

MINNESOTA STATUTES 1979 SUPPLEMENT

98.52 LICENSES, TAKING OF GAME AND FISH

require a license, shall forfeit his right to secure such a license for a period of one year from a conviction other than a conviction related to big game.

[For text of subs 2 to 4, see M.S.1978]

[1979 c 247 s 1]

CHAPTER 100. QUADRUPEDS, BIRDS

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100.26 Unprotected animals.

Subdivision 1. Weasel, coyote (brush wolf), gopher, porcupine, and all other quadrupeds for which no closed season or other protection is accorded by chapters 97 to 102, are unprotected animals and may be taken either in the daytime or at night, and in any manner, except with the aid of artificial lights, and possessed, bought, sold or transported in any quantity, provided that for the safety of humans and domestic stock, poison may not be used in the taking thereof, except in the manner authorized by section 18.022. It shall be unlawful to intentionally drive, chase, run over or kill with any motor propelled vehicle any unprotected animals.

[For text of subs 2 and 3, see M.S.1978]

[1979 c 267 s 1]

100.27 Seasons.

[For text of subs 1 and 2, see M.S.1978]

Subd. 3. The commissioner shall prescribe by order the areas within the state and any other restrictions under which the following animals may be taken and possessed, subject to all other provisions of chapters 97 to 102, between the dates, if any, set opposite the species:

(1) Grey and fox squirrels, October 15 and December 31 statewide; and during any other times, within any areas, and subject to any other restrictions as the commissioner by order may prescribe;

(2) Jack rabbits, cottontail rabbits and varying hare or snowshoe rabbits, September 16 and March 1;

(3) Raccoon, October 15 and December 31 statewide. Notwithstanding the restrictions imposed by this subdivision, raccoon may be treed without being taken by the use of dogs at any time during the year, except for those restrictions found in section 100.29, subdivision 20;

(4) Lynx, or bobcat with the length of the season, if any, for either species determined by the commissioner based upon population estimates of either species within the state;

(5) Fox, provided that no fox may be removed from a den or trapped within 300 feet of a fox den during the period from April 1 and ending August 31 of each year;

(6) Fisher and badger, based upon population estimates within the state.

Subd. 4. Muskrats may be taken for a period not exceeding 60 days in the aggregate for the area, otter for a period not exceeding 15 days, only by trapping, and mink for a period not exceeding 90 days, in the areas of the state, during the times between October 25th and April 30th of the following year and subject to any other restrictions which the commissioner shall prescribe. Beaver may be taken, by trapping only, in the areas of the state, during the times between October 25th and April 30th of the following year and subject to any other restrictions which the commissioner shall prescribe.

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QUADRUPEDS, BIRDS 100.273

[For text of subd 5, see M.S.1978].

Subd. 6. All migratory game birds, excepting *Zenaida macroura*, may be taken and possessed whenever and so long as the taking or possession is not prohibited by federal laws or regulations, subject, however, to all requirements of chapters 97 to 102, provided that it shall be unlawful to take any migratory game birds at any time in violation of any federal law or regulation. *Zenaida macroura* shall not be taken and possessed in the state.

[For text of subds 7 to 9, see M.S.1978]

[1979 c 267 s 2; 1979 c 298 s 2,3]

100.271 Moose or turkey; licenses.

Subdivision 1. At the time of issuing the order setting the dates of a moose or turkey season, the commissioner shall include in the same order the number of licenses to be issued for that season. Those eligible to receive a license shall be determined by the commissioner according to the provisions of this section and such rules as the commissioner may provide. The commissioner may, if he deems it advisable, conduct a separate selection for not to exceed 20 percent of the licenses to be issued for any one area, for which selection the only eligible applicants will be persons who live as owners or tenants on 40 acres or more of agricultural or grazing land within the prescribed area. Landowners or tenants who are unsuccessful in this separate selection shall be included in the selection for the remaining licenses.

Any landowner or tenant who is successful in the commissioner's separate selection shall permit turkey hunting on his land during the turkey season.

Subd. 2. Application shall be on a form provided by the commissioner.

Subd. 3. No person shall be eligible to apply for or to be issued a license, unless they are a resident of the state and at least 16 years of age prior to the opening of the season.

Subd. 3a. No person shall be eligible to be issued a license who has been issued a license to take that species of wild game within either of the last two seasons.

Subd. 4. No person may make more than one application in any given season. Upon a finding by the commissioner, without hearing, that a person has made more than one application, then such person shall become ineligible for a license that year. Any person who makes more than one application in any one year shall be guilty of a misdemeanor.

Subd. 5. No application or license shall be transferable at any time or for any reason.

[1979 c 122 s 1]

100.273 Trespass.

Subdivision 1. For purposes of this section, "agricultural lands" mean lands containing plowed or tilled fields, standing crops or their residues, or lands with a maintained fence for the purpose of enclosing domestic livestock.

Subd. 2. No person shall enter upon the agricultural lands of another with the intent of hunting big or small game nor shall any person intentionally enter upon the agricultural land of another for the purpose of pleasure driving, including snowmobiling or operating any motorized vehicle, unless and until the permission of the owner, occupant, or lessee is obtained.

[For text of subd 3, see M.S.1978]

Subd. 4. No person shall enter or leave the lands of another, or pass from one portion of another person's land, through a closed gate without returning the gate to its original position, nor shall any person destroy, cut or tear down any fence, building,

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100.273 QUADRUPEDS, BIRDS

grain, crops, any sign erected pursuant to subdivision 6 or live trees, or wound or kill any domestic animals.

