to him hereunder for the same calendar year. Upon the issuance of such supplemental license, such previous license or licenses shall be surrendered to the commissioner.

(5) The wilful making of a false statement in any application for a license under this subdivision or in any report required hereunder, or the wilful making of a false entry in any record required hereunder, or any other violation of or failure to comply with any provision of this subdivision shall be a misdemeanor, punishable as provided by Minnesota Statutes, Section 97.55, Subdivision 1. Upon conviction of any person of any offense under this subdivision, any license hereunder then held by him shall immediately become null and void, and no such license shall be issued to him for one year after the date of such conviction.

Subd. 19. Fees for the following licenses, to be issued to either residents or nonresidents, shall be:

(1) To buy fish from licensed commercial fishermen on Lake Superior:

- (a) For the purpose of selling to retailers, \$25;
- (b) For the purpose of retail selling only, \$5.

(2) To buy fish from licensed commercial fishermen on Lake of the Woods, Namakan, Sand Point, or Rainy Lake:

(a) Wholesale fish buyer's license, \$100;

(b) Fish buyer's license to ship from one place to another on international waters only, \$10.

(3) To tan or dress raw furs, \$2;

(4) Fish peddler's license, to peddle with the use of a motor vehicle, any fish lawfully salable within the state, \$5. It shall be unlawful to misrepresent the species of any fish sold by any licensed fish peddler or his employee. Upon conviction of misrepresentation of the species of fish sold by any fish peddler licensed hereunder or his employee, his license shall be revoked, and such licensee shall not be eligible to obtain a fish peddler's license for the period of one year after said revocation. Misrepresentation shall include the following acts in addition to any other acts constituting misrepresentation in fact: (1) The designation of any fish by any name other than its common name in Minnesota; (2) The designation of any fish by any other name than its common name in the locality where it was taken if it is not generally known by any common name in Minnesota.

Subd. 20. Coupons, tags, or seals may be obtained upon payment of the following fees:

(1) One nonresident shipping coupon for each individual nonresident fishing license, \$1;

(2) Beaver, fisher or otter seals, 25 cents.

(3) [Clause (3) Repealed, 1957 c 411 s 2]

Subd. 21. The commissioner may by order require every licensee to tag at the site where trapped, beaver or otter. The tag will be of a type prescribed by the commissioner and bearing the license number of the owner and the year of its issue. Tags will be issued with the license at no additional cost. Within the time designated by the commissioner, not exceeding ten days after the close of a beaver or otter trapping season, or the expiration of a beaver trapping permit, every licensee or permittee having taken beaver or otter, shall present each skin and such other portions of every such beaver or otter as may be required by the commissioner, to the inspection of a state conservation officer, who shall affix to each skin a metal locking seal, in the presence of the licensee or permittee.

Subd. 22. No deer taken in this state shall be transported or possessed unless a locking seal bearing the license number of the owner and the year of its issue

has been affixed to its carcass between the tendon and the bone and around the bone of the leg so that such seal cannot be removed without breaking the lock. The seal must be so placed and locked at the time the deer is brought into any hunting camp, dwelling, farm yard, or other place of abode of any kind occupied overnight, or before being placed wholly or partially on a motor vehicle of any kind, or upon a conveyance towed by a motor vehicle of any kind. Provided, that deer taken by bow and arrow shall be tagged by a conservation officer or other authorized agent as may be prescribed by the commissioner, in addition to the seal herein provided for.

Subd. 23. All applicants for licenses to buy raw furs shall, at the time of application for a license, furnish a corporate surety bond in favor of the state in the sum of \$1,000, conditioned upon the observance of all laws of this state relating to wild animals.

Subd. 24. It shall be unlawful without an appropriate license to do any act or to possess or use any substance, article, or equipment for any purpose or under any circumstances for which a license is provided by chapters 97 to 102.

Subd. 25. The provisions of this act relating to an increase in the license fee to be issued to residents only for the purpose of taking fish by angling and for an increase in the resident license fee for a combination license issued to husband and wife to take fish by angling and the provisions relating to increasing the non-resident license fee to take fish by angling, shall take effect January 1, 1950.

