

## CHAPTER 88

## DIVISION OF LANDS AND FORESTRY

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**88.641 DEFINITIONS.**

Subdivision 1. For the purposes of sections 88.641 to 88.648 the following words, terms and phrases shall have the meanings herein given, unless otherwise specifically defined, or unless another intention clearly appears or the context otherwise requires.

*[For text of subd 2, see M.S.1982]*

Subd. 3. *[Repealed, 1983 c 133 s 5]*

*[For text of subd 5, see M.S.1982]*

**History:** 1983 c 133 s 1

**88.642 DECORATIVE TREES; CUTTING, REMOVAL OF; TRANSPORTATION; PROHIBITIONS; EXCEPTIONS.**

No person shall cut, remove, or transport for decorative purposes or for sale in natural condition and untrimmed, more than three decorative trees as defined herein, without the written consent of or a bill of sale provided by the owner of the land on which the same are grown and whether such land be publicly or privately owned. The written consent shall be on a form furnished and approved by the department of natural resources, and shall contain the legal description of the land where the decorative trees were cut, as well as the name of the legal owner, or his duly authorized agent or agents, thereof. The written consent or bill of sale, or a copy thereof certified as a true copy by the person to whom the consent was given or sale made, or by the county recorder of the county in which the land is situated, if recorded in his office, shall be carried by every person cutting, removing, or transporting any decorative trees, untrimmed or in their natural condition, or in any way aiding therein, and shall be exhibited to any officer of the law, forest ranger, forest patrolman, conservation officer, or other officer of the department of natural resources, at his request at any time. Any officer shall have power to inspect any decorative trees when being transported in any vehicle or other means of conveyance or by common carrier, to make an investigation with reference thereto as may be necessary to determine whether or not the provisions of sections 88.641 to 88.648 have been complied with, to stop any vehicle or other means of conveyance found carrying decorative trees upon any public highways of this state, for the purpose of making an inspection and investigation, and to seize and hold subject to the order of the court any decorative trees found being cut, removed, or transported in violation of any provision of sections 88.641 to 88.648. No common carrier or agent thereof shall receive for shipment or transportation any decorative trees unless the consignor, whose name and address shall be recorded, exhibits at the time of consignment the written consent, bill of sale, or certified

copy thereof herein provided for. Failure to so exhibit a written consent or bill of sale shall be prima facie evidence that no consent was given or exists.

**History:** 1983 c 133 s 2

**88.643** [Repealed, 1983 c 133 s 5]

**88.644 CONSENT OR BILL OF SALE TO BE CARRIED WHEN TRANSPORTING TREES; RECORDS.**

Any person having in his possession more than three decorative trees, and any person transporting the same, on any public highway in this state shall carry in his possession the written consent or bill of sale referred to in section 88.642.

The consent or bill of sale, or an original duplicate or certified copy thereof, shall be kept in the possession of the vendee named therein until January 31st of the year following the date thereof and shall be open to inspection during reasonable hours to any officer of the department of natural resources.

Failure to comply with any of the requirements of this section constitutes a violation of sections 88.641 to 88.649 and subjects the decorative trees not covered by a consent or bill of sale to seizure and confiscation by the state as contraband in addition to the other penalties provided for violation thereof.

The provisions of this section shall not apply to decorative trees in the possession of or being transported by any properly authorized federal, state, or local government official for a legitimate public purpose.

**History:** 1983 c 133 s 3

**88.645 ENFORCEMENT.**

Subdivision 1. **Search warrants.** Any court having authority to issue warrants in criminal cases may issue a search warrant, in the manner provided by law for issuing search warrants for stolen property, to search for and seize any trees alleged upon sufficient grounds to have been affected by or involved in any offense under sections 88.641 to 88.647. The warrant may be directed to and executed by any officer authorized to make arrests and seizures by sections 88.641 to 88.647.

Subd. 2. **Complaint.** Any officer having knowledge of any offense under sections 88.641 to 88.647 shall forthwith make complaint against the offender before a court having jurisdiction of the offense and request the court to issue a warrant of arrest in the case.

**History:** 1983 c 359 s 3

**88.646** [Repealed, 1983 c 133 s 5]

**88.648 FALSE STATEMENT; MISDEMEANOR.**

Any person who makes any false statement in any application, form, or other statement for the purpose of obtaining any written consent or bill of sale as described in sections 88.641 to 88.644 is guilty of a misdemeanor.

Except as otherwise provided in this subdivision, any person who violates any provision of sections 88.641 to 88.647, is guilty of a misdemeanor.

**History:** 1983 c 133 s 4

**88.649** [Repealed, 1983 c 133 s 5]

**88.78 APPEALS.**

No appeal shall be allowed from a judgment in any prosecution under sections 88.03 to 88.22, unless the person appealing shall, within the time prescribed by law, enter into a recognizance, with sufficient sureties, or deposit cash bail in twice the amount of the fine and costs.

The judge may examine the proposed sureties under oath. He shall make and keep a record of their answers in respect to the kinds and amount of their property not exempt from execution. He shall furnish a copy of the record to the director.

When an arrest is made for violation of any of the provisions of sections 88.03 to 88.22, or when information of a violation is lodged with him, the county attorney of the county in which the offense was committed shall prosecute the accused.

**History:** 1983 c 247 s 40