

## CHAPTER 97B

## HUNTING

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HUNTING RESTRICTIONS  
AND REQUIREMENTS

## 97B.001 TRESPASS.

Subdivision 1. **Agricultural land definition.** For purposes of this section, "agricultural land" means land:

- (1) that is plowed or tilled;
- (2) that has standing crops or crop residues; or

(3) within a maintained fence for enclosing domestic livestock.

**Subd. 2. Permission required to enter agricultural land to hunt or operate vehicles.** Except as provided in subdivisions 5 and 6, a person may not enter agricultural land to hunt or operate a motor vehicle for pleasure purposes, unless the person obtains permission of the owner, occupant, or lessee.

**Subd. 3. Entering land prohibited after notice.** Except as provided in subdivision 6, a person may not enter any land to take a wild animal after being notified not to do so orally by the owner, occupant, or lessee.

**Subd. 4. Entering posted land prohibited; signs.** (a) Except as provided in subdivision 6, a person may not enter any land that is posted under this subdivision to take a wild animal unless the person has obtained the permission of the owner, occupant, or lessee.

(b) The owner, occupant, or lessee of private land, or an authorized manager of public land may prohibit unauthorized hunting, trapping, fishing, or trespassing on the land by posting signs that:

- (1) display letters at least two inches high;
- (2) are signed by the owner, occupant, lessee, or authorized manager; and
- (3) are at intervals of 1,000 feet or less along the boundary of the area, or in a wooded area where boundary lines are not clear, at intervals of 500 feet or less.

(c) A person may not erect a sign that states "no hunting," "no trapping," "no fishing," "no trespassing," or another sign that prohibits trespass on land or water where the person does not have a property right, title, or interest to use the land.

**Subd. 5. Retrieving wounded game from agricultural land.** Except as provided in subdivision 3, a hunter, on foot, may retrieve wounded game, during the open season for the game, from agricultural land that is not posted under subdivision 4, without permission of the landowner. The hunter must leave the land immediately after retrieving the wounded game.

**Subd. 6. Retrieving dogs from private land.** A person may, without permission of the landowner, enter private land on foot to retrieve a dog that has treed or is at bay with a raccoon, bobcat, coyote, or fox. After retrieving the dog, the person must immediately leave the premises.

**Subd. 7. Taking with firearms in certain areas.** (a) A person may not take a wild animal with a firearm within 500 feet of a building occupied by a human or livestock without the written permission of the owner or occupant:

- (1) on another person's private agricultural land; or
- (2) on a public right-of-way.

(b) A person may not take a wild animal with a firearm without the permission of the owner within 500 feet of a stockade or corral containing livestock.

(c) A person may not take a wild animal with a firearm on land other than agricultural land within 200 feet of a building occupied by a human without the oral permission of the owner or occupant of the building.

**Subd. 8. Destruction of property; gate closing.** A person may not:

- (1) wound or kill another person's domestic animal;
- (2) destroy, cut, or tear down another person's fence, building, grain, crops, live tree, or sign erected under subdivision 4; or
- (3) pass through another person's closed gate without returning the gate to its original position.

**History:** 1986 c 386 art 2 s 1; 1987 c 149 art 1 s 40-42

## 97B.005 TRAINING DOGS.

**Subdivision 1. Field training; permit required for certain period.** A person may not train hunting dogs afield from April 16 to July 14 except by special permit. The commissioner may issue a special permit, without a fee, to train hunting dogs afield on land

owned by the trainer or on land that the owner provides written permission. The written permission must be carried in personal possession of the trainer while training the dogs.

**Subd. 2. Restriction on ammunition while training.** A person that is training a dog afield and carrying a firearm may only have blank cartridges and shells in personal possession when the season is not open for any game bird.

**Subd. 3. Permits for organizations to use game birds and firearms.** The commissioner may issue special permits, without a fee, to organizations to use firearms and live ammunition on domesticated birds or banded game birds from game farms for holding field trials and training retrieving dogs.

**Subd. 4. Use of raccoons.** The commissioner may issue special permits, without a fee, to possess one raccoon to train dogs for raccoon hunting.

*History: 1986 c 386 art 2 s 2*

### **97B.011 DOGS PURSUING BIG GAME.**

A dog that is known to have killed or is observed wounding, killing, or pursuing in a manner that endangers big game may be killed by a peace officer or conservation officer, or, between January 1 and July 14, by any person. The officer or person is not liable for damages for killing the dog.

*History: 1986 c 386 art 2 s 3*

### **97B.015 FIREARMS SAFETY AND WILDLIFE IDENTIFICATION COURSE.**

**Subdivision 1. Establishment.** The commissioner shall make rules establishing a statewide course in the safe use of firearms and identification of wild mammals and birds. At least one course must be held within the boundary of each school district. The courses must be conducted by the commissioner in cooperation with other organizations. The courses must instruct youths in commonly accepted principles of safety in hunting and handling common hunting firearms and identification of various species of wild mammals and birds by sight and other unique characteristics.

**Subd. 2. Administration, supervision, and enforcement.** (a) The commissioner shall appoint a qualified person from the enforcement division under civil service rules as supervisor of hunting safety and prescribe the duties and responsibilities of the position. The commissioner shall determine and provide the enforcement division with the necessary personnel for this section.

(b) The commissioner may appoint one or more county directors of hunting safety in each county. An appointed county director is responsible to the enforcement division. The enforcement division may appoint instructors necessary for this section. County directors and instructors shall serve on a voluntary basis without compensation. The enforcement division must supply the materials necessary for the course.

**Subd. 3. Liability insurance.** The commissioner shall obtain insurance to cover all liability incurred by the county directors and instructors for bodily injury, death, and property damage in the performance of their duties under this section.

**Subd. 4. Student fee.** To defray the expense of the course, the enforcement division shall collect a fee not to exceed \$5 from each person that takes the firearm safety course.

