

## CHAPTER 100

### QUADRUPEDS, BIRDS

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NOTE: For definitions, see section 97.40.

For penalty provisions for chapter 100, see section 97.55.

100.01	[Repealed, 1945 c 248 s 7]
100.02	[Repealed, 1945 c 248 s 7]
100.03	[Repealed, 1945 c 248 s 7]
100.04	[Repealed, 1945 c 248 s 7]
100.05	[Repealed, 1945 c 248 s 7]
100.06	[Repealed, 1945 c 248 s 7]
100.07	[Repealed, 1945 c 248 s 7]
100.08	[Repealed, 1945 c 248 s 7]
100.09	[Repealed, 1945 c 248 s 7]
100.10	[Repealed, 1945 c 248 s 7]
100.11	[Repealed, 1945 c 248 s 7]
100.12	[Repealed, 1945 c 248 s 7]
100.13	[Repealed, 1945 c 248 s 7]
100.14	[Repealed, 1945 c 248 s 7]
100.15	[Repealed, 1945 c 248 s 7]
100.16	[Repealed, 1945 c 248 s 7]
100.17	[Repealed, 1945 c 248 s 7]
100.18	[Repealed, 1945 c 248 s 7]
100.19	[Repealed, 1945 c 248 s 7]
100.20	[Repealed, 1945 c 248 s 7]
100.21	[Repealed, 1945 c 248 s 7]
100.22	[Repealed, 1945 c 248 s 7]
100.23	[Repealed, 1945 c 248 s 7]
100.24	[Repealed, 1945 c 248 s 7]
100.25	[Repealed, 1945 c 248 s 7]

#### 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.

Subd. 2. The English sparrow, blackbird, crow, starling, magpie, cormorant, common pigeon and the great horned owl are unprotected wild animals, but all other birds, including their nests and eggs, shall be taken only as authorized by chapters 97 to 102.

Subd. 3. Skunk and civet cats are unprotected wild animals and may be taken either in the daytime or at night and in any manner except with the aid of artificial lights and may be 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 Minnesota Statutes 1961, Sections 18.021 to 18.035, and acts amendatory thereof.

**History:** 1945 c 248 s 4; 1949 c 150 s 28; 1949 c 629 s 1; 1959 c 444 s 1; 1965 c 481 s 1; 1965 c 768 s 8; 1969 c 887 s 1; 1971 c 354 s 4; 1974 c 465 s 4; 1975 c 164 s 1; 1975 c 167 s 3; 1976 c 190 s 1; 1977 c 310 s 8; 1979 c 267 s 1

### 100.27 SEASONS.

Subdivision 1. Except as otherwise specifically provided, there shall be no open season on elk, caribou, antelope, marten, cougar, or wolverine.

Subd. 2. Deer, moose and bear may be taken in such areas of the state, under such restrictions and on such dates within the periods hereafter prescribed as the commissioner may, by order, provide:

(1) Deer and bear by bow and arrow; legal muzzle loading firearms as defined in section 100.29, subdivision 3, clause (2), or both, between September 1 and December 31 and in any areas of the state designated by the commissioner. Legal muzzle loading firearms shall be permitted by the commissioner on public lands only;

(2) Deer, by legal firearms and with bow and arrow, between November 1 and December 15, with the length of the season to be determined by the commissioner; and

(3) Moose, between January 1 and December 31 as determined by the commissioner, by legal firearms and with bow and arrow, in areas of the state, and under such restrictions and on such dates as the commissioner may by order provide; for purposes of this section a split season in any one calendar year shall be considered as one season.

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 90 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.

Subd. 5. Except as otherwise expressly provided, quail, partridges or ruffed grouse, Canada spruce grouse, pheasants, prairie chicken or pinnated grouse, white breasted or sharp tailed grouse, Hungarian partridge, chukar partridge, or turkeys (*meleagris gallopavo*) may be taken and possessed, subject to all other provisions of chapters 97 to 102, only in the areas of the state and during the times between September 16 and December 31, which the commissioner shall prescribe. The commissioner may by order prescribe an additional period for the taking of turkeys in the spring.

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.

