

## CHAPTER 97A

### GAME AND FISH

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#### 97A.015 DEFINITIONS.

*[For text of subs 1 to 52, see M.S.1990]*

**Subd. 53. Unprotected wild animals.** "Unprotected wild animals" means wild animals that are not protected wild animals including weasel, coyote (brush wolf), gopher, porcupine, skunk, civet cat, and unprotected birds.

*[For text of subs 54 and 55, see M.S.1990]*

**History:** 1991 c 254 art 2 s 25

#### 97A.025 OWNERSHIP OF WILD ANIMALS.

The ownership of wild animals of the state is in the state, in its sovereign capacity for the benefit of all the people of the state. A person may not acquire a property right in wild animals, or destroy them, unless authorized under the game and fish laws, sections 84.09 to 84.15, or sections 17.47 to 17.498.

**History:** 1991 c 309 s 13

#### 97A.045 COMMISSIONER, GENERAL POWERS AND DUTIES.

*[For text of subd 1, see M.S.1990]*

**Subd. 2. Power to protect wild animals.** (a) The commissioner may protect a species of wild animal in addition to the protection provided by the game and fish laws, by further limiting or closing seasons or areas of the state, or by reducing limits in areas of the state, if the commissioner determines the action is necessary to prevent unnecessary depletion or extinction, or to promote the propagation and reproduction of the animal.

(b) The commissioner may protect a species of wild animal in the state by emergency rule adopted under section 14.29, subdivision 4, by prohibiting or allowing taking of the animal whether or not the animal is protected under the game and fish laws. The commissioner must make findings of the necessity of a rule authorized under this paragraph and may authorize taking by special permit with or without fee under conditions prescribed in the rule by the commissioner.

(c) The commissioner may protect a species of wild animal in the state by emergency rule adopted under section 14.29, subdivision 4, by allowing importation, transportation, or possession of the wild animal or prohibiting these activities except by special permit with or without fee under conditions prescribed in the rule by the commissioner.

*[For text of subs 3 to 8, see M.S.1990]*

**History:** 1991 c 259 s 11

**NOTE:** Subdivision 2, as amended by Laws 1991, chapter 259, section 11, is effective July 1, 1992. See Laws 1991, chapter 259, section 25.

**97A.051 PUBLICATION OF ORDERS AND LAWS.**

Subdivision 1. **Compilation of laws.** As soon as practicable after each legislative session, the commissioner, with the cooperation of the attorney general and the revisor of statutes, shall assemble the current laws and permanent rules relating to wild animals and index the laws and rules properly. This compilation shall be printed in pamphlet form of pocket size, and 50 copies distributed to each senator, 25 copies to each representative, and ten copies to each county auditor. Up to 10,000 additional copies may be printed for general distribution.

Subd. 2. **Summary of fish and game laws.** (a) The commissioner shall prepare a summary of the hunting and fishing laws and rules and deliver a sufficient supply to county auditors to furnish one copy to each person obtaining a hunting, fishing, or trapping license.

(b) At the beginning of the summary, under the heading "Trespass," the commissioner shall summarize the trespass provisions under sections 97B.001 to 97B.945, state that conservation officers and peace officers must enforce the trespass laws, and state the penalties for trespassing.

(c) In the summary the commissioner shall, under the heading "Duty to Render Aid," summarize the requirements under section 609.662 and state the penalties for failure to render aid to a person injured by gunshot.

Subd. 4. **Rules have force and effect of law.** When a rule is effective, it has the force and effect of law. Violation of a rule has the same penalty as a violation of the law under which the rule was adopted.

**History:** 1991 c 243 s 1; 1991 c 259 s 12-14

**NOTE:** Subdivisions 1 and 4, as amended by Laws 1991, chapter 259, sections 12 and 14, are effective July 1, 1992. See Laws 1991, chapter 259, section 25.

**NOTE:** The amendment to subdivision 2 as found in Laws 1991, chapter 259, section 13, is effective July 1, 1992. See Laws 1991, chapter 259, section 25.

**97A.075 USE OF LICENSE REVENUES.**

*[For text of subd 1, see M.S.1990]*

Subd. 2. **Minnesota migratory waterfowl stamp.** The commissioner may use the revenue from the Minnesota migratory waterfowl stamps for:

(1) development of wetlands in the state and designated waterfowl management lakes for maximum migratory waterfowl production including the construction of dikes, water control structures and impoundments, nest cover, rough fish barriers, acquisition of sites and facilities necessary for development and management of existing migratory waterfowl habitat and the creation of migratory waterfowl management lakes;

(2) management of migratory waterfowl;

(3) development, restoration, maintenance, or preservation of migratory waterfowl habitat;

(4) acquisition of and access to structure sites; and

(5) necessary related administrative costs not to exceed ten percent of the annual revenue.