**Subd. 5. Firearms safety certificate.** The commissioner shall issue a firearms safety certificate to a person that satisfactorily completes the required course of instruction. A certificate may not be issued to a person under age 12. A person that is age 11 may take the firearms safety course and may receive a firearms safety certificate at age 12. The form and content of the firearms safety certificate shall be prescribed by the commissioner.

*History: 1986 c 386 art 2 s 4; 1989 c 45 s 1*

### **97B.021 POSSESSION OF FIREARMS BY PERSONS UNDER AGE 16.**

**Subdivision 1. Restrictions.** (a) Except as provided in this subdivision, a person

under the age of 16 may not possess a firearm, unless accompanied by a parent or guardian.

(b) A person under age 16 may possess a firearm without being accompanied by a parent or guardian:

(1) on land owned by, or occupied as the principal residence of, the person or the person's parent or guardian;

(2) while participating in an organized target shooting program with adult supervision;

(3) while the person is participating in a firearms safety program or traveling to and from class; or

(4) if the person is age 14 or 15 and has a firearms safety certificate.

(c) For purposes of this section a guardian is a legal guardian or a person age 18 or older that has been authorized by the parent or legal guardian to supervise the person under age 16.

**Subd. 2. Seizure of unlawfully possessed firearms.** A law enforcement officer shall seize a firearm used in violation of this section. The officer must tag the seized firearm with the name and address of the person from whom it was taken and give the person a receipt. The firearm shall be placed in the custody of the conservation officer in charge of the area where the seizure was made.

**Subd. 3. Return or forfeiture of seized firearms.** A firearm seized under this section must be returned to the person from whom it was seized when the person presents a firearms safety certificate to the conservation officer. The person must present the certificate within 90 days after the beginning of the first firearms training course in the county after the firearm was seized. If the person does not present a certificate, the firearm is contraband and forfeited to the state, and shall be disposed of as prescribed by the commissioner.

*History: 1986 c 386 art 2 s 5*

#### **97B.025 ADVANCED HUNTER EDUCATION.**

The commissioner may establish advanced education courses for hunters and trappers. The commissioner, with the approval of the commissioner of finance, may impose a fee not to exceed \$10 for each person attending an advanced education course. The commissioner shall establish the fee under section 16A.128.

*History: 1986 c 386 art 2 s 6*

#### **97B.031 USE AND POSSESSION OF FIREARMS.**

**Subdivision 1. Firearms and ammunition that may be used to take big game.** (a) A person may take big game with a firearm only if:

(1) the rifle, shotgun, and handgun used is a caliber of at least .23 inches;

(2) the firearm is loaded only with single projectile ammunition;

(3) a projectile used is a caliber of at least .23 inches and has a soft point or is an expanding bullet type;

(4) the ammunition has a case length of at least 1.285 inches;

(5) the muzzle-loader used is incapable of being loaded at the breech;

(6) the smooth-bore muzzle-loader used is a caliber of at least .45 inches; and

(7) the rifled muzzle-loader used is a caliber of at least .40 inches.

(b) A person may not take big game with a .30 caliber M-1 carbine cartridge.

(c) Notwithstanding paragraph (a), clause (4), a person may take big game with a ten millimeter cartridge that is at least 0.95 inches in length.

**Subd. 2. Handguns for small game.** A person may take small game with a handgun of any caliber in a manner prescribed by the commissioner.

**Subd. 3. Firearms larger than ten gauge prohibited.** A person may not use a firearm with a bore larger than a ten gauge to take a protected wild animal.

Subd. 4. **Silencers prohibited.** A person may not own or possess a silencer for a firearm or a firearm equipped to have a silencer attached.

**History:** 1986 c 386 art 2 s 7; 1989 c 153 s 1; 1989 c 287 s 7

#### 97B.035 RESTRICTIONS ON ARCHERY EQUIPMENT.

Subdivision 1. **Hunting with bows released by mechanical devices.** (a) A person may not hunt with a bow drawn, held, or released by a mechanical device, except with a disabled hunter permit issued under section 97B.106 or as provided in paragraph (b).

(b) A person may use a mechanical device attached to the bowstring if the person's own strength draws, holds, and releases the bowstring.

Subd. 2. **Possession of crossbows.** A person may not possess a crossbow outdoors or in a motor vehicle during the open season for any game, unless the crossbow is unstrung, and in a case or in a closed trunk of a motor vehicle.

Subd. 3. **Poisoned and explosive arrows.** A person may not hunt with an arrow that is poisoned or has an explosive tip.

**History:** 1986 c 386 art 2 s 8; 1987 c 170 s 1; 1989 c 209 art 2 s 1

#### 97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.

A person may not possess a firearm or ammunition outdoors during the period beginning the tenth day before the open firearms season and ending the second day after the close of the season within an area where deer may be taken by a firearm, except:

(1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area may be used to take big game in that area if the person has a valid big game license in possession;

(2) an unloaded firearm that is in a case or in a closed trunk of a motor vehicle;

(3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot or steel shot;

(4) a handgun or rifle and only short, long, and long rifle cartridges that are caliber of .22 inches;

(5) handguns possessed by a person authorized to carry a handgun under sections 624.714 and 624.715 for the purpose authorized; and

(6) on a target range operated under a permit from the commissioner.

**History:** 1986 c 386 art 2 s 9; 1987 c 149 art 1 s 43

#### 97B.045 TRANSPORTATION OF FIREARMS.

A person may not transport a firearm in a motor vehicle unless the firearm is:

(1) unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed;

(2) unloaded and in the closed trunk of a motor vehicle; or

(3) a handgun carried in compliance with sections 624.714 and 624.715.