Subd. 7. Mink, squirrels, rabbits, hares, raccoon, lynx, bobcat, fox, or beaver may be taken in any manner, except by poison, or artificial lights in closed season, by the actual occupant or owner of any land whereon the animals so killed are causing any damage or injury. Upon so killing any such animal, other than squirrels, rabbits, and hares, the entire carcass, including the hide, shall be turned over and surrendered to the nearest conservation officer or employee of the division within 24 hours of the time the animal was killed.

Subd. 8. Protected wild animals may be taken in season or at other times by means of falconry under such regulations as the commissioner may prescribe.

Subd. 9. In addition to the season prescribed in subdivision 2, clause (6), bear may be taken in such areas of the state, under such restrictions, and on such dates as the commissioner may, by order, provide. Nothing in this subdivision shall prevent a person from taking a bear to protect his property. Such taking shall be reported to a conservation officer within 48 hours. Bear so taken may thereafter be disposed of in the same manner as provided in section 97.50, subdivision 5, for the disposition of wild animals unlawfully taken.

**History:** 1945 c 248 s 4; 1947 c 609 s 21,22; 1949 c 150 s 29; 1951 c 19 s 1; 1951 c 33 s 1; 1951 c 361 s 3; 1953 c 9 s 1; 1953 c 10 s 1; 1957 c 446 s 1; 1957 c 589 s 1; 1959 c 274 s 1; 1959 c 361 s 1; 1961 c 332 s 1; 1963 c 176 s 1; 1965 c 188 s 1; 1965 c 399 s 1; 1965 c 481 s 2; 1967 c 175 s 1; 1967 c 733 s 1; 1967 c 905 s 9; 1969 c 136 s 1; 1969 c 187 s 1,2; 1971 c 354 s 5; 1971 c 607 s 9-11; 1971 c 613 s 1; 1973 c 168 s 1; 1973 c 239 s 1; 1974 c 185 s 2; 1974 c 279 s 1; 1974 c 385 s 1; 1975 c 164 s 2; 1975 c 167 s 4; 1976 c 38 s 1; 1976 c 190 s 2,3; 1976 c 258 s 1; 1977 c 174 s 1,2; 1977 c 310 s 9-13; 1979 c 267 s 2; 1979 c 298 s 2,3; 1980 c 571 s 10,11; 1982 c 543 s 9

**NOTE:** See also section 97.48, subdivision 23.

### 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 for turkey licenses will be persons who live as owners or tenants on 40 acres or more of agricultural or grazing land within the prescribed area, and the only eligible applicants for moose licenses shall be persons who are owners of or live as tenants on not less than 160 acres of agricultural or grazing land within the prescribed area. Landowners or tenants who are unsuccessful in these separate selections shall be included in the selections 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 to take moose who has been issued a license to take moose during any of the last five 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.

**History:** 1971 c 607 s 14; 1974 c 279 s 2; 1979 c 122 s 1; 1980 c 571 s 12; 1982 c 493 s 3

### **100.272 DEER; ONE FIREARM OR BOW AND ARROW LICENSE PER SEASON; PARTY HUNTING.**

Notwithstanding any other provision of law to the contrary a hunter may hold only one license to take deer by firearms in any year and only one license to take deer by bow and arrow in any one year. A licensed hunter may take only one deer in any one year, even though licensed to take deer by both firearm and bow and arrow. However, where two or more persons who hold valid licenses to take deer by use of firearms or where two or more persons hold valid licenses to take deer by the use of bow and arrow are hunting as a party any member of the party may take or kill the number of deer that is equal to the number of valid licenses held by members of the party. In no case shall the total number of deer taken by members of the party exceed the total number of valid licenses held by members of the party.

**History:** 1965 c 124 s 1; 1967 c 159 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.

Subd. 3. No person shall enter upon any land not his own regardless if it is agricultural land with intent to take any wild animals after being notified not to do so, either orally by the owner, occupant or lessee, or by signs erected pursuant to subdivision 6.

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

Subd. 5. No person shall take any wild animal with a firearm without the written permission of the owner or occupant of the premises on any private agricultural land not his own or any public right-of-way within 500 feet of any building occupied by a human being or by livestock, or within 500 feet of any stockade or corral containing livestock, nor shall any person take any wild animal with a firearm within 200 feet of any building occupied by a human being on any land other than agricultural land without the oral permission of the owner or occupant of the premises, or within 500 feet of any burning area.