[1945 c 248 s 2; 1947 c 283 s 1; 1947 c 300 s 2; 1947 c 357 s 1, 2; 1947 c 424 s 2, 3; 1947 c 559 s 1; 1947 c 609 s 9-11; 1949 c 150 s 18; 1949 c 506 s 1-4; 1949 c 649 s 1, 2; 1951 c 361 s 1, 2; 1951 c 671 s 2, 3; 1953 c 297 s 1; 1953 c 534 s 2; 1955 c 559 s 4; 1955 c 761 s 1; 1957 c 511 s 1, 2; 1957 c 540 s 2; 1959 c 163 s 1, 2; 1959 c 287 s 1; 1959 c 363 s 2, 3; 1959 c 684 s 3, 4; 1961 c 456 s 1, 2; 1961 c 477 s 5; 1963 c 394 s 1; 1963 c 476 s 1, 2; 1963 c 688 s 1; 1963 c 690 s 1; 1963 c 691 s 4; 1965 c 328 s 1; 1965 c 502 s 1; 1965 c 522 s 2; 1967 c 35 s 1; 1967 c 755 s 1; 1967 c 904 s 2; 1967 c 905 s 9]

98.47 EXEMPTIONS. Subdivision 1. Residents under the age of 16 years may take fish and trap fur bearing animals except beaver or otter without procuring a license. Residents under the age of 13 years may take small game without a license. Residents under the age of 16 years and over 12 may take small game provided they have in their possession while hunting a valid firearm safety certificate. Residents under 14 must be accompanied by a parent or guardian while hunting. No hunting license shall be issued to any resident under the age of 16, except that such residents who possess a valid certificate may purchase a big game hunting license. Nonresidents under the age of 16 years may take fish by angling without procuring a license, if their parent or legal guardian has obtained a nonresident fishing license. Fish so taken shall be included in the daily and possession limit of the parent or legal guardian. Any nonresident under the age of 16 years who is attending a camp adjacent to any public waters of the state conducted by a social, charitable, or welfare organization or institution, not for profit, may take fish by angling in such waters or other adjacent waters without procuring a license, provided the organization or institution conducting the camp shall have a certificate from the commissioner that the camp is qualified hereunder, describing the waters affected as determined by the commissioner, and each such nonresident shall carry with him at all times while taking or attempting to take fish by angling in such waters a certificate identifying him and describing the waters, in such form as the commissioner shall prescribe, signed and dated by the officer or agent of the organization or institution in charge of the camp within the current calendar year.

Subd. 2. Any resident in the military or naval forces of the United States, or in any reserve or component thereof, either now or hereafter organized, who is stationed outside of the state and is within the state upon regularly granted leave or furlough, may hunt and fish at such times without having procured the regular license so to do, provided he or she carries on his person his official leave or furlough papers in lieu of the license required of other residents, and provided further such hunting and fishing be in conformity with all other provisions of chapters 97 to 102, and he obtains the seals, tags, or coupons required of other licensees, to be furnished without charge.

Subd. 3. A resident license for taking fish or game may be issued, in the discretion of the commissioner, to any person in the military or naval forces of the United States, or any reserve or component thereof, now or hereafter organized, who has been officially transferred to, and is stationed within the state.

Subd. 4. A courtesy nonresident license for taking fish or game may be issued in the discretion of the commissioner, without charge, to any person officially employed in the game and fish or conservation department of another state or of the United States, who is within the state to assist or consult or cooperate with the commissioner, or to the officials of other states, the United States, foreign countries, or officers or representatives of conservation organizations or publications while in the state as guests of the governor or commissioner.

Subd. 5. Licenses to take fish or small game in or upon any 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 such state or province for such waters; provided, that the fees for such licenses granted by this state shall not be less than the fees for corresponding resident licenses.

Subd. 6. Except as otherwise expressly provided, the license to take small game shall be required of all persons taking the same, and the license to trap fur bearing animals shall be required in addition where traps are used. The license to take fish by angling shall be required of all persons taking the same, but spearing and netting licenses shall be required in addition where those means are used.

Subd. 7. No license to trap beaver shall be issued to any person to whom a fur buyer's license shall have been issued and in force, and no license to take fish commercially in international waters extending from Pigeon Point West to the North Dakota boundary line shall be issued to any person or member of his household, or employee, engaged in the business of conducting a summer resort.

Subd. 8. A license to take fish shall be issued to any citizen of Minnesota receiving old age assistance, or who is blind, without charge.

Subd. 9. Helpers' licenses shall be issued under section 98.46, subdivision 7, clause (6), subdivision 8, clause (3), subdivision 10, clause (5), subdivision 11, clause (3), and subdivision 13, clause (2), to the holder of a master's license, and shall be transferable upon his application. Every 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, shall have a helper's license, unless he be the holder of a master's license.

Subd. 10. The resident owner or lessee of any lands occupied by himself as a permanent abode, and any member of such person's immediate family residing with him, may take small game by hunting upon such lands without procuring a license, in any manner and at any time not otherwise prohibited by law.