**History:** 1986 c 386 art 2 s 10

#### 97B.051 TRANSPORTATION OF ARCHERY BOWS.

A person may not transport an archery bow in a motor vehicle unless the bow is:

(1) unstrung;

(2) completely contained in a case; or

(3) in the closed trunk of a motor vehicle.

**History:** 1986 c 386 art 2 s 11

**97B.055 DISCHARGING FIREARMS AND BOWS AND ARROWS.**

Subdivision 1. **Restrictions related to highways.** (a) A person may not discharge a firearm or an arrow from a bow on, over, or across an improved public highway at a big game animal. A person may not discharge a firearm or bow and arrow within the right-of-way of an improved public highway at a big game animal. The commissioner may by order extend the application of this subdivision to the taking of migratory waterfowl in designated locations.

(b) A person may not discharge a firearm or an arrow from a bow on, over, across, or within the right-of-way of an improved public highway at a decoy of a big game animal that has been set out by a licensed peace officer.

Subd. 2. **Restrictions related to motor vehicle.** A person may not take a wild animal with a firearm or by archery from a motor vehicle except as permitted in this section.

Subd. 3. **Hunting from vehicle by disabled hunters.** The commissioner may issue a special permit, without a fee, to discharge a firearm or bow and arrow from a stationary motor vehicle to a licensed hunter that is physically unable to walk with or without crutches, braces, or other mechanical support. A person with a temporary disability may be issued an annual permit and a person with a permanent disability may be issued a permanent permit.

Subd. 4. **Taking bounty animals from airplanes and snowmobiles.** The commissioner may issue a special permit, without fee, to take animals that the state pays a bounty for, from an airplane or a snowmobile.

*History: 1986 c 386 art 2 s 12; 1990 c 558 s 2*

**97B.061 REPORTS AND RECORDS.**

If requested by the commissioner, a person who has taken game must submit a report to the commissioner on a furnished form before March 15, stating the number and kind of each game animal taken during the preceding license year.

*History: 1986 c 386 art 2 s 13; 1987 c 149 art 1 s 44*

**97B.065 HUNTING WHILE UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE.**

A person may not take protected wild animals with a firearm or by archery while under the influence of alcohol or a controlled substance.

*History: 1986 c 386 art 2 s 14; 1987 c 149 art 1 s 45*

**97B.071 RED OR BLAZE ORANGE REQUIREMENTS.**

A person may not hunt or trap during the open season in a zone or area where deer may be taken by firearms, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is bright red or blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square.

*History: 1986 c 386 art 2 s 15*

**97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.**

A person may not take protected wild animals, except raccoon and fox, with a firearm or by archery between the evening and morning times established by commissioner's order.

*History: 1986 c 386 art 2 s 16*

**97B.081 USING ARTIFICIAL LIGHTS TO LOCATE ANIMALS.**

Subdivision 1. **With firearms and bows.** (a) A person may not cast the rays of a spotlight, headlight, or other artificial light on a highway, or in a field, woodland, or forest, to spot, locate, or take a wild animal, except while taking raccoons in accordance with section 97B.621, subdivision 3, or tending traps in accordance with section 97B.931,

while having in possession, either individually or as one of a group of persons, a firearm, bow, or other implement that could be used to kill big game.

(b) This subdivision does not apply to a firearm that is:

(1) unloaded;

(2) in a gun case expressly made to contain a firearm that fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of the firearm exposed; and

(3) in the closed trunk of a motor vehicle.

(c) This subdivision does not apply to a bow that is:

(1) completely encased or unstrung; and

(2) in the closed trunk of a motor vehicle.

(d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm or bow must be placed in the rearmost location of the vehicle.

(e) This subdivision does not apply to persons taking raccoons under section 97B.621, subdivision 3.

**Subd. 2. Without firearms.** Between the hours of 10:00 p.m. and 6:00 a.m. from September 1 to December 31, a person may not cast the rays of a spotlight, headlight, or other artificial light in a field, woodland, or forest to spot, locate, or take a wild animal except to take raccoons under section 97B.621, subdivision 3, or to tend traps under section 97B.931. It is not a violation of this subdivision for a person to carry out any agricultural, occupational, or recreational practice, including snowmobiling that is not related to spotting, locating, or taking a wild animal.

*History: 1986 c 386 art 2 s 17; 1987 c 131 s 1; 1987 c 149 art 1 s 46*

#### **97B.085 USE OF RADIOS TO TAKE ANIMALS.**

**Subdivision 1. Taking protected animals prohibited.** A person may not use radio equipment to take a protected wild animal.

**Subd. 2. Taking unprotected wild animals; permit required.** A person may not use radio equipment to take unprotected wild animals without a permit. The commissioner may issue a permit to take unprotected animals with radio equipment. The commissioner shall cancel the permit upon receiving a valid complaint of misconduct regarding the permittee's hunting activities.

*History: 1986 c 386 art 2 s 18*

#### **97B.091 USE OF MOTOR VEHICLES TO CHASE WILD ANIMALS PROHIBITED.**

A person may not use a motor vehicle to intentionally drive, chase, run over, kill, or take a wild animal.

*History: 1986 c 386 art 2 s 19*

#### **97B.095 DISTURBING BURROWS AND DENS.**

A person may not disturb the burrow or den of a wild animal between November 1 and April 1 without a permit.

*History: 1986 c 386 art 2 s 20*

#### **97B.101 HUNTING WITH FERRETS PROHIBITED.**

A person may not take a protected wild animal with the aid of a ferret.

*History: 1986 c 386 art 2 s 21*

#### **97B.105 HUNTING BY FALCONRY.**

A person may take a protected wild animal by falconry under rules prescribed by the commissioner.