Subd. 6. No person shall erect "no hunting", "no trapping", "no fishing", "no trespassing", or other signs prohibiting trespass upon any lands or waters in which he has no right, title, interests, or license. The owner, occupant, or lessee of any private land, or a duly constituted legal authority of public land, may erect signs prohibiting trespassing, hunting, trapping, or fishing if the signs bear letters not less than two inches high, are signed by the owner, occupant, or lessee, and are posted at intervals of not more than 1000 feet upon the boundaries of the area so protected.

Subd. 7. In taking raccoon, bobcat, coyote or fox when treed or at bay 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.

Subd. 8. All conservation and peace officers shall enforce the provisions of this section.

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.

**History:** 1957 c 666 s 1-4; 1969 c 982 s 1,2; 1976 c 23 s 1; 1978 c 794 s 2; 1979 c 291 s 1-5; 1981 c 356 s 309

**100.28 LIMITS.**

Subdivision 1. Not more than one deer shall be taken by any licensee during any one year.

Subd. 2. Unless the numbers are reduced by order of the commissioner, no person shall take in any one day, or shall have in possession at any one time, a greater number of any species than prescribed by the following table:

Species	Daily	Possession
Quail .....	10	15
Partridge (ruffed grouse), prairie chicken (pinnated grouse), pheasant, white breasted		

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Species	Daily	Possession
grouse (sharp tailed grouse), Hungarian		
partridge or Chukar partridge . . . . .	5	10

provided that not more than one hen pheasant shall be taken in any one day, nor more than two had in possession.

**History:** 1945 c 248 s 4; 1949 c 150 s 30; 1959 c 361 s 2; 1977 c 310 s 14

## 100.29 RESTRICTIONS AND PROHIBITIONS.

Subdivision 1. It shall be unlawful to take protected wild animals, except raccoon and fox, with the use of a gun or bow and arrows between the evening and morning times established by the commissioner by order. It shall be unlawful to take pheasants between the evening time established by the commissioner by order and 9 a.m.

Subd. 2. It shall be unlawful to take protected wild animals with a gun larger in bore than a 10 gauge. Handguns of any caliber may be used for taking small game in a manner prescribed by the commissioner.

Subd. 3. Within any area where deer may be taken by firearms, it shall be unlawful during the period beginning the tenth day before the open firearms season and ending the second day after the close of the season, inclusive, to have any firearm or ammunition in possession out of doors other than:

- (1) Shotguns using shot;
  - (2) Handguns and rifles using .22 caliber short, long and long rifle cartridges;
- and

(3) Firearms described in subdivision 9, as legal for taking big game subject to weapon zone restrictions as prescribed by the commissioner, provided the bearer has a big game license on his person and is afield during the time and within the area the big game license is valid.

Except for pistols and revolvers carried in compliance with sections 624.714 to 624.715 and firearms in possession upon target ranges operated under a permit from the commissioner, all firearms carried out of doors other than in conformity with this subdivision must be unloaded and contained in a case or unloaded and contained in the trunk of a car with the trunk door closed.

Subd. 4. It shall be unlawful to use, own or possess any type of silencer for a firearm, or to possess any firearm equipped to have a silencer attached.

Subd. 5. Except as permitted by section 98.48, subdivision 10, it is unlawful to take any wild animal by discharging any firearm or bow and arrow from a motor vehicle or airplane or snowmobile. Except for a pistol or revolver carried in compliance with sections 624.714 and 624.715, it is unlawful to transport any firearm, including a muzzle loading firearm, in a motor vehicle or airplane or snowmobile, unless (1) the firearm is unloaded in both barrels and magazine and contained in a gun case expressly made for that purpose which is fully enclosed by being zipped, snapped, buckled, tied, or otherwise fastened, with no portion of the firearm exposed, or (2) the firearm is unloaded and in the trunk of a car with the trunk door closed. It is also unlawful to transport a bow and arrow in a motor vehicle, airplane, or snowmobile unless (1) unstrung, (2) completely contained in a case, or (3) contained in the trunk of the car with the trunk door closed. A muzzle loading firearm with a flintlock ignition is fully unloaded if it has no priming powder in any pan and a muzzle loading firearm with percussion ignition is fully unloaded if it has no percussion cap on any nipple. Subject to the requirements of subdivision 17, migratory waterfowl may be taken from a floating craft including those propelled by motor, sail and wind, or both, if the motor is shut off and the sails are furled, the progress of the craft caused by such propulsion has ceased, and the craft is drifting, beached, moored, resting at anchor, or is being propelled by paddle, oars, or pole.

