

## CHAPTER 98

## LICENSES, TAKING OF GAME AND FISH

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**98.45 REQUIREMENT.**

*[For text of subs 1 to 5, see M.S.1980]*

Subd. 6. A nonresident child under the age of 21 of a resident of this state may take, buy, sell, transport, or possess wild animals as a resident.

*[For text of subs 7 and 8, see M.S.1980]*

**History:** 1981 c 356 s 283

**98.46 FEES.**

*[For text of subd 1, see M.S.1980]*

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

- (1) To take small game, \$7;
- (2) To take deer with firearms, \$14;
- (3) To take deer with bow and arrow, \$14;
- (4) To take fish by angling, \$6.50;
- (5) Combination husband and wife, to take fish by angling, \$10.50;
- (6) To take moose, \$140 for an individual or for a party of not to exceed four persons;
- (7) To take bear only, \$14;
- (8) To take turkeys, \$10, in addition to a small game license;
- (9) To take raccoon, bobcat, coyote or fox with the aid of dogs, \$7.50, in addition to a small game license.

Subd. 2a. The commissioner of natural resources shall issue Minnesota sportsman licenses by March 1, 1978. The licenses shall be issued to residents only. The fee for licenses shall be \$12 if the angling license is for one person and \$16 if the angling license is a combination husband and wife license. These fees do not include the surcharge authorized pursuant to section 97.482 nor the state waterfowl stamp required by section 97.4841.

The license shall authorize the licensee to:

- (1) Take small game;
- (2) Take fish by angling.

Subd. 2b. The commissioner of natural resources, in commemoration of the fiftieth year of the department, shall issue Minnesota golden licenses by March 1, 1982. The license shall be issued to residents only. The fee for the license shall be \$100 and shall authorize the licensee to:

- (1) Take small game;
- (2) Take fish by angling;
- (3) Spear fish from a dark house;

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- (4) Trap fur bearing animals, except beaver;
- (5) Take deer with firearms;
- (6) Take deer with bow and arrows; and
- (7) Take bear.

The fee includes the surcharge authorized pursuant to section 97.482, the state waterfowl stamp required by section 97.4841 and the state trout stamp required by section 97.4842.

The license shall be issued in distinctive format on durable, gold colored material.

Subd. 3. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To harvest wild rice, \$10;
- (2) To buy and sell wild ginseng, \$5.

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

- (1) To trap fur bearing animals, except beaver, for residents over the age of 13 and under the age of 18, \$3.50;
- (2) To trap fur bearing animals, except beaver, for residents 18 years of age and older, \$13;
- (3) To buy or sell raw furs anywhere within the state 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, \$100, provided that any employee, partner or officer buying or selling at the established place of business only for the licensee may secure a supplemental license for \$50;
- (4) To trap beaver during an open season or by permit when doing damage, \$2.50;
- (5) To guide bear hunters, \$75.

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

- (1) To spear fish from a dark house, \$7.50;
- (2) For any fish house or dark house used during the winter fishing season, \$3 for each fish house or dark house not rented or offered for hire, and \$13 for each fish house or dark house rented or offered for hire. Each fish house or dark house shall have attached to the outside a metal tag at least two inches in diameter with a 3/16 inch hole in the center, which will be issued with a license. Each metal tag shall be stamped with a number to correspond with the fish house or dark house license and also shall be stamped with the year of issuance. The metal tag shall be attached to the fish house or dark house as designated by commissioner's order;
- (3) To net whitefish, tullibees or herring from inland lakes or international waters, for domestic use only, for each net, \$3;
- (4) To conduct a taxidermist business, for three consecutive years for residents 18 years of age and older, \$40; for residents under the age of 18, \$25;
- (5) To maintain fur and game farms, including deer, \$15;
- (6) To take, transport, purchase and possess for sale unprocessed turtles and tortoises within the state, \$50;
- (7) To prepare dressed game fish shipments for nonresidents as provided by section 97.45, subdivision 6, as amended, \$13;

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(8) Minnow dealer, \$70 plus \$10 for each vehicle;

(9) Minnow dealer's helper, \$5 for each helper. Minnow dealer's helpers' licenses shall be issued to the minnow dealer and are transferable by the dealer at will to his own helpers;

(10) Exporting minnow dealer, \$250, plus \$10 for each vehicle.

Each vehicle license shall cover a specified vehicle. The serial number, license number, make, and model shall be specified on the license which must be conspicuously posted in the vehicle licensed.

Subd. 5a. Fees for the following licenses, to be issued to nonresidents, shall be:

(1) For an exporting minnow hauler, \$525, plus \$10 for one vehicle license only.

(2) Each vehicle license shall cover a specified vehicle. The serial number, license number, make and model shall be conspicuously posted in the vehicle licensed.