*History: 1986 c 386 art 2 s 22*

**97B.106 CROSSBOW PERMITS FOR HUNTING.**

The commissioner may issue a special permit, without a fee, to take deer or turkey with a crossbow to a person that is unable to hunt by archery because of a permanent physical disability. The disability, established by medical evidence, and the inability to hunt by archery must be verified in writing by a licensed physician. The person must obtain the appropriate license. The crossbow must:

- (1) be fired from the shoulder;
- (2) deliver at least 42 foot-pounds of energy at a distance of ten feet;
- (3) have a stock at least 30 inches long;
- (4) have a working safety; and
- (5) be used with arrows or bolts at least ten inches long with a broadhead.

**History:** 1988 c 588 s 6

**BIG GAME****97B.201 NO OPEN SEASON FOR CARIBOU OR ANTELOPE.**

There may not be an open season on caribou or antelope.

**History:** 1986 c 386 art 2 s 23; 1987 c 373 s 12

**97B.205 USE OF DOGS AND HORSES TO TAKE BIG GAME PROHIBITED.**

A person may not use a dog or horse to take big game.

**History:** 1986 c 386 art 2 s 24

**97B.211 HUNTING BIG GAME BY ARCHERY.**

Subdivision 1. **Possession of firearms prohibited.** A person may not take big game by archery while in possession of a firearm.

Subd. 2. **Arrowhead requirements.** Arrowheads used for taking big game must be sharp, have a minimum of two metal cutting edges, be of a barbless broadhead design, and must have a diameter of at least seven-eighths inch.

**History:** 1986 c 386 art 2 s 25; 1987 c 183 s 1

**DEER****97B.301 DEER LICENSES AND LIMITS.**

Subdivision 1. **Licenses required.** A person may not take deer without a license. A person must have a firearms deer license to take deer with firearms and an archery deer license to take deer by archery except as provided in this section.

Subd. 2. **Limit of one deer.** Except as provided in subdivisions 3 and 4, a person may obtain one firearms deer license and one archery deer license in the same license year, but may take only one deer.

Subd. 3. **Party hunting.** If two or more persons with licenses to take deer by firearms, or two or more persons with licenses to take deer by archery, are hunting as a party, a member of the party may take more than one deer, but the total number of deer taken by the party may not exceed the number of persons licensed to take deer in the party.

Subd. 4. **Taking two deer.** The commissioner may, by order, allow a person to take two deer. The commissioner shall prescribe the conditions for taking the second deer including:

- (1) taking by firearm or archery;
- (2) obtaining an additional license; and
- (3) payment of a fee not more than the fee for a firearms deer license.

Subd. 5. **Family hunting license.** A resident family license may be issued by the



commissioner. "Family" is defined as a husband, wife, and their children under the age of 18 residing at home. To hunt with a family license, children must be under the age of 18 and enrolled in school. The individual deer limits in subdivision 1 do not apply to the family license. When hunting with a family license, the total limit for the license is one per family member not to exceed four deer.

**History:** 1986 c 386 art 2 s 26; 1987 c 35 s 1; 1989 c 335 art 1 s 125

#### **97B.305 COMMISSIONER MAY LIMIT NUMBER OF DEER HUNTERS.**

The commissioner may limit the number of persons that may hunt deer in an area if it is necessary to prevent an overharvest or improve the distribution of hunters. The commissioner may, by order, establish a method, including a drawing, to impartially select the hunters for an area. The commissioner shall give preference to hunters that have previously applied and have not been selected.

**History:** 1986 c 386 art 2 s 27

#### **97B.311 DEER SEASONS AND RESTRICTIONS.**

The commissioner may, by order, prescribe restrictions and designate areas where deer may be taken. The commissioner may, by order, prescribe the open seasons for deer within the following periods:

- (1) taking with firearms, other than muzzle-loading firearms, between November 1 and December 15;
- (2) taking with muzzle-loading firearms between September 1 and December 31; and
- (3) taking by archery between September 1 and December 31.

**History:** 1986 c 386 art 2 s 28

#### **97B.315 [Repealed, 1988 c 588 s 17]**

#### **97B.321 SNARES, TRAPS, SET GUNS, AND SWIVEL GUNS PROHIBITED.**

A person may not take deer with the aid of a snare, trap, set gun, or swivel gun.

**History:** 1986 c 386 art 2 s 30

#### **97B.325 DEER STAND RESTRICTIONS.**

A person may not take deer from a constructed platform or other structure that is located within the right-of-way of an improved public highway or is higher than 16 feet above the ground. The height restriction does not apply to a portable stand that is chained, belted, clamped, or tied with rope.

**History:** 1986 c 386 art 2 s 31; 1986 c 444; 1988 c 587 s 1; 1990 c 558 s 3

### **BEAR**

#### **97B.401 BEAR LICENSE REQUIRED.**

A person may not take bear without a bear license except as provided in section 97B.415 to protect property.

**History:** 1986 c 386 art 2 s 32

#### **97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.**

The commissioner may limit the number of persons that may hunt bear in an area, if it is necessary to prevent an overharvest or improve the distribution of hunters. The commissioner may establish, by order, a method, including a drawing, to impartially select the hunters for an area. The commissioner shall give preference to hunters that have previously applied and have not been selected.

**History:** 1986 c 386 art 2 s 33

**97B.411 BEAR SEASON AND RESTRICTIONS.**

The commissioner may, by order, prescribe the open season and the areas and restrictions for the taking of bear.

*History: 1986 c 386 art 2 s 34*

**97B.415 TAKING BEAR TO PROTECT PROPERTY.**

A person may take a bear at any time to protect the person's property. The person must report the bear taken to a conservation officer within 48 hours. The bear may be disposed of as prescribed by the commissioner.

*History: 1986 c 386 art 2 s 35*

**97B.421 PERMIT REQUIRED TO SNARE BEARS.**

A person may not use a snare to take a bear except under a permit from the commissioner.