Subd. 6. It shall be unlawful to hunt protected wild animals with a firearm or bow and arrows while visibly intoxicated, under the influence of narcotics, or if a habitual user of narcotics.

NOTE: See section 97.55, subdivision 10.

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, to hunt with any bow drawn, held, or released by a mechanical device, except as authorized by a permit issued pursuant to section 98.48, subdivision 16, 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 high carbon 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.

Subd. 8. It shall be unlawful to hunt or trap, or assist therein, in any territory open for the taking of deer with the use of firearms, during such open season, unless the visible portion of the hunter's or trapper's cap and outer garments, above the waist excluding sleeves if any and excluding gloves, shall be bright red or blaze orange or covered therewith.

Subd. 9. A firearm or ammunition may be used to take big game if it meets the following requirements:

(1) Handguns, rifles, shotguns and all projectiles used therein shall be at least 23/100ths of an inch in caliber;

(2) All firearms shall be loaded only with ammunition containing single projectiles;

(3) All projectiles shall be of a soft point or an expanding bullet type;

(4) All ammunition shall have a case length of at least 1.285 inches; and

(5) Muzzleloaders must be incapable of being loaded at the breech. Smooth-bore muzzleloaders shall be at least .45 caliber and rifled muzzleloaders shall be at least .40 caliber.

It is unlawful to take big game with a .30 caliber M-1 carbine cartridge or with any other firearm or ammunition which does not meet the requirements provided in clauses (1) to (5).

Subd. 10. It shall be unlawful to throw or cast the rays of a spotlight, headlight, or other artificial light on any highway, or in any field, woodland, or forest, for the purpose of spotting, locating or taking any wild animal, while having in possession or under control, either singly or as one of a group of persons, any firearm, bow or other implement whereby big game could be killed, unless the firearm is unloaded in both barrels and magazine and completely contained in a gun case expressly made for that purpose which is fully enclosed by being zipped, snapped, buckled, tied, or otherwise fastened with no portion of the firearm exposed, and, as so enclosed, the firearm is contained in the trunk of the car with the trunk door closed and in the case of a bow, unless the same is completely encased or unstrung and, as so encased or unstrung, the bow is contained in the trunk of the car with the trunk door closed; provided, however, that if the vehicle has no trunk, the firearm or bow must be placed in the rearmost location in the vehicle. Raccoons may be taken between the hours of sunset and sunrise only under the following conditions:

(a) Hunters shall be on foot and may use an artificial light only when using dogs for the purpose of taking raccoon.

(b) Rifles, when used, shall not be of a caliber larger than .22 rim-fire, using .22 short, long or long rifle ammunition.

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(c) Shotguns, when used, shall use shells with shot no larger than No. 4 fine shot.

Subd. 11. It shall be unlawful to knowingly transport, either singly or as one of a group of persons, any big game animal taken in violation of chapters 97 to 102 or fur bearing animal or raw fur illegally purchased.

NOTE: See section 97.55, subdivision 9.

Subd. 12. It shall be unlawful to take deer with the aid of any snare, trap, set gun or swivel gun.

Subd. 13. It shall be unlawful to take wolves, bobcat, lynx, fox, or bear with the aid of any snare, except under a permit from the commissioner and under such regulations as he shall prescribe.

Subd. 14. It shall be unlawful to take deer or moose from any artificial scaffold, platform, or other construction higher than nine feet above the ground, or to take any big game animal or timber wolf with the aid of dogs or horses. The height restrictions in this subdivision shall not apply to portable stands that are chained, belted, clamped, or tied with rope.