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, which, except in the case of helpers licenses, shall be issued to residents only, shall be:

(1) For a seine not exceeding 500 feet, \$25;

(2) For a seine in excess of 500 feet, but not over 1,000 feet, \$40;

(3) For each 100 feet of seine in excess of 1,000 feet, \$2.50;

(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, which, except in the case of helpers licenses, shall be issued to residents only, shall be:

(1) For each gill net not exceeding 500 feet in length, \$13;

(2) For each gill net exceeding 500 feet, but not over 1,000 feet, \$25;

(3) For each fyke net or hoop net, \$10;

(4) For each bait or turtle net, \$1.50;

(5) For each set line, \$13 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 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, \$25; for a seine in excess of 500 feet, but not over 1,000 feet, \$40; for each 100 feet of seine or fraction thereof in excess of 1,000 feet, \$2;

(2) 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 \$13.

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Subd. 9a. Licenses to net commercial fish in inland waters shall be issued annually and shall be valid for commercial fishing during the period from the day after Labor Day to the day preceding the opening of the season for the taking of walleye. License fees shall be \$70, plus:

(a) 75 cents for each hoop net pocket;

(b) \$15 for each 1,000 feet of seine. Provided that in the license application to the commissioner, each applicant shall list the number of feet of seine of each depth for which he wishes to be licensed; and

(c) \$5 for each helper's license.

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, \$45;

(2) For each fyke net with wings or lead not exceeding four feet in height, \$10;

(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, \$2.50;

(5) For each submerged trap net, \$15;

(6) For helper's license, \$15;

(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, \$45;

(2) For each 100 feet of gill net, \$2.50;

(3) For helper's license, \$15.

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

(1) For not to exceed 1,000 feet (305 m) of gill net of mesh size not less than 2.25 inch (5.75 cm) nor more than 2.75 inch (7 cm) extension measure, \$70 plus \$2 for each additional 1,000 feet (305 m);

(2) For not to exceed 1,000 feet (305 m) of gill net of mesh size not less than 4.5 inch (11.5 cm) mesh extension measure, \$70 plus \$2 for each additional 1,000 feet (305 m);

(3) For a pound or trap net, \$70 plus \$2 for each additional pound or trap net;

(4) For a helper's license, \$5.

(b) A license to fish commercially in Lake Superior shall be issued only to a resident who, except as herein provided:

(1) Possesses 5,000 feet of gill net of mesh sizes permitted in section 102.28 or two pound nets;

(2) Landed fish in the previous year with a value of at least \$1,500, except for those state waters from Duluth to Silver Bay upon the discretion of the commissioner; and

(3) Engaged in commercial fishing for at least 50 days of the previous year.

An applicant shall be issued a license without meeting the requirements of subdivision 12, clause (b) if the applicant is 65 or more years of age and has held a

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license continuously since 1947. An applicant may be issued a license, at the discretion of the commissioner, if failure to meet the requirements of subdivision 12, clause (b) resulted from illness or other mitigating circumstances, or the applicant has reached the age of 65 and has been licensed at least ten of the previous 15 years. Persons receiving licenses under the provisions for applicants 65 years of age or more must be in attendance at the setting and lifting of nets. The commissioner may issue multiple licenses to individuals who meet the requirements of subdivision 12, clause (b), and have held multiple licenses prior to 1978.

(c) A license may be issued to an applicant who has not fished commercially on Lake Superior before, if the applicant:

- (1) Shows a bill of sale indicating the purchase of gear and facilities connected with an existing license; or
- (2) Shows proof of inheritance of all the gear and facilities connected with an existing license; or
- (3) Has served at least two years as a helper in a Minnesota Lake Superior licensed commercial fishing operation; and
- (4) Has no record of conviction for violating chapters 97 to 102 in the preceding three years.

*[For text of subd 13, see M.S.1980]*

Subd. 14. Fees for the following licenses, to be issued to nonresidents, shall be:

- (1) To take small game and unprotected quadrupeds with firearms and bow and arrows, \$35;
- (2) To take deer and unprotected quadrupeds with firearms and bow and arrows, \$75;
- (3) To take deer and unprotected quadrupeds with a bow and arrows only, \$35;
- (4) To take bear, \$100;
- (5) To take turkeys, \$30, in addition to a small game license;
- (6) To hunt raccoon, \$100, in addition to nonresident small game license.

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

- (1) To take fish by angling, \$15;
- (2) A short term individual license to take fish by angling for seven consecutive days, \$10.50;
- (3) A short term individual license to take fish by angling for one day, \$5;
- (4) Combination husband and wife, to take fish by angling, \$20;
- (5) For any fish house used during the winter fishing season, \$15. A fish house licensed pursuant to this subdivision shall be identified as prescribed in subdivision 5. The house shall be collapsible and portable, and shall at no time be left unattended while on the ice. The provisions of section 101.42 not inconsistent herewith shall also apply to fish houses licensed pursuant to this subdivision.

