

## CHAPTER 97A

### GAME AND FISH

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## GENERAL PROVISIONS

### 97A.011 CITATION.

This chapter and chapters 97B and 97C may be cited as the "game and fish laws."

**History:** 1986 c 386 art 1 s 1

### 97A.015 DEFINITIONS.

Subdivision 1. **Applicability.** The terms defined in this section apply to this chapter and chapters 97B and 97C.

Subd. 2. **Angling.** "Angling" means taking fish with a hook and line. An "angler" is a person who takes fish by angling.

Subd. 3. **Big game.** "Big game" means deer, moose, elk, bear, antelope, and caribou.

Subd. 4. **Buy.** "Buy" includes barter, exchange for consideration, offer to buy, or attempt to buy.

Subd. 5. **Camp.** "Camp" means the temporary abode of a person fishing, hunting, trapping, vacationing, or touring, while on a trip or tour including resorts, tourist camps, and other establishments providing temporary lodging.

Subd. 6. **Chub.** "Chub" means shortnose cisco, shortjaw cisco, longjaw cisco, bloater, kiyi, blackfin cisco, and deepwater cisco.

Subd. 7. **Cisco.** "Cisco" means *Coregonus artedii* and includes lake herring and tullibee.

Subd. 8. **Closed season.** "Closed season" means the period when a specified protected wild animal may not be taken.

Subd. 9. **Commercial fishing.** "Commercial fishing" means taking fish, except minnows, for sale.

Subd. 10. **Commissioner.** "Commissioner" means the commissioner of natural resources.

Subd. 11. **Condemnation.** "Condemnation" means the exercise of the right of eminent domain in the manner provided under chapter 117.

Subd. 12. **Contraband.** "Contraband" means:

(1) a wild animal taken, bought, sold, transported, or possessed in violation of the game and fish laws, and all instrumentalities and devices used in taking wild animals in violation of the game and fish laws that are subject to confiscation; and

(2) wild rice and other aquatic vegetation harvested, bought, sold, transported, or possessed in violation of chapter 84.

Subd. 13. **Conviction.** "Conviction" means: (1) a final conviction after a trial or a plea of guilty; (2) a forfeiture of cash or collateral deposited to guarantee an appearance of a defendant in court, if the forfeiture has not been vacated or the court has not reinstated the trial within 15 days after the forfeiture; or (3) a breach of a condition of release without bail.

Subd. 14. **Dark house.** "Dark house" means a structure set on the ice of state waters that is darkened to view fish in the water beneath the structure.

Subd. 15. **Designated trout lake; designated trout stream.** "Designated trout lake" or "designated trout stream" means a lake or stream designated by the commissioner as a trout lake or a trout stream under section 97C.005.

Subd. 16. **Director.** "Director" means the director of the division of fish and wildlife.

Subd. 17. **Division.** "Division" means the division of fish and wildlife of the department of natural resources.

Subd. 18. **Enforcement officer.** "Enforcement officer" means the commissioner, the director of the enforcement division, a conservation officer, or a game refuge manager.

Subd. 19. **Firearm.** "Firearm" means a gun that discharges shot or a projectile by means of an explosive, a gas, or compressed air.

Subd. 20. **Firearms safety certificate.** "Firearms safety certificate" means the certificate issued under section 97B.015 or an equivalent certificate issued by another state or other evidence that meets with the requirements of section 97B.020.

Subd. 21. **Fish house.** "Fish house" means a structure set on the ice of state waters to provide shelter while taking fish by angling.

Subd. 22. **Fur-bearing animals.** "Fur-bearing animals" means mammals that are protected wild animals, except big game.

Subd. 23. **Game.** "Game" means big game and small game.

Subd. 24. **Game birds.** "Game birds" means migratory waterfowl, pheasant, ruffed grouse, sharp-tailed grouse, Canada spruce grouse, prairie chickens, gray partridge, bob-white quail, turkeys, coots, gallinules, sora and Virginia rails, American woodcock, and common snipe.

Subd. 25. **Game fish.** "Game fish" means walleye, sauger, yellow perch, channel catfish, flathead catfish; members of the pike family, Esocidae, including muskellunge and northern pike; members of the sunfish family, Centrarchidae, including largemouth bass, smallmouth bass, sunfish, rock bass, white crappie, black crappie, members of the temperate bass family, Percichthyidae, including white bass and yellow bass; members of the salmon and trout subfamily, Salmoninae, including Atlantic salmon, chinook salmon, coho salmon, pink salmon, kokanee salmon, lake trout, brook trout, brown trout, rainbow (steelhead) trout, and splake; members of the paddlefish family, Polyodontidae; members of the sturgeon family, Acipenseridae, including lake sturgeon, and shovelnose sturgeon. "Game fish" includes hybrids of game fish.

Subd. 25a. **Guardian.** "Guardian" means a legal guardian of a person under age 16, or a person 18 or older who has been authorized by the parent or legal guardian to supervise the person under age 16.

Subd. 26. **Hunting.** "Hunting" means taking birds or mammals.

Subd. 26a. **In-the-round.** "In-the-round" means fish with heads, tails, fins, skins, and scales intact.

Subd. 27. **License.** "License" means a license or stamp issued under the game and fish laws.

Subd. 28. **Migratory waterfowl.** "Migratory waterfowl" means brant, ducks, geese, tundra swans, trumpeter swans, and whooper swans.

Subd. 29. **Minnnows.** "Minnnows" means: (1) members of the minnow family, Cyprinidae, except carp and goldfish; (2) members of the mudminnow family, Umbridae; (3) members of the sucker family, Catostomidae, not over 12 inches in length; (4) bullheads, ciscoes, lake whitefish, goldeyes, and mooneyes, not over seven inches long; and (5) leeches.

Subd. 30. **Minnow dealer.** "Minnow dealer" means a person taking minnows for sale, buying minnows for resale, selling minnows at