*History: 1986 c 386 art 2 s 36*

**97B.425 BAITING BEARS.**

Notwithstanding section 609.68, a person may place bait to take bear and must display a tag at each site where bait is placed and register the sites. The commissioner shall prescribe the method of tagging and registering the sites. To attract bear a person may not use a bait with:

(1) a carcass from a mammal, if the carcass contains more than 25 percent of the intact carcass;

(2) meat from mammals, if the meat contains bones;

(3) bones of mammals;

(4) solid waste containing bottles, cans, plastic, paper, or metal;

(5) materials that are not readily biodegradable; or

(6) any part of a swine.

*History: 1986 c 386 art 2 s 37; 1988 c 531 s 1; 1988 c 677 s 1*

**97B.431 BEAR HUNTING GUIDES.**

A person may not place bait for bear, or guide hunters to take bear, for compensation without a bear hunting guide license. A bear hunting guide is not required to have a license to take bear unless the guide is attempting to shoot a bear. The commissioner shall adopt rules for qualifications for issuance and administration of the licenses.

*History: 1986 c 386 art 2 s 38*

**MOOSE****97B.501 MOOSE LICENSE REQUIRED.**

A person may not take moose without a moose license.

*History: 1986 c 386 art 2 s 39*

**97B.505 MOOSE SEASON AND RESTRICTIONS.**

The commissioner may, by order, prescribe the open season and the areas and conditions for the taking of moose.

*History: 1986 c 386 art 2 s 40*

**97B.511 MOOSE STAND RESTRICTIONS.**

A person may not take moose from a constructed platform or other structure higher than nine feet above the ground. The restriction does not apply to a portable stand that is chained, belted, clamped, or tied with rope.

*History: 1986 c 386 art 2 s 41; 1986 c 444*

**ELK****97B.515 ELK; LICENSE REQUIRED, SEASONS, RESTRICTIONS.**

Subdivision 1. **License required.** A person may not take an elk without an elk license.

Subd. 2. **Season and restrictions.** The commissioner may, by order, prescribe the open season and the areas and conditions for the taking of elk when the precalving population exceeds 20 animals.

Subd. 3. **Stand restrictions.** A person may not take elk from a constructed platform or other structure higher than nine feet above the ground. The restriction does not apply to a portable stand that is chained, belted, clamped, or tied with rope.

**History:** 1987 c 373 s 13

**97B.516 ELK MANAGEMENT PLAN.**

The commissioner of natural resources must adopt an elk management plan that:

- (1) recognizes the value and uniqueness of elk;
- (2) provides for integrated management of an elk population in harmony with the environment;
- (3) affords optimum recreational opportunities; and
- (4) restricts elk to nonagricultural land in the state.

**History:** 1987 c 373 s 14

**SMALL GAME****97B.601 SMALL GAME LICENSES.**

Subdivision 1. **Requirement.** A person may not take small game without a small game license except as provided in subdivision 4.

Subd. 2. **Trapping small game.** A person may not take small game with traps without a trapping license and a small game license except as provided in subdivision 4.

Subd. 3. **Nonresidents: raccoon, bobcat, fox, coyote, Canada lynx.** A nonresident may not take raccoon, bobcat, fox, coyote, or Canada lynx without a separate license to take that animal in addition to a small game license.

Subd. 4. **Exception to license requirements.** (a) A resident under age 16 may take small game without a small game license, and a resident under age 13 may trap without a trapping license, as provided in section 97A.451, subdivision 3.

(b) A person may take small game without a small game license on land occupied by the person as a principal residence.

(c) An owner or occupant may take certain small game causing damage without a small game or trapping license as provided in section 97B.655.

(d) A person may use dogs to pursue and tree raccoons under section 97B.621, subdivision 2, during the closed season without a license.

**History:** 1986 c 386 art 2 s 42; 1987 c 149 art 1 s 47

**97B.603 SMALL GAME PARTY HUNTING.**

While two or more persons are hunting small game as a party and maintaining unaided visual and vocal contact, a member of the party may take and possess more than one limit of small game, but the total number of small game taken and possessed by the party may not exceed the limit of the number of persons in the party that may take and possess small game. This section does not apply to the hunting of migratory game birds or turkeys.

**History:** 1989 c 153 s 2; 1990 c 605 s 6

**97B.605 COMMISSIONER MAY RESTRICT TAKING OF CERTAIN SMALL GAME ANIMALS.**

The commissioner may prescribe restrictions on and designate areas where gray and fox squirrels, cottontail and jack rabbits, snowshoe hare, raccoon, lynx, bobcat, red fox and gray fox, fisher, pine marten, opossum, and badger may be taken and possessed.

*History: 1986 c 386 art 2 s 43; 1987 c 149 art 1 s 48*

**97B.611 SQUIRRELS.**

**Subdivision 1. Seasons for gray and fox squirrels.** The statewide open season for gray and fox squirrels may be prescribed by the commissioner between October 15 and December 31. The commissioner may prescribe areas with additional open seasons.

**Subd. 2. Fire and smoke prohibited.** A person may not set fire to a tree or use smoke to take squirrels.

*History: 1986 c 386 art 2 s 44*

**97B.615 RABBIT AND HARE SEASON.**

The statewide open season for cottontail, jack rabbits, and snowshoe hare may be prescribed by the commissioner between September 16 and March 1.

*History: 1986 c 386 art 2 s 45*

**97B.621 RACCOONS.**

**Subdivision 1: Season.** The statewide open season for raccoon may be prescribed by the commissioner between October 15 and December 31.

**Subd. 2. Period for treeing raccoons.** Notwithstanding subdivision 1, a person may use dogs to pursue and tree raccoons without killing or capturing the raccoons:

(1) from January 1 to April 15 and from July 15 to October 14; and

(2) from April 16 to July 14 in raccoon dog field trials under special permit issued by the commissioner under section 97B.005, subdivision 1.

