

CHAPTER 102

COMMERCIAL FISHING

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| <p>102.23 Possession, sale and transportation. 102.24 Mussels and clams. 102.25 Inland, Mississippi and Minnesota river fishing. 102.26 Lake of the Woods and Rainy Lake fishing. 102.27 Namakan and Sand Point Lakes; fishing.</p> | <p>102.28 Lake Superior fishing. 102.285 Commercial fishing in inland waters. 102.29 Interference with commercial fishing. 102.30 Upper and Lower Red Lake and Nett Lake; transportation, sale and disposal.</p> |
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NOTE: For definitions, see section 97.40.

For penalty provisions for chapter 102, see section 97.55.

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| 102.01 | [Repealed, 1945 c 248 s 7] |
| 102.02 | [Repealed, 1945 c 248 s 7] |
| 102.03 | [Repealed, 1945 c 248 s 7] |
| 102.04 | [Repealed, 1945 c 248 s 7] |
| 102.05 | [Repealed, 1945 c 248 s 7] |
| 102.06 | [Repealed, 1945 c 248 s 7] |
| 102.07 | [Repealed, 1945 c 248 s 7] |
| 102.08 | [Repealed, 1945 c 248 s 7] |
| 102.09 | [Repealed, 1945 c 248 s 7] |
| 102.10 | [Repealed, 1945 c 248 s 7] |
| 102.11 | [Repealed, 1945 c 248 s 7] |
| 102.12 | [Repealed, 1945 c 248 s 7] |
| 102.13 | [Repealed, 1945 c 248 s 7] |
| 102.14 | [Repealed, 1945 c 248 s 7] |
| 102.15 | [Repealed, 1945 c 248 s 7] |
| 102.16 | [Repealed, 1945 c 248 s 7] |
| 102.17 | [Repealed, 1945 c 248 s 7] |
| 102.18 | [Repealed, 1945 c 248 s 7] |
| 102.19 | [Repealed, 1945 c 248 s 7] |
| 102.20 | [Repealed, 1945 c 248 s 7] |
| 102.21 | [Repealed, 1945 c 248 s 7] |
| 102.22 | [Repealed, 1945 c 248 s 7] |

102.23 POSSESSION, SALE AND TRANSPORTATION.

Subject to all applicable provisions of chapters 97 to 102, mussels and clams and all fish taken under commercial fishing licenses may be possessed in any quantity, bought, sold or transported during any open seasons provided for such fishing, and for seven days thereafter. Such fish may be frozen or cured during the open season, and when so cured, may be transported, bought and sold at any time.

History: 1945 c 248 s 6; 1949 c 150 s 42

102.24 MUSSELS AND CLAMS.

Subdivision 1. Except as changed from time to time by order of the commissioner, under authority of section 97.48, subdivision 5, mussels of not less than one and three-fourths inches in greatest dimensions, including the pearly fresh water mussel, or clam, or Naiad, and the shells thereof, may be taken at any time except between March 1st and May 15th, subject to all other provisions of chapters 97 to 102.

Subd. 2. Except as otherwise authorized, not more than one boat or rig may be used for taking mussels by any licensee, and an additional boat for towing may be used when no mussel-taking apparatus is attached thereto. Not more than four crow-foot bars or bars having hooks attached thereto, such bars to be not more than 20 feet in length, shall be possessed by any licensee while taking mussels at any one time, and not more than two such bars shall be placed in the water by a licensee at any one time. Not more than one dredging apparatus shall be used, and no dredge, the openings of which are more than three feet in length, or the prongs or forks of which are more than four inches, shall be used, provided pitchforks may be used in gathering clam shells. All under-sized mussels, except pig-toes, shall be returned to the water without injury.