Subd. 15. It shall be unlawful to take any raccoon in any manner in a den or hollow tree or cut down any tree inhabited or occupied by raccoon; or to set any trap for raccoon in any muskrat runway; or to set fire to any tree or use smoke to take raccoons or squirrels.

Subd. 16. It shall be unlawful to trap, net or snare any protected birds, or to use any bird lime, swivel or set gun, for taking such birds; to flush protected birds by dragging a rope, wire, or other instrumentality across a field inhabited by them.

Subd. 17. It shall be unlawful to take migratory waterfowl, coots, and rails in open water when the hunter is not within a natural growth of weeds, rushes, flags or other vegetation sufficient to partially conceal the hunter or boat, or from a permanent artificial blind or sink box built in public waters, provided pursuing or shooting wounded birds in open water in a boat or canoe is permitted.

Subd. 18. Except as provided in this subdivision, it shall be unlawful to place decoys or erect blinds in public waters or on public lands more than one hour before the open season for waterfowl or, thereafter, to place decoys in any public waters or on public lands more than one hour before sunrise each day of the open waterfowl season. During the open season for waterfowl it shall be unlawful to leave decoys, or an unattended boat used for hunting waterfowl, in public waters between sunset and one hour before sunrise unless the decoys or boat are adjacent to private lands under the control of the hunter and there is not a natural growth of weeds, rushes, flags, or other vegetation growing in water sufficient to partially conceal a hunter or a boat. It shall be unlawful at all times of the year to leave decoys in public waters between sunset and one hour before sunrise if the decoys constitute a navigational hazard.

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.

Subd. 20. Hunting dogs may not be taken afield for the purpose of training between April 16 and July 14, and no person taking a dog afield for training purposes except in open season for game birds, who carries any firearms, shall have any cartridges or shells, except blanks, on his person.

Subd. 21. [Repealed, 1978 c 794 s 3]

Subd. 22. [Repealed, 1978 c 794 s 3]



Subd. 23. It shall be unlawful to take protected wild animals with the aid of ferrets.

Subd. 24. It shall be unlawful to destroy or molest the burrow or den of any wild animal between November 1 and April 1 without a permit.

Subd. 25. It shall be unlawful to tend any trap set for wild animals between the hours of 6:00 p.m. and 6:00 a.m.

Subd. 26. Except as expressly permitted by the commissioner, it is unlawful to take any species of protected quadrupeds or birds with a crossbow, or to have a crossbow in possession out of doors or in a motor vehicle in any territory which is open at the time for taking any such quadrupeds or birds, or in any territory where there is an open season for taking deer with firearms for ten days preceding and five days succeeding such season, unless the crossbow is unstrung and contained in a case or in the trunk of a motor vehicle with the door closed.

Subd. 27. It is unlawful to send or receive any message by radio from any aircraft or motor vehicle or by means of any portable radio for the purpose of assisting in or facilitating the taking of any wild animal, unless all such radio and walkie-talkie equipment is registered with the commissioner of natural resources and a permit for use of such equipment is issued to the applicant to take unprotected animals. Upon justified complaint as to the misconduct of a permit holder in their hunting activities, to the commissioner of natural resources, the commissioner shall immediately cancel the permit and demand that it be surrendered to the department of natural resources.

Subd. 28. It shall be unlawful to use a motor propelled vehicle of any kind to intentionally drive or intentionally attempt to drive or chase deer while in the process of taking deer.

Subd. 29. It shall be unlawful to use any motor propelled vehicle to intentionally drive, chase, run over, kill, or otherwise take any protected wild animal.

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 in any county to transport or check beaver or otter traps, or to transport beaver or otter carcasses or pelts.

Subd. 31. Any person placing bait for bear shall display a tag as prescribed by the commissioner at each site where bait is placed and register the location of the bait in a manner prescribed by the commissioner. It shall be unlawful to take bear by using solid waste containing bottles, cans, plastic, paper, metal or any other materials that are not readily biodegradable as a bait or a lure for the purpose of attracting the bear.