[For text of subs 5 and 6, see M.S.1978]

Subd. 7. In taking raccoon, when treed on private land with the aid of dogs, a person while on foot may, without permission of the landowner, enter such private land to retrieve any dogs and then shall immediately leave the premises. During the season for taking big or small game, a hunter may on foot retrieve a wounded big or small game animal from agricultural land of another which is not posted pursuant to subdivision 6, without permission of the landowner, and shall then leave as soon as possible.

[For text of subd 8, see M.S.1978]

Subd. 9. Violation of any provision of this section is a misdemeanor. Upon a person's conviction for violating any provision of this section, any license issued to him pursuant to chapter 98, or any registration pursuant to section 84.82, under which he was exercising or attempting to exercise a privilege while violating this section shall immediately become null and void.

[1979 c 291 s 1-5]

100.29 Restrictions and prohibitions.

[For text of subs 1 to 6, see M.S.1978]

Subd. 7. It shall be unlawful to hunt big game with a bow and arrow while in possession of, or having under control, any firearm, or to hunt with any bow drawn, held, or released by a mechanical device, or to hunt with any poisoned arrow or arrow with explosive tip. Arrow heads for big game hunting must be made of all steel barbless design, the blade or blades of hiearbon steel not less than one inch wide for single two edge blade and not less than three inch circumference for three or more blades, minimum weight of all types of 110 grain. Provided, that arrow heads with blades of mill tempered spring steel containing a plastic core or ferrule, conforming to the above dimensions, and with a minimum weight of 90 grain may be used. All arrow heads used for big game hunting shall be kept sharp.

[For text of subs 8 to 18, see M.S.1978]

Subd. 19. Any person may, and it shall be the duty of every conservation officer to, kill any dog pursuing or killing deer or moose, and no action for damages shall be maintained against the person for the killing. The owner of any dog which is found pursuing or killing deer, moose, or domestic livestock shall be guilty of a petty misdemeanor.

[For text of subs 20 to 29, see M.S.1978]

Subd. 30. It shall be unlawful to use a snowmobile or any type of all-terrain vehicle during the season open for the taking of beaver or otter and for two days thereafter, for the purpose of transporting or checking beaver or otter traps or transporting beaver or otter carcasses or pelts. However, 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 any licensed trapper having any of the physical disabilities described in section 98.48, subdivision 12. The permit shall be issued in the same manner as provided in section 98.48, subdivision 12. In addition, the commissioner may by order authorize the use of a snowmobile or other type of all-terrain vehicle to transport or check beaver or otter traps, or to transport beaver or otter carcasses or pelts in Lake of the Woods County.

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COMMERCIAL FISHING 102.285

[For text of subs 31 and 32, see M.S.1978]

Subd. 33. It shall be unlawful for any person, other than the trapper or his agent or landowner or lessee of the land or an agent of the commissioner, to remove or tamper with any trap legally set for the purpose of taking fur bearing animals or unprotected wild animals. A violation of this subdivision shall be a misdemeanor.

[1979 c 73 s 2; 1979 c 298 s 4-6]

CHAPTER 101. FISH

Sec.
101.42 Restrictions and prohibitions.

101.42 Restrictions and prohibitions.

[For text of subs 1 to 17, see M.S.1978]

Subd. 18. Except as otherwise specifically permitted, it shall be unlawful to have in possession in an automobile or any vehicle or on their person, or at or near any waters, a spear, trap, net, dip net, seine, or any other device capable of taking fish, which may be possessed between the hours of sunrise and sunset during the period of February 16 to April 30, inclusive, except when acting under permit or contract to trap or seine from the division of fisheries, during the period of February 16 to April 30, inclusive and except that spears, dip nets, bows and arrows, and devices permitted in section 101.51 used for the taking of rough fish may be possessed between the hours of sunrise and sunset after April 30. This subdivision does not apply to nets used in the taking of trout and smelt in season or to seines or traps used for the taking of minnows for bait.

Subd. 18a. Dip nets shall not be used between one hour after sunset to one hour before sunrise, except for the taking of smelt in season and for landing game fish taken by angling.

[For text of subs 19 to 21, see M.S.1978]

[1979 c 70 s 2; 1979 c 298 s 7,8]

CHAPTER 102. COMMERCIAL FISHING

Sec.
102.285 Commercial fishing in inland waters.

102.285 Commercial fishing in inland waters.

Subdivision 1. The commissioner shall by order regulate the taking, possession, transportation and sale of commercial fish and the licensing of commercial fishermen in inland waters. For the purposes of this section and section 98.46, subdivision 9a "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 102.25. Licenses to net commercial fish in inland waters, except for helper's licenses, shall be issued only to Minnesota residents, provided that non-residents may be licensed to fish waters not previously assigned to residents. For purposes of this section and section 98.46, subdivision 9a, "commercial fish" are carp, buffalo fish, suckers, redhorse, sheepshead, dogfish, eelpout, tullibees, garfish, goldeyes, bullheads, smelt and whitefish.

Subd. 2. The commissioner shall delineate inland commercial fishing areas, taking into account the amount of water encompassed, the size and proximity of waters encompassed, 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 after complying with the publication requirements of section 97.53, subdivision 2.