History: 1945 c 248 s 6; 1949 c 150 s 43

102.25 INLAND, MISSISSIPPI AND MINNESOTA RIVER FISHING.

Subdivision 1. Licenses to take rough fish from the Mississippi River from the St. Croix River junction to St. Anthony Falls, shall be restricted to the use of the following equipment and methods:

(1) Seines may be used only under regulations as prescribed by commissioner's order;

(2) Set lines may be used having not more than 100 hooks, but no licensee may operate more than one set line;

(3) Operations shall be conducted only in the flowing waters of the river and in such tributary backwaters as the commissioner may prescribe by regulation;

(4) The location of any net or seine shall not be changed from the place specified in the application for a license, without first notifying the commissioner of the proposed change;

(5) No net shall be raised, laid out, or landed, between sunset and sunrise the following morning;

(6) Seines shall be hauled to a landing immediately after being placed, and no two seines shall be joined together in the water.

Subd. 2. Licensed set lines to take rough fish, 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 River junction, shall be set in the flowing waters of the river only, staked only at one end, and the location thereof shall not be changed from the place designated in the application for license except after notice to the commissioner and his approval thereof. No person shall use more than one such set line.

History: 1945 c 248 s 6; 1949 c 150 s 44; 1963 c 690 s 2

102.26 LAKE OF THE WOODS AND RAINY LAKE FISHING.

Subdivision 1. Unless otherwise changed by order of the commissioner under authority of section 97.48, subdivision 3, the following regulations and restrictions shall apply to all commercial fishing operations conducted in Lake of the Woods and Rainy Lake:

(1) Any variety of fish, except black bass, rock bass, muskellunge, crappies, sturgeon and sunfish, may be taken subject to all other restrictions contained in chapters 97 to 102.

(2) Pound nets and staked trap nets shall be of mesh not less than two and one-half inches nor more than four inches stretch measure in the pound or crib.

(3) Gill nets shall be of mesh not less than four inches stretch measure, and shall not be more than 30 meshes in width.

(4) Fyke nets shall be of mesh not less than two and one-half inches nor more than four inches stretch measure in the pot or crib, with hoop or opening not more than six feet in height, the wings not more than 100 feet in length, and a single lead not be more than 400 feet in length.

(5) Submerged trap nets shall be of mesh not less than two and one-half inches nor more than three inches stretch measure in the heart, pot, or crib, with pot or crib not exceeding 150 square feet in area, and lead not exceeding 300 feet in length. The depth of pot or lead shall not exceed 12 feet.

(6) Trawls may be used only on Lake of the Woods and shall be of such specification as the commissioner of natural resources may prescribe. Such specifications shall include but not be limited to the following:

1. Not more than one trawl net shall be operated by a licensed trawler.

2. No member of the trawler crew may operate other commercial fishing gear on the same day that he is conducting trawling operations or possess fish caught in other commercial fishing gear while aboard the trawler.

3. The head rope of the trawl shall be no longer than 88 feet measured along that portion of the head rope on which the webbing is attached.

4. The mesh of the cod end or bag shall be of a size no smaller than 3 1/2 inches or larger than 4 inches, stretch measure.

5. The walleyed pike catch shall not exceed 1,000 pounds in any calendar month and the total for the season shall not exceed 5,000 pounds. The sauger catch shall not exceed 5,000 pounds in any calendar month and 25,000 pounds during a season. At such times as these game fish quotas are exceeded, the operator shall suspend operations for the remainder of the month or season, whichever shall apply.

6. No northern pike shall be taken in trawling operations.

Subd. 2. No licensee shall be permitted to operate more than six pound nets or 4,000 feet of gill nets or eight submerged trap nets or ten fyke or staked trap nets, or one trawl, or one pound net station. No net of any kind shall be set except at a place consented to by the commissioner.