**Subd. 3. Nighttime hunting restrictions.** To take raccoons between sunset and sunrise, a person:

(1) must be on foot;

(2) may use an artificial light only if hunting with dogs;

(3) may not use a rifle other than one of a .22 inch caliber with .22 short, long, or long rifle, rimfire ammunition; and

(4) may not use shotgun shells with larger than No. 4 shot.

**Subd. 4. Prohibited methods of taking.** A person may not take a raccoon:

(1) in a den or hollow tree;

(2) by cutting down a tree occupied by raccoon; or

(3) by setting fire to a tree or using smoke.

*History: 1986 c 386 art 2 s 46; 1987 c 81 s 1*

**97B.625 LYNX AND BOBCAT.**

**Subdivision 1. Season.** Based upon population estimates, the commissioner may set the open season for lynx or bobcat.

**Subd. 2. Permit required to snare.** A person may not use a snare to take lynx or bobcat except under a permit from the commissioner.

*History: 1986 c 386 art 2 s 47*

**97B.631 FOX.**

**Subdivision 1. Restrictions on taking.** A person may not remove a fox from a den or trap fox within 300 feet of a fox den from April 1 to August 31.

Subd. 2. **Permit required to snare.** A person may not use a snare to take fox except under a permit from the commissioner.

**History:** 1986 c 386 art 2 s 48

#### **97B.635 FISHER; BADGER; OPOSSUM; AND PINE MARTEN.**

Based upon population estimates, the commissioner may set the open season for fisher, badger, opossum, and pine marten.

**History:** 1986 c 386 art 2 s 49; 1987 c 149 art 1 s 49

#### **97B.641 COUGAR AND WOLVERINE.**

There is no open season for cougar or wolverine.

**History:** 1986 c 386 art 2 s 50

#### **97B.645 WOLVES.**

Subdivision 1. **Use of dogs and horses prohibited.** A person may not use a dog or horse to take a timber wolf.

Subd. 2. **Permit required to snare.** A person may not use a snare to take a wolf except under a permit from the commissioner.

**History:** 1986 c 386 art 2 s 51

#### **97B.651 UNPROTECTED MAMMALS.**

Mammals that are unprotected wild animals may be taken at any time and in any manner, except with artificial lights, or by using a motor vehicle in violation of section 97B.091. Poison may not be used to take unprotected mammals unless the safety of humans and domestic livestock is ensured. Unprotected mammals may be possessed, bought, sold, or transported in any quantity.

**History:** 1986 c 386 art 2 s 52

#### **97B.655 TAKING ANIMALS CAUSING DAMAGE.**

Subdivision 1. **Owners and occupants may take certain animals.** A person may take mink, squirrel, rabbit, hare, raccoon, lynx, bobcat, fox, muskrat, or beaver on land owned or occupied by the person where the animal is causing damage. The person may take the animal without a license and in any manner except by poison, or artificial lights in the closed season. Raccoons may be taken under this subdivision with artificial lights during open season. A person that kills mink, raccoon, lynx, bobcat, fox, muskrat, or beaver under this subdivision must bring the entire animal to a conservation officer or employee of the division within 24 hours after the animal is killed.

Subd. 2. **Special permit for taking protected wild animals.** The commissioner may issue special permits under section 97A.401, subdivision 5, to take protected wild animals that are damaging property.

**History:** 1986 c 386 art 2 s 53; 1987 c 149 art 1 s 50; 1989 c 287 s 5

#### **97B.661 REMOVAL OF BEAVER FROM STATE LANDS.**

The commissioner may remove beaver at state expense from state land if the county board where the land is located adopts a resolution requesting the removal.

**History:** 1986 c 386 art 2 s 54

#### **97B.665 IMPAIRMENT OF DRAINAGE BY BEAVER DAMS.**

Subdivision 1. **Agreement by county board, landowner, and commissioner.** (a) When a drainage watercourse is impaired by a beaver dam, the commissioner shall take action to remove the impairment, if:

- (1) the county board unanimously consents;
- (2) the landowner approves;

- (3) the commissioner agrees; and
- (4) the action is financially feasible.

(b) In a county with unanimous consent of the county board of commissioners and approval of the landowner, the department shall take action agreed to by unanimous consent of the county board, the commissioner, and the landowner. The action may include destruction or alteration of beaver dams and removal of beaver. This subdivision does not apply to state parks, state game refuges, and federal game refuges.

**Subd. 2. Petition to district court.** If a beaver dam causes a threat to personal safety or a serious threat to damage property, and a person cannot obtain consent under subdivision 1, a person may petition the district court for relief. The court may order the commissioner to take action to reduce the threat.

**History:** 1986 c 386 art 2 s 55

### **97B.671 PREDATOR CONTROL PROGRAM.**

**Subdivision 1. Authorization to take predators.** If the commissioner determines that predators are damaging domestic or wild animals and further damage can be prevented, the commissioner shall authorize the taking of the predators by predator controllers. The commissioner shall define the area where the predators may be taken, the objectives to be achieved, payments to be made, the methods to be used, and when the predator control shall cease.

**Subd. 2. Certification of predator controllers.** The commissioner shall certify a person as a predator controller if the person has not violated a provision of this section and meets qualifications of experience, ability, and reliability. The commissioner shall establish application procedures, prescribe forms, and maintain a list of predator controllers. The application procedures must include reports from conservation officers and other department field personnel as to the ability and reliability of the applicants.

**Subd. 3. Predator control payments.** The commissioner shall pay a predator controller the amount the commissioner prescribes for each predator taken. The commissioner shall pay at least \$25 but not more than \$60 for each wolf or coyote taken. The commissioner may require the predator controller to submit proof of the taking and a signed statement concerning the predators taken.