Subd. 32. It shall be unlawful to take or attempt to take any bird by setting or operating a steel jaw leg-hold trap mounted on a pole, post, tree stump, or any other elevated perch more than three feet above the ground; provided that nothing contained herein shall prohibit the taking of the great horned owl from April 1 to October 15 inclusively, by means of a padded jaw trap as prescribed by the commissioner, mounted at any height which is constructed and set so that the trapped owl may rest on the ground, by a person who is licensed to operate a

private game farm pursuant to section 99.27 and who also possesses a permit to take this bird issued by federal authorities pursuant to 16 U.S.C. 704; provided further that uninjured birds shall be released alive and that injured birds receive appropriate veterinary treatment.

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.

**History:** 1945 c 248 s 4; 1947 c 609 s 23; 1949 c 150 s 31; 1951 c 30 s 1; 1951 c 380 s 1; 1951 c 458 s 1; 1953 c 31 s 1; 1953 c 375 s 1; 1955 c 26 s 1; 1955 c 119 s 1; 1955 c 502 s 1; 1955 c 560 s 1; 1955 c 562 s 1; 1955 c 589 s 1; 1955 c 755 s 1; 1955 c 779 s 1; 1957 c 598 s 1; 1957 c 683 s 1; 1959 c 95 s 1; 1959 c 260 s 1; 1961 c 104 s 2; 1961 c 409 s 1,2; 1963 c 47 s 1; 1965 c 449 s 1; 1965 c 481 s 3; 1967 c 375 s 1; 1967 c 612 s 1,2; 1967 c 905 s 9; 1969 c 330 s 1,2; 1969 c 469 s 1; 1969 c 779 s 1; 1969 c 887 s 2; 1969 c 1129 art 10 s 2; 1971 c 453 s 1,2; 1971 c 607 s 12,13; 1971 c 840 s 1; 1974 c 465 s 5; 1974 c 484 s 1,2; 1975 c 298 s 1; 1976 c 16 s 11; 1976 c 128 s 1,2; 1976 c 133 s 1; 1976 c 246 s 1; 1977 c 93 s 1; 1977 c 252 s 1; 1977 c 310 s 15; 1978 c 547 s 9; 1979 c 73 s 2; 1979 c 298 s 4-6; 1980 c 394 s 1; 1980 c 474 s 1; 1980 c 571 s 13,15; 1980 c 576 s 1-3; 1982 c 462 s 6,7; 1982 c 487 s 1; 1982 c 543 s 10,11,19; 1982 c 552 s 2

#### 100.295 SETTING OF TRAPS IN CERTAIN AREAS.

The setting of any trap within 150 feet of any stream, lake, or navigable water, within 30 days prior to the open season for trapping mink and muskrat is hereby prohibited except by special permit issued by the commissioner.

**History:** 1955 c 786 s 1

#### 100.30 POSSESSION, SALE, TRANSPORTATION.

The skins of all fur bearing animals, the hides of bear, deer or moose, the claws of bear, and the flesh of beaver, muskrat, raccoon, rabbits and hares, legally taken and bearing such seals or tags as may be required by chapters 97 to 102, may be bought, sold, and transported at any time, provided the flesh of animals enumerated herein, except muskrats, shall not be transported outside of the state of Minnesota.

**History:** 1945 c 248 s 4; 1949 c 150 s 32; 1980 c 571 s 16

#### 100.303 PELTS, SKINS, OR HIDES TAKEN ON INDIAN RESERVATIONS.

The pelts of fur bearing animals and the skins or hides of other protected wild animals taken on any Indian reservation in this state, except the Fond du Lac reservation of the Chippewa Indian tribe, may be transported, sold, or otherwise disposed of under such rules, regulations, and conditions as the commissioner of natural resources may prescribe.

**History:** 1951 c 178 s 1; 1969 c 1129 art 10 s 2

#### 100.31 FIREARMS, BOWS AND ARROWS; DISCHARGE ON HIGHWAYS.

No person shall discharge any firearm or bow and arrow upon, over, or across any improved public highway at any big game animal, or while such person is within the limits of the right-of-way of any improved public highway.

**History:** 1949 c 635 s 1; 1955 c 492 s 1

**PRIVATE SHOOTING PRESERVES****100.32 PRIVATE SHOOTING PRESERVES, LICENSING.**

The commissioner of natural resources is authorized and empowered to issue operating licenses or permits for shooting preserves, which shall be privately owned and operated, provided that the establishment of the preserve is determined by the commissioner to be in the public interest, and provided it be operated in accordance with the provisions hereof and subject to such rules and regulations as may be reasonably necessary to carry out the purposes of sections 100.32 to 100.37.