Subd. 3. The maximum amount of nets permitted to be licensed shall be as follows:

(1) In Lake of the Woods, 50 pound nets, 80,000 feet of gill nets or 160 submerged trap nets, 80 fyke or staked trap nets, and two trawls. Licenses for submerged trap nets may be issued in lieu of licenses for gill nets in the ratio of not more than one submerged trap net per 500 feet of gill net, and the maximum permissible amount of gill nets shall be reduced by 500 feet for each submerged trap net licensed. The commissioner may authorize submerged trap net licensees, before the beginning of the third season following the first exchange, to exchange such trap nets for gill nets. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for 1963 and 1964 only. The holder of a trawl license may be issued a gill net license in 1965 if the trawl license provision is not extended;

(2) In Rainy Lake, 20 pound nets, and 20,000 feet of gill nets;

(3) When any licensee has lost or surrendered his license for any reason, the commissioner shall not be required to issue licenses for the amount of netting previously authorized under such license;

(4) At any time when commercial fishing is prohibited in any of the international waters by Canadian authorities, such fishing may be prohibited in the Minnesota portions of such waters;

(5) The commissioner by regulation may limit the total amount of game fish that may be taken by commercial fishermen in Lake of the Woods in any one season and shall apportion said amount to each licensee in accordance with the number and length of nets licensed;

(6) The commissioner of natural resources may limit by order the amount of game fish taken in trawls in Lake of the Woods.

Subd. 4. The commissioner may require any person licensed to take fish for commercial purposes in the waters covered by this section, when it can be done in connection with the licensed commercial fishing, to take eggs for propagation purposes under such regulations as he shall prescribe.

Subd. 5. Possession of any net or equipment declared illegal under the provisions of chapters 97 to 102 or under any order of the commissioner issued by authority of section 97.48, subdivision 3, at any place within ten miles of any portion of Lake of the Woods or Rainy Lake, shall be unlawful, and such nets or equipment shall be confiscated whenever found.

History: 1945 c 248 s 6; 1947 c 503 s 1,2; 1949 c 150 s 45; 1955 c 559 s 1-3; 1963 c 691 s 1-3; 1969 c 1129 art 3 s 1

102.27 NAMAKAN AND SAND POINT LAKES; FISHING.

Subdivision 1. Unless otherwise changed by order of the commissioner, under authority of section 97.48, subdivision 3, whitefish, and rough fish may be taken by licensed commercial fishermen from Namakan Lake and Sand Point Lake; provided, that gill nets shall not be used therefor in Sand Point Lake.

Subd. 2. The maximum amount of nets permitted to be licensed in Namakan Lake shall be 7,000 feet of gill net, with a mesh not less than four inches stretch measure, and 12 pound, fyke or submerged trap nets.

Subd. 3. The maximum amount of nets permitted to be licensed in Sand Point Lake shall be 12 pound, fyke, or submerged trap nets.

History: 1945 c 248 s 6; 1949 c 150 s 46; 1957 c 511 s 3-5; 1961 c 560 s 12

102.28 LAKE SUPERIOR FISHING.

Subdivision 1. Herring, lake trout, ciscoes, chubs, alewives, whitefish, Menominee whitefish, smelt and rough fish may be taken by licensed commercial fishermen from Lake Superior, in accordance with the following provisions.

Subd. 2. Pound or trap nets may be used for the taking of Menominee whitefish, herring, ciscoes, chubs, alewives, smelt, and rough fish in Lake Superior, including St. Louis Bay, under such rules and regulations as the commissioner may prescribe.

Subd. 3. Gill nets for taking lake trout and whitefish shall be not less than 4 1/2 inch mesh, extension measure. The commissioner may by regulation limit the total amount of gill net to be licensed for the taking of lake trout and whitefish and may limit the amount of net to be operated by each licensee.

Subd. 4. Gill nets for taking herring and ciscoes shall not be less than 2 1/4 inch mesh and shall not exceed 2 3/4 inch mesh, extension measure.

The amount of gill net to be licensed in Minnesota waters of Lake Superior shall not exceed 300,000 feet for the taking of herring and 300,000 feet for the taking of ciscoes.