**History:** 1986 c 386 art 2 s 56

## **BIRDS**

### **97B.701 PROTECTED BIRDS.**

**Subdivision 1. Taking of birds, nests, and eggs must be authorized.** Protected birds, their nests, and their eggs may be taken only as authorized under the game and fish laws.

**Subd. 2. Prohibited methods of taking.** A person may not take protected birds:

- (1) with a trap, net, or snare;
- (2) using bird lime;
- (3) with a swivel or set gun;
- (4) by dragging a rope, wire, or other device across a field; or
- (5) by using fire.

**History:** 1986 c 386 art 2 s 57; 1987 c 149 art 1 s 51

### **97B.705 RESTRICTIONS ON TRAPPING BIRDS.**

(a) Except as provided in this section, a person may not take a bird with a steel jaw leg-hold trap mounted on a pole, post, tree stump, or other perch more than three feet above the ground.

(b) A person that has a game farm license and a permit to take great horned owls issued under United States Code, title 16, section 704, may trap great horned owls from April 1 to October 15. The trap must be a padded jaw trap as prescribed by the commis-

sioner and mounted at a height so that the trapped owl may rest on the ground. Uninjured birds shall be released alive and injured birds receive appropriate veterinary treatment.

**History:** 1986 c 386 art 2 s 58

#### 97B.711 GAME BIRDS.

**Subdivision 1. Seasons for certain upland game birds.** (a) The commissioner may, by order, prescribe an open season in designated areas between September 16 and December 31 for:

- (1) pheasant;
- (2) ruffed grouse;
- (3) sharp tailed grouse;
- (4) Canada spruce grouse;
- (5) prairie chicken;
- (6) gray partridge;
- (7) chukar partridge;
- (8) quail; and
- (9) turkey.

(b) The commissioner may by order prescribe an open season for turkey in the spring.

**Subd. 2. Daily and possession limits for certain upland game birds.** (a) A person may not take more than five in one day or possess more than ten of the following:

- (1) pheasant;
- (2) ruffed grouse;
- (3) sharp tailed grouse;
- (4) prairie chicken;
- (5) gray partridge; and
- (6) chukar partridge.

(b) A person may not take more than ten quail in one day or possess more than 15 bob-white quail.

(c) The commissioner may, by order, reduce the daily and possession limits established in this subdivision.

**History:** 1986 c 386 art 2 s 59

#### 97B.715 PHEASANTS.

**Subdivision 1. Stamp required.** (a) Except as provided in paragraph (b), a person required to possess a small game license may not hunt pheasants without a pheasant stamp in possession.

(b) The following persons are exempt from this subdivision:

- (1) residents under age 18 or over age 65; and
- (2) persons hunting on licensed private shooting preserves.

**Subd. 2. Daily and possession hen pheasant limits.** A person may not take more than one hen pheasant in one day or possess more than two hen pheasants.

**Subd. 3. Hunting hours.** A person may not take pheasants between the evening time that the commissioner establishes by order and 9:00 a.m.

**History:** 1986 c 386 art 2 s 60; 1988 c 588 s 7

#### 97B.721 LICENSE REQUIRED TO TAKE TURKEY.

A person may not take turkey without a small game license and a turkey license.

**History:** 1986 c 386 art 2 s 61

**97B.723 COMMISSIONER MAY LIMIT NUMBER OF TURKEY HUNTERS.**

The commissioner may establish a method, including a drawing, to impartially select persons eligible to take turkeys in an area. Preference must be given to persons that have previously applied in the general selection but have not been selected.

**History:** 1989 c 29 s 1

**97B.725 LICENSE REQUIRED TO GUIDE HUNTERS.**

A person may not guide turkey hunters for compensation without a turkey hunter guide license. The license must be obtained before the day of the opening of the turkey season. The commissioner shall prescribe qualifications for the issuance of turkey hunter guide licenses.

**History:** 1986 c 386 art 2 s 62

**97B.731 MIGRATORY BIRDS.**

Subdivision 1. **Migratory game birds.** Migratory game birds may be taken and possessed. A person may not take migratory game birds in violation of federal law.

Subd. 2. **Taking mourning doves prohibited.** Mourning doves may not be taken in the state.

Subd. 3. **Crow season.** The commissioner shall prescribe a 124-day open season and restrictions for taking crows. The open season may not be shorter than the maximum season allowed under federal law. The remainder of the year crows may be taken as allowed by federal law.

**History:** 1986 c 386 art 2 s 63; 1988 c 588 s 8

**MIGRATORY WATERFOWL****97B.801 MINNESOTA MIGRATORY WATERFOWL STAMP REQUIRED.**

Except as provided in this section, a person required to possess a small game license may not take migratory waterfowl without a Minnesota migratory waterfowl stamp in possession. Residents under age 18 or over age 65 and persons hunting on their own property are not required to possess the stamp.

**History:** 1986 c 386 art 2 s 64

**97B.805 RESTRICTIONS ON METHOD OF TAKING WATERFOWL ON WATER.**

Subdivision 1. **Hunter must be concealed.** (a) A person may not take migratory waterfowl, coots, or rails in open water unless the person is:

(1) within a natural growth of vegetation sufficient to partially conceal the person or boat; or

(2) pursuing or shooting wounded birds.

(b) A person may not take migratory waterfowl, coots, or rails in public waters from a permanent artificial blind or sink box.

Subd. 2. **Restrictions on watercraft.**

(a) A person using watercraft to take migratory waterfowl must comply with subdivision 1.

(b) Migratory waterfowl may be taken from a watercraft propelled by motor or sails only if the watercraft has stopped and the motor is shut off and the sails are furled.

(c) Migratory waterfowl may be taken from a floating watercraft if the craft is drifting, beached, moored, resting at anchor, or is being propelled by paddle, oars, or pole.