**History:** 1963 c 238 s 1; 1969 c 1129 art 10 s 2

**100.33 GAME AVAILABLE.**

Game which may be released and hunted upon a licensed preserve shall be confined to pheasant, quail, chukar partridge, turkey, mallard, and black duck which have been pen hatched and raised, and such other pen hatched and raised species as the commissioner may add from time to time.

**History:** 1963 c 238 s 2

**100.34 SIZE OF PRESERVE; POSTING OF BOUNDARIES.**

Subdivision 1. [Repealed, 1973 c 162 s 3]

Subd. 2. [Repealed, 1973 c 162 s 3]

Subd. 3. Each preserve shall contain a minimum of 100, but not more than 1,000 contiguous acres, including water area if any. Preserves confined to the releasing of ducks only may be licensed upon a minimum of 50 contiguous acres, including water area.

Subd. 4. The boundaries of licensed preserves shall be clearly posted in such manner as shall be prescribed in the rules and regulations of the commissioner.

**History:** 1963 c 238 s 3; 1973 c 162 s 1,2

**100.35 LICENSE OR PERMIT; HUNTERS' LICENSES; TAGS; RECORDS; LIMITS.**

Subdivision 1. The fee for a shooting preserve license or permit shall be \$75.

Subd. 2. The license or permit shall specify the species which may be released and taken upon the preserve.

Subd. 3. Each person hunting on any preserve shall have a hunting license as required by law for the hunting of game birds, provided that nonresidents who do not have a small game nonresident hunting license may obtain a special shooting preserve license to be issued by the state, good for the entire preserve season, to be issued at a fee identical with a small game resident hunting license.

Subd. 4. Each preserve operator may determine the persons permitted to hunt upon the preserve. Shooting preserve operators may establish their own shooting limitations and restrictions on the age, sex, and number of each species that may be taken by each person, together with the charge therefor, and regulations relative to shooting hours, provided that no such limitations or restrictions shall conflict herewith or with any authorized regulation of the commissioner.

Subd. 5. All harvested game except ducks which are marked in accordance with regulations of the United States fish and wildlife service shall be tagged with a self-sealing tag to be issued by the department at a cost of 15 cents. The tags shall be so numbered or otherwise identified that each preserve using them can be

identified and the tag shall be maintained on each bird shot until either consumed on the premises or if removed therefrom, until actually prepared for consumption.

Subd. 6. Each shooting preserve operator shall maintain a registration book listing the names, addresses, and hunting license numbers of all shooters, the date on which they hunted, the amount and species of game taken, and the tag numbers affixed to each carcass. An accurate record likewise must be maintained of the total number, by species, of game raised, purchased and released, and the date and number of all species released. These records shall be open to inspection by a representative of the department of natural resources at all reasonable times.

Subd. 7. The commissioner shall provide by reasonable rules and regulations the minimum number of each species, authorized to be taken upon the preserve, which shall be released, and the percentage of such species which shall be permitted to be taken. He shall prescribe reasonable regulations for marking or identifying the birds to be released.

**History:** 1963 c 238 s 4; 1969 c 1129 art 10 s 2; 1981 c 356 s 310,311

### 100.36 SEASON UPON PRESERVES.

The season for shooting upon licensed preserves shall be from September 1 until the succeeding March 31 in the discretion of the licensee, unless the commissioner, after a public hearing upon a protest, shall determine that the season shall be curtailed because of danger to the population of wild game birds.

**History:** 1963 c 238 s 5

### 100.37 REVOCATION OF LICENSE OR PERMIT.

The commissioner of natural resources may revoke any shooting preserve license or permit issued under the authority of sections 100.32 to 100.37 when the licensee or persons he has authorized to hunt on the area shall have been convicted of a violation of any of the provisions of sections 100.32 to 100.37. After such revocation, a new license or permit may be issued if in the discretion of the natural resources department the circumstances warrant.

**History:** 1963 c 238 s 6; 1969 c 1129 art 10 s 2