Subd. 16. Fees for the following licenses, to be issued to non-residents, shall be:

To buy or sell raw furs, \$500, except that a license shall not be required to buy from those licensed under subdivision 4, clause (2).

To guide bear hunters, \$400.

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; minnow retailer, \$10 plus \$10 for each vehicle used to transport minnows.

(2) To raise fish in a private hatchery, for annual sales under \$200, \$25; and for annual sales of \$200 or more, \$50.

(3) To take under state supervision sucker eggs from public waters, for private fish hatchery purposes:

(a) To take not to exceed 100 quarts, \$150;

(b) To take in excess of 100 quarts, \$3 per quart for such excess.

Subd. 18. Fees for the following licenses, to be issued to either residents or nonresidents 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, \$70 if the amount of wild rice bought or sold by the licensee within the year covered by the license does not exceed 50,000 pounds, \$250 if the amount exceeds 50,000 pounds. For the purposes hereof the weight of wild rice in its raw state shall govern. All raw rice purchased by a dealer shall be reported in accordance with clauses (2), (3), (4), and (5) of this subdivision.

(2) Every application for a license under this subdivision shall be made on oath in writing in the form the commissioner shall prescribe, stating the amount of wild rice, whether raw or processed, bought or sold by the applicant during the calendar year preceding the year for which the license is sought, the amount which the applicant estimates will be bought or sold under the license, and other pertinent information the commissioner may require. The license fee shall be paid in advance, based on the 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 or sold by the applicant during the preceding calendar year.

(3) Every licensee under this subdivision shall keep a correct and complete book record of all wild rice bought or sold during the period covered by the 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 record shall be open for inspection by the commissioner, the coordinator of wild rice, or any conservation officer or agent of the commissioner at all reasonable times. Every licensee 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 the form the commissioner shall prescribe, signed by the licensee, stating the total amount of wild rice bought or sold during the calendar month, whether raw or processed.

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

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(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 section 97.55, subdivision 1. Upon a second conviction within a period of three years of any person of any offense under this subdivision, any license hereunder then held by that person shall immediately become null and void, and no such license shall be issued to that person for one year after the date of the 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, \$50;
  - (b) For the purpose of retail selling only, \$10.
- (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, \$15;
- (4) Fish peddler's license, to peddle with the use of a motor vehicle, any fish lawfully salable within the state, \$25. It shall be unlawful to misrepresent the species of any fish sold by any licensed fish peddler or peddler's employee. Upon conviction of misrepresentation of the species of fish sold by any fish peddler licensed hereunder or employee, the license shall be revoked, and the licensee shall not be eligible to obtain a fish peddler's license for the period of one year after 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.

*[For text of subds 20 to 26, see M.S.1980]*

**History:** 1981 c 356 s 284-304

## 98.47 EXEMPTIONS.

Subdivision 1. Residents who have attained the age of 65 years may take fish by angling or spearing without a license. Residents under the age of 16 years may take fish 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

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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.

*[For text of subs 2 to 17, see M.S.1980]*

**History:** 1981 c 356 s 305

## 98.50 ISSUANCE.

*[For text of subs 1 and 2, see M.S.1980]*

Subd. 5. Any resident desiring to sell the licenses referred to in subdivision 1 may either purchase for cash or obtain on consignment license blanks from a county auditor in groups of not less than five non-resident, and ten resident license blanks. In addition to the basic license fee, he shall collect a fee for issuing each license in the amount of \$1 for the license to take deer and for the sportsman license authorized in section 98.46, subdivision 2a, and 75 cents for all other licenses. The state migratory waterfowl stamp required by section 97.4841 shall be considered to be a "license" within the meaning of this subdivision except when such stamp and a small game license are issued in the same transaction in which case the stamp shall be considered a part of the small game license and only one issuing fee shall be collected. In selling 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 100 percent of the surcharge imposed by section 97.482 plus 96 percent of the price to the licensee, exclusively of said surcharge and the issuing fee, for each license sold or consigned by him and subsequently sold to a licensee during the accounting period. The county auditor shall retain as his commission four percent of all license fees, excluding issuing fees for licenses consigned to subagents. In addition, for licenses sold for cash directly to the licensee, the auditor shall collect the same issuing fee as a subagent. 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. The commissioner shall collect the same issuing fee as a subagent for licenses sold directly through a license distribution center operated by the department of natural resources. The issuing fees so collected by the commissioner shall be credited to the game and fish fund.

*[For text of subs 6 to 10, see M.S.1980]*

**History:** 1981 c 356 s 307