Subd. 11. A license to take fish shall be issued to any citizen of a foreign country who is attending any public, private or parochial school in this state as an exchange student, without any charge therefor.

Subd. 12. Any inmate of a state mental or penal institution may be permitted to fish in waters contiguous to the lands of the mental or penal institution during the open season so long as they are inmates without obtaining a license but subject to the written consent of the superintendent of such institution.

Subd. 13. A license for the taking of fish may be issued by the commissioner of conservation to any person who is a ward of the commissioner of public welfare and who is institutionalized in an institution under the control of the commissioner of public welfare, upon application by the commissioner of public welfare to the commissioner of conservation. Any license issued under this subdivision shall be issued without cost.

Subd. 14. A permanent license to take fish shall be issued at the prevailing fee for an individual resident license to any citizen of Minnesota who has attained the age of 70 years and furnishes satisfactory evidence of his age to the county auditor.

[1945 c 248 s 2; 1947 c 300 s 3; 1947 c 357 s 2; 1947 c 608 s 12, 13, 14; 1949 c 150 s 19; 1949 c 632 s 1; 1951 c 641 s 1; 1953 c 124 s 1; 1953 c 311 s 1; 1955 c 388 s 1; 1957 c 215 s 1; 1957 c 537 s 6; 1957 c 713 s 1; 1959 c 363 s 4; 1961 c 609 s 2; 1963 c 466 s 1; 1965 c 324 s 2; 1967 c 425 s 1; 1967 c 906 s 1]

98.48 SPECIAL PERMITS. Subdivision 1. The commissioner may issue special permits without fee, to collect specimens of eggs, nests, or wild animals for scientific or exhibition purposes, to any municipal corporation, incorporated society of natural history, high school, college or university, maintaining a zoological collection.

Subd. 2. The commissioner may issue special permits, without fee, to hold field dog trials by any responsible association organized for that purpose, and for train-

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ing retrieving dogs by the use of firearms and live ammunition on domestic birds, or banded game birds which have been legally purchased from licensed game farms, under such restrictions as he may prescribe.

Subd. 3. The commissioner may issue special permits, without fee, to take, possess and transport wild animals in such manner and under such conditions as he may prescribe for scientific, educational or exhibition purposes, or for use as pets, provided no wild or native deer may be taken or possessed for propagation, exhibition or pet purposes, except those now lawfully possessed for such purposes. All animals possessed under authority of this provision, as well as deer now contained on game farms, private and public parks and zoos, and their progeny, or possessed as pets, may be disposed of only as prescribed by the commissioner.

Subd. 4. The commissioner may issue special permits, upon payment of a fee prescribed by him, to take any unprotected wild animals or fur bearing animals from game refuges or state parks in accordance with rules and regulations prescribed by him.

Subd. 5. The commissioner may issue special permits, without fee, to take any protected wild animals which are doing damage to private or public property, except that as to beaver the regular license and seal provisions shall apply.

Any special permit issued by the commissioner to take beaver which are doing damage to private or public property shall state the number of beaver which may be so taken under the permit.

Subd. 6. The commissioner may issue special permits, upon payment of a fee prescribed by him, to take muskrats from shallow marshes or sloughs when in danger of freezing out or starving in the winter, in accordance with rules and regulations prescribed by him.

Subd. 7. The commissioner may issue special permits, without fee, to keep and possess a raccoon and to use the same for the purpose of training dogs for hunting raccoons.

Subd. 8. The commissioner may issue special permits, without fee, to establish and conduct rifle ranges or trap shooting premises by duly organized gun clubs of ten or more members on lands owned or leased for that purpose by such clubs within two miles of any city of the first class, and may issue special permits, without fee, to the owner or lessee of any privately owned land within the boundaries of a state game refuge for trap or target shooting.

Subd. 9. The commissioner may issue special permits, without fee, to gather or harvest any aquatic plants, or plant parts, other than wild rice from public waters of the state, to transplant any aquatic plants into other public waters, or to destroy any harmful or undesirable aquatic vegetation or organisms in public waters by such means and under such conditions as he may prescribe for protection of such waters and desirable species of fish, vegetation, and other forms of aquatic life therein and for the protection of the public.

Subd. 10. The commissioner may issue special permits, without fee, to take animals on which the state pays a bounty from an airplane, or snowmobile.

Subd. 11. The commissioner may issue special permits, without fee, to authorize the director of the United States Fish and Wildlife Service and his duly authorized agents or any other authorized officer or agent of the United States to conduct fish cultural operations, rescue work, and all fishing and other operations necessary therefor, any other laws of the state to the contrary notwithstanding.