A licensee shall not be permitted to operate more than 6,000 feet of gill net for the taking of herring or 25,000 feet of gill net for the taking of ciscoes. The commissioner may authorize gill net footage in excess of the individual limits when he determines in any license year that all of the gill net footage permitted for Minnesota waters of Lake Superior would not otherwise be allocated. The commissioner must allocate this excess gill net footage equitably among those licensees who have applied for it.

Subd. 5. The commissioner of natural resources is hereby authorized and directed to issue special permits to duly licensed commercial fishermen not exceeding 20 in number for the purpose of taking trout and whitefish spawn

during the closed season for the propagation of trout and lake trout in Lake Superior and adjacent waters under such rules and regulations as may be prescribed by him.

History: 1945 c 248 s 6; 1949 c 150 s 47; 1963 c 69 s 1-4; 1963 c 688 s 2; 1969 c 1129 art 3 s 1; 1976 c 16 s 12-14; 1977 c 240 s 2

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, tullibeets, 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.

Subd. 3. The commissioner shall assign licensed inland commercial fishermen to commercial fishing areas and each fisherman shall be obligated to fish his assigned area. The commissioner's assignment shall be valid as long as the assigned fisherman continues to purchase a license, continues to provide an adequate removal effort in a good and workmanlike manner and is not convicted of two or more violations of laws or rules governing inland commercial fishing operations during any one license period. In the fisherman assignment, the commissioner shall consider the proximity of the fisherman to the area, the type and quantity of fish gear and equipment possessed, knowledge of the affected waters, and general ability to perform the work well.

Subd. 4. Whenever an area is not assigned, or the fisherman licensed for that area is not fishing that area or is unable to fish that area, the commissioner shall have the authority to issue a special inland commercial fishing permit to any individual holding a valid inland commercial fishing license allowing the fisherman to fish that area and operate beyond the limits of his assigned area. The permit shall indicate the specific waters involved, the county, the species to be removed, the gear to be used and the time period of the total operation.

Subd. 5. A licensed inland commercial fisherman shall submit monthly reports on his licensed activities in each month to the commissioner, on forms provided by the commissioner, prior to the 15th of the following month. These reports shall be submitted regardless of whether or not any fishing activity took place unless the fisherman has a written release from this obligation signed by the commissioner.

Subd. 6. A license to take commercial fish shall become void upon the licensee's death, sale of the commercial fishing business, removal from the state, conviction of two or more violations of inland commercial fishing laws or rules within a license period or failure to apply for a new or renewal license prior to June 15 of any year. A commercial inland fishing license shall not be subject to

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the license revocation provisions of section 98.52. Commercial fishing rights and area assignments covered by a license which becomes void shall revert to the commissioner for reassignment.

Subd. 7. The commissioner shall consult with representatives of the inland commercial fishermen's trade association when disagreements arise in the areas of license issuance, problems with performance pursuant to the license, area assignments and the entry of new commercial fishermen into the inland commercial fishery.

History: 1979 c 242 s 2

102.29 INTERFERENCE WITH COMMERCIAL FISHING.

No person shall knowingly place or maintain any obstruction which will hinder, prevent, or interfere with any licensed commercial fishing operation, or take or remove any fish from nets licensed under provisions of chapters 97 to 102, or knowingly injure, disturb, or interfere with such nets.

History: 1945 c 248 s 6; 1949 c 150 s 48

102.30 UPPER AND LOWER RED LAKE AND NETT LAKE; TRANSPORTATION, SALE AND DISPOSAL.

The commissioner of natural resources may permit the transportation, sale and disposal of fish taken within the Red Lake Indian Reservation on Upper Red Lake and Lower Red Lake and from waters within the Nett Lake also known as Bois Forte Indian Reservation under such rules, regulations and conditions as the commissioner may prescribe.

History: 1949 c 324 s 1; 1963 c 500 s 1; 1969 c 1129 art 3 s 1