Subd. 3. **Unattended boats.** During the open season for waterfowl, a person may not leave an unattended boat used for hunting waterfowl in public waters between sunset and one hour before sunrise, unless the boat is adjacent to private land under the control of the person and the water does not contain a natural growth of vegetation sufficient to partially conceal a hunter or a boat.

**History:** 1986 c 386 art 2 s 65



**97B.811 DECOYS AND BLINDS ON PUBLIC LANDS AND WATERS.**

Subdivision 1. **Blinds and decoys prohibited before season.** A person may not erect a blind or place decoys in public waters or on public land more than one hour before the open season for waterfowl.

Subd. 2. **Hours for placing decoys.** Except as provided in subdivisions 3 and 4, a person may not place decoys in public waters or on public lands more than one hour before lawful shooting hours for waterfowl.

Subd. 3. **Restrictions on leaving decoys overnight.** During the open season for waterfowl, a person may not leave decoys in public waters between sunset and one hour before lawful shooting hours unless:

- (1) the decoys are in waters adjacent to private land under the control of the hunter; and
- (2) there is not natural vegetation growing in water sufficient to partially conceal a hunter.

Subd. 4. **Decoys that are navigational hazard prohibited.** A person may not leave decoys in public waters between sunset and one hour before lawful shooting hours if the decoys constitute a navigational hazard.

**History:** 1986 c 386 art 2 s 66; 1988 c 587 s 2; 1988 c 677 s 2

**FUR-BEARING ANIMALS, TRAPPING****97B.901 COMMISSIONER MAY REQUIRE TAGS ON FUR-BEARING ANIMALS.**

The commissioner may, by order, require persons taking fur-bearing animals to tag the animals where they are taken. The commissioner shall prescribe the manner of issuance and the type of tag, which must show the year of issuance. The commissioner shall issue the tag, without a fee, upon request.

**History:** 1986 c 386 art 2 s 67

**97B.905 FUR BUYING AND SELLING LICENSES.**

Subdivision 1. **License requirement.**

(a) A person may not buy or sell raw furs without a fur buying and selling license, except a taxidermist licensed under section 97A.475, subdivision 19, and a fur manufacturer are not required to have a license to buy raw furs from a person with fur buying and selling licenses.

(b) An employee, partner, or officer buying or selling only for a raw fur dealer licensee at an established place of business licensed under section 97A.475, subdivision 21, clause (a), may obtain a supplemental license under section 97A.475, subdivision 21, clause (b).

Subd. 2. **Nonresident license.** A nonresident must obtain a license under section 97A.475, subdivision 22, to buy or sell raw furs within the state, except a license is not required to buy from a person licensed under section 97A.475, subdivision 21.

Subd. 3. **Bond required for fur buyer license applicants.** Applicants for a raw fur dealer's license must, at the time of application for the license, furnish a corporate surety bond in favor of the state for \$1,000 payable upon violation of the game and fish laws.

**History:** 1986 c 386 art 2 s 68; 1989 c 287 s 6

**97B.911 MUSKRAT SEASONS.**

The commissioner may establish open seasons for muskrat between October 25 and April 30. The open season in an area may not exceed 90 days. The commissioner may prescribe restrictions for the taking of muskrat.

**History:** 1986 c 386 art 2 s 69

**97B.915 MINK SEASONS.**

The commissioner may establish open seasons for mink between October 25 and April 30. The open season in an area may not exceed 90 days. The commissioner may prescribe restrictions for the taking of mink.

*History: 1986 c 386 art 2 s 70*

**97B.921 OTTER SEASONS.**

The commissioner may establish open seasons for otter between October 25 and April 30. Otter may be taken only by trapping and the taking is subject to restrictions prescribed by the commissioner.

*History: 1986 c 386 art 2 s 71; 1987 c 131 s 2; 1987 c 384 art 1 s 13*

**97B.925 BEAVER SEASONS.**

The commissioner may establish open seasons for beaver between October 25 and April 30. Beaver may be taken only by trapping and the taking is subject to restrictions prescribed by the commissioner.

*History: 1986 c 386 art 2 s 72; 1987 c 384 art 1 s 14*

**97B.931 TENDING TRAPS RESTRICTED.**

A person may not tend a trap set for wild animals between 7:00 p.m. and 5:00 a.m. Between 5:00 a.m. and 7:00 p.m. a person on foot may use a portable artificial light to tend traps. While using a light in the field, the person may not possess or use a firearm other than a handgun of .22 caliber.

*History: 1986 c 386 art 2 s 73; 1987 c 131 s 3*

**97B.935 USE OF VEHICLES FOR TRAPPING BEAVER AND OTTER.**

**Subdivision 1. General prohibition.** Except as provided in this section, a person may not use a snowmobile or an all-terrain vehicle during the open season for beaver or otter, and for two days after the open seasons end, to transport or check beaver or otter traps or to transport beaver or otter carcasses or pelts.

**Subd. 2. Allowed in designated counties.** The commissioner may, by order, designate counties where snowmobiles and all-terrain vehicles may be used to transport and check beaver and otter traps and to transport beaver or otter carcasses or pelts.

**Subd. 3. Special permit for disabled.** 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 a licensed trapper physically unable to walk as specified in section 97B.055, subdivision 3.

*History: 1986 c 386 art 2 s 74*

**97B.941 TAMPERING WITH TRAPS.**

A person may not remove or tamper with a trap legally set to take fur-bearing animals or unprotected wild animals without authorization. Authorized persons include the commissioner and the owner or lessee of the land where the trap is located.

*History: 1986 c 386 art 2 s 75*

**97B.945 SETTING OF TRAPS NEAR WATER RESTRICTED.**

A person may not set a trap within 50 feet of any water other than temporary surface water within 30 days before the open season for mink and muskrat without a special permit by the commissioner.

*History: 1986 c 386 art 2 s 76; 1987 c 131 s 4*