*[For text of subs 3 and 4, see M.S.1990]*

**History:** 1991 c 254 art 2 s 24

**97A.081 POSTING LAND.**

The commissioner may post land acquired for public hunting grounds, food and cover planting areas, game refuges, wildlife lands, and conservation area lands so as to identify and indicate the management purpose and whether hunting and trapping are allowed.

**History:** 1991 c 259 s 15

**NOTE:** This section, as amended by Laws 1991, chapter 259, section 15, is effective July 1, 1992. See Laws 1991, chapter 259, section 25.

**97A.083 HUNTING AND FISHING ON STATE LAND.**

The commissioner shall allow or prohibit hunting and fishing on state land as provided under the game and fish laws. The commissioner shall publish information on hunting and fishing on state land, including areas where taking wild animals is allowed or prohibited.

**History:** 1991 c 259 s 16

**NOTE:** This section, as added by Laws 1991, chapter 259, section 16, is effective July 1, 1992. See Laws 1991, chapter 259, section 25.

**97A.093 HUNTING AND FISHING IN SCIENTIFIC AND NATURAL AREAS.**

Except as otherwise provided by law, scientific and natural areas are closed to hunting, trapping, and fishing unless opened by rule of the commissioner.

**History:** 1991 c 259 s 17

**NOTE:** This section, as added by Laws 1991, chapter 259, section 17, is effective July 1, 1992. See Laws 1991, chapter 259, section 25.

**97A.101 PUBLIC WATER RESERVES AND MANAGEMENT DESIGNATION.**

*[For text of subd 1, see M.S.1990]*

**Subd. 2. Management designation.** (a) The commissioner may designate, reserve, and manage public waters for wildlife after giving notice and holding a public hearing. The hearing must be held in the county where the major portion of the waters is located. Notice of the hearing must be published in a legal newspaper within each county where the waters are located at least seven days before the hearing.

(b) The commissioner may contract with riparian owners for water projects under section 103G.121, subdivision 3, and may acquire land, accept local funding, and construct, maintain, and operate structures to control water levels under section 103G.505 to manage designated waters.

*[For text of subd 3, see M.S.1990]*

**History:** 1991 c 199 art 1 s 13**97A.137 HUNTING AND FISHING IN WILDLIFE MANAGEMENT AREAS.**

Wildlife management areas are open to hunting and trapping unless closed by rule of the commissioner.

**History:** 1991 c 259 s 18

**NOTE:** This section, as added by Laws 1991, chapter 259, section 18, is effective July 1, 1992. See Laws 1991, chapter 259, section 25.

**97A.141 PUBLIC WATER ACCESS SITES.**

*[For text of subs 1 to 3, see M.S.1990]*

**Subd. 4. Cooperation with metropolitan governmental units.** Local units of government owning lands adjacent to public waters within the seven-county metropolitan area shall cooperate with the commissioner to use those lands for public access purposes when identified by the commissioner under subdivision 1. If cooperation does not occur, the commissioner may use condemnation authority under this section to acquire an interest in the local government lands for public access purposes.

**Subd. 5. Hunting generally prohibited.** A person may not hunt on water access sites unless allowed by rule of the commissioner.

**History:** 1991 c 254 art 2 s 26; 1991 c 259 s 19

**NOTE:** Subdivision 5, as added by Laws 1991, chapter 259, section 19, is effective July 1, 1992. See Laws 1991, chapter 259, section 25.

**97A.325 PENALTIES FOR UNLAWFULLY BUYING OR SELLING WILD ANIMALS.**

*[For text of subd 1, see M.S.1990]*

**Subd. 2. Deer; bear; moose; elk; caribou.** Except as provided in subdivision 1, a person that violates a provision of the game and fish laws relating to buying or selling deer, bear, moose, elk, or caribou is guilty of a gross misdemeanor.

*[For text of subds 3 and 4, see M.S.1990]*

**History:** 1991 c 254 art 2 s 27

**97A.431 MOOSE LICENSES.**

*[For text of subd 1, see M.S.1990]*

**Subd. 2. Eligibility.** Persons eligible for a moose license shall be determined under this section and commissioner's order. A person is eligible for a moose license only if the person:

- (1) is a resident;
- (2) is at least age 16 before the season opens; and
- (3) has not been issued a moose license for any of the last five seasons or after January 1, 1991.

*[For text of subds 3 and 4, see M.S.1990]*

**History:** 1991 c 254 art 2 s 28

**97A.435 TURKEY LICENSES; APPLICATION AND ELIGIBILITY.**

*[For text of subd 1, see M.S.1990]*

**Subd. 2. Eligibility.** Persons eligible for a turkey license shall be determined by this section and commissioner's order. A person is eligible for a turkey license only if the person is at least age 16 before the season opens or possesses a firearms safety certificate.