Subd. 12. M.S. 1957 [Renumbered subd. 14.]

Subd. 12. The commissioner may issue special permits, without fee, to shoot or hunt from a standing vehicle, to licensed hunters who after investigation are found to be paraplegics or otherwise physically unable to walk with or without crutches, braces, or other mechanical support in fields or woods; provided however that any such permittees shall be subject to all laws, rules, regulations and orders for the taking of game which are not inconsistent with this subdivision.

Subd. 13. The commissioner may issue special permits without fee for the training of hunting dogs in the field at any time during the year on land owned by the trainer or on land that written permission to use shall have been obtained from the owner, which permission must be carried on the person of the trainer while field training dogs. Permittee shall be subject to all provisions of section 100.29, subdivision 20, not inconsistent with this subdivision.

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Subd. 14. The commissioner shall have the power to make rules and regulations and prescribe the form of the permits provided for in this section.

Subd. 15. The commissioner may issue special permits, without fee, to any individual, to any lake improvement association or group of riparian owners who have obtained the written consent of each and every riparian owner of the lake or pond affected, to apply fish toxicants to waters of the state for the purpose of reclamation at their own expense. The commissioner may, by posting, authorize the seasons, limits and methods of taking fish prior to the introduction of fish toxicants.

[1945 c 248 s 2; 1947 c 609 s 15; 1949 c 150 s 20; 1949 c 407 s 1; 1953 c 77 s 1; 1953 c 447 s 1; 1955 c 26 s 1; 1955 c 535 s 1; 1957 c 528 s 1; 1961 c 52 s 1; 1961 c 174 s 1; 1961 c 176 s 1; 1963 c 338 s 1; 1965 c 283 s 1; 1967 c 59 s 1]

98.49 FORMS. Subdivision 1. The form of all licenses and applications therefor shall be determined, and blanks shall be furnished to all agents authorized to issue licenses, by the commissioner. Coupons or stubs with proper markings and designations, as may be necessary to carry out the provisions of law relating thereto, shall be attached to the license blanks.

Subd. 2. Applications for all licenses shall be made on oath in writing, and all information required by the form, as prescribed by the commissioner, shall be furnished. Any officer or agent authorized to issue licenses shall have authority to administer oaths upon such application, and no licenses shall be issued by any agent without actually administering the oath.

[1945 c 248 s 2; 1949 c 150 s 21]

98.50 ISSUANCE. Subdivision 1. County auditors are hereby appointed agents of the commissioner for the sale of licenses to take big and small game and fish, and to trap fur-bearing animals, and to harvest wild rice, to residents of the state, and to take big and small game and fish, to nonresidents of the state. Each county auditor may appoint sub-agents within his county to sell such licenses, and upon such appointment, the auditor shall notify the commissioner forthwith of the name and address of the sub-agent. Such appointments may be revoked by the auditor at any time and he may require such security of the agent as he deems advisable, and he shall revoke any agency upon demand of the commissioner. The county auditor shall be responsible for all license blanks issued to, and license fees received by, his agents, except in a county to which Laws 1951, Chapter 381, applies, or in a county wherein the county auditor does not retain fees paid for such license purposes. In such county the responsibility imposed above upon the county auditor is imposed upon the county.

Subd. 2. The commissioner may require county auditors to furnish such additional corporate surety bonds as in his opinion may be required to secure the state, in addition to the auditor's official bond. The commissioner shall prescribe rules and regulations setting up such accounting and procedural requirements as he may deem necessary to assure the efficient handling of licenses and license fees, and all county auditors and other agents shall strictly comply therewith.

Subd. 3. The commissioner may appoint agents to issue non-resident licenses authorized under Minnesota Statutes, Chapters 97 to 102, outside of the state. Such agent shall pay cash to the commissioner for all books of licenses obtained by him and may deduct eight percent from the price established by law as his commission.

Subd. 4. [Repealed, 1961 c 561 s 17]

Subd. 5. Any resident desiring to sell the licenses referred to in subdivision 1 may purchase blanks from the county auditor in groups of not less than five non-resident, and ten resident license blanks, for cash, and he shall be entitled to a discount of eight per cent from the price established by law. In reselling such licenses, he shall be deemed an agent of the county auditor and the commissioner, and he shall observe all rules and regulations promulgated by the commissioner for the accounting for and handling of such licenses.