*[For text of subds 3 and 4, see M.S.1990]*

**History:** 1991 c 254 art 2 s 29

**97A.445 EXEMPTIONS FROM LICENSE REQUIREMENT.**

*[For text of subd 1, see M.S.1990]*

**Subd. 2. Angling; institutional residents.** A license is not required to take fish by angling with the written consent of the superintendent or chief executive of the institution for the following persons:

- (1) a resident of a state hospital;
- (2) a patient of a United States Veterans Administration hospital;
- (3) an inmate of a state correctional facility;
- (4) a resident of a licensed nursing or boarding care home, a person who is enrolled in and regularly participates in an adult day care program or other similar organized activity sponsored by a licensed nursing or boarding care home, or a resident of a licensed board and lodging facility; and
- (5) a resident of a drug or alcohol residential treatment program under the age of 20.

*[For text of subds 3 to 5, see M.S.1990]*

**History:** 1991 c 241 s 5

**97A.475 LICENSE FEES.***[For text of subd 1, see M.S.1990]*

**Subd. 2. Resident hunting.** Fees for the following licenses, to be issued to residents only, are:

- (1) for persons under age 65 to take small game, \$10;
- (2) for persons age 65 or over, \$5;
- (3) to take turkey, \$16;
- (4) to take deer with firearms, \$22;
- (5) to take deer by archery, \$22;
- (6) to take moose, for a party of not more than six persons, \$275;
- (7) to take bear, \$33;
- (8) to take elk, for a party of not more than two persons, \$220; and
- (9) to take antlered deer in more than one zone, \$44.

**Subd. 3. Nonresident hunting.** Fees for the following licenses, to be issued to non-residents, are:

- (1) to take small game, \$56;
- (2) to take deer with firearms, \$110;
- (3) to take deer by archery, \$110;
- (4) to take bear, \$165;
- (5) to take turkey, \$56; and
- (6) to take raccoon, bobcat, fox, coyote, or lynx, \$137.50.

*[For text of subs 4 to 6, see M.S.1990]*

**Subd. 7. Nonresident fishing.** Fees for the following licenses, to be issued to non-residents, are:

- (1) to take fish by angling, \$25;
  - (2) to take fish by angling limited to seven consecutive days, \$16.50;
  - (3) to take fish by angling for three consecutive days, \$13.50;
  - (4) to take fish by angling for a combined license for a family, \$35;
  - (5) to take fish by angling for a period of 24 hours from the time of issuance, \$5;
- and
- (6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days, \$25.

*[For text of subs 8 to 42, see M.S.1990]***History:** 1991 c 254 art 2 s 30-32

**NOTE:** Subdivisions 2, 3, and 7, as amended by Laws 1991, chapter 254, article 2, sections 30 to 32, are effective for the licensing year beginning March 1, 1992, and for each licensing year thereafter. See Laws 1991, chapter 254, article 2, section 49.

**97A.485 ISSUANCE OF LICENSES.***[For text of subd 1, see M.S.1990]*

**Subd. 1a. Deer license; absentee ballot application.** The commissioner and agents shall have available for each person purchasing a license to take deer with firearms or by archery, sold or issued during a general election year, an application for an absentee ballot. At the time of purchase, the commissioner or the commissioner's agent shall ask whether the person purchasing the license wants an application for an absentee ballot. The commissioner shall obtain absentee ballot application forms from the secretary of state and distribute them to the commissioner's agents.

*[For text of subs 2 to 6, see M.S.1990]*

**Subd. 7. County auditor's commission.** The county auditor shall retain for the county treasury a commission of four percent of all license fees collected by the auditor and the auditor's subagents, excluding the small game surcharge and issuing fees, the fishing surcharge and issuing fees, and the license to take fish by angling for persons age 65 and over. In addition, the auditor shall collect the issuing fees on licenses sold by the auditor to a licensee.

*[For text of subs 8 to 11, see M.S.1990]*

**History:** 1991 c 227 s 1; 1991 c 254 art 2 s 33

**97A.535 POSSESSION AND TRANSPORTATION OF DEER, BEAR, ELK, AND MOOSE.**

**Subdivision 1. Tags required.** A person may not possess or transport deer, bear, elk, or moose taken in the state unless a tag is attached to the carcass in a manner prescribed by the commissioner. The commissioner must prescribe the type of tag that has the license number of the owner, the year of its issue, and other information prescribed by the commissioner. The tag must be attached to the deer, bear, elk, or moose at the site of the kill before the animal is removed from the site of the kill, and must remain attached to the animal until the animal is processed for storage.

*[For text of subs 2 to 5, see M.S.1990]*

**History:** 1991 c 241 s 6

**NOTE:** Subdivision 1, as amended by Laws 1991, chapter 241, section 6, is effective August 1, 1992. See Laws 1991, chapter 241, section 13.