The county auditor shall promptly deposit all moneys received from the sale of licenses with the county treasurer, and shall promptly transmit such reports as may be required by the commissioner, together with his warrant on the county treasurer for 90 percent of all license fees received during the accounting period. The other ten percent shall be the agent's commission, the county auditor retaining two percent of the fees for licenses sold for cash and resale, and five percent of licenses not sold for cash. Unsold license blanks in the hands of any agent shall be redeemed

by the commissioner if presented for redemption within the time prescribed by the commissioner therefor. Any license blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the agent possessing the same or to whom they are charged shall be accountable therefor.

Subd. 6. The commissioner shall prescribe rules and regulations for the issuance of duplicate licenses to persons whose licenses have been lost or destroyed, but no such duplicate license shall be issued until the applicant has taken oath covering the facts of loss or destruction of the license.

Subd. 7. In addition to other penalties, any agent to sell licenses, who violates any provision of law or regulation of the commissioner relating to the sale, handling or accounting for such licenses, shall forfeit his agency or his right to sell or handle licenses for a period of one year.

Subd. 8. [Repealed, 1967 c 50 s 2]

[1945 c 248 s 2; 1949 c 150 s 22; 1951 c 270 s 1; 1953 c 305 s 1; 1955 c 181 s 1; 1955 c 370 s 1; 1955 c 694 s 1, 2; 1963 c 707 s 1; 1967 c 50 s 1]

98.51 REPORTS AND RECORDS. Subdivision 1. Every person who has taken any protected quadruped or bird shall on or before the last day of January each year, mail or deliver to the commissioner a written report on a form furnished him, stating the number and kind of each protected quadruped or bird taken during the preceding calendar year.

Subd. 2. Every person who is required by chapters 97 to 102 to obtain a license for buying or selling any wild animals or other things or substances, or for tanning or dressing raw furs, or mounting specimens of wild animals, shall keep a correct and complete book record in the English language of all transactions and activities covered by the license as carried on by the licensee. Such records shall show from whom obtained and to whom disposed of, giving the post-office addresses, together with the date of receipt, shipping or sale of such animals, a detailed account as to the number and kinds thereof contained in each shipment, purchase, or sale, and the serial number of each seal, tag, or permit, where such seal, tag, or permit is required to be affixed to the wild animals handled, and the trapping license number if the wild animal handled is a protected animal, but if the trapper is exempt from the license requirement, such fact shall be noted. Provided a licensed fur dealer, buying for one employer only, at his established place of business, need not keep a separate book record if the employer shall first notify the commissioner in writing of the fact of such employment and his agreement to identify in his own records each transaction of the employee so excepted. All records required hereby shall be open for inspection by the commissioner, director, or their agents at all reasonable hours. They shall be kept intact for a period of two years after the expiration of any license issued.

Subd. 3. Every person who is required to keep the records provided for in subdivision 2 shall furnish the commissioner such reports as he may require for statistical purposes, on blanks to be furnished by the division for that purpose.

[1945 c 248 s 2; 1947 c 609 s 16, 17; 1949 c 150 s 23; 1965 c 507 s 1]

98.52 LOSS AND REVOCATION OF LICENSES. Subdivision 1. Except as otherwise provided herein, the license of any person who is convicted of violating any provisions of Chapters 97 to 102, or any order or regulation duly prescribed by the commissioner under authority thereof, relating to the license or to the wild animals covered thereby, shall immediately become null and void, and no license of the same kind shall be issued to such person for one year after the date of conviction. Every person convicted of doing anything without a license for which chapters 97 to 102 require a license, shall forfeit his right to secure such a license for a period of one year from conviction.

Subd. 2. The provisions of subdivision 1 shall apply to licenses to take small game or to take fish by angling or by spearing, only upon a second conviction within a period of three years.

Subd. 3. Where, in his opinion, the public welfare will not be injured, the commissioner may reinstate the following types of licenses which have become null and void by operation of subdivision 1, provided such authority to reinstate shall not extend to persons who have been so convicted during the preceding three year period:

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

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

(3) To buy fish from licensed commercial fishermen in Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior;

(4) To sell live minnows.

Subd. 4. Any person convicted of violating the provisions of Section 100.29, Subdivision 6, shall not be licensed to hunt with a firearm or bow and arrows for five years from date of conviction.

Subd. 5. The hunting or trapping license of any person failing to wear the color as required by section 100.29, subdivision 8, shall be canceled, and no such licenses shall be issued to any person found violating those provisions, for one year from the date of violation. Any officer authorized to inspect licenses shall take the licenses of any offender of that provision into his possession, mark them void, together with the date of the offense, and turn them in to the director. No other penalty shall be imposed.

[1945 c 248 s 2; 1949 c 150 s 24; 1951 c 209 s 1; 1961 c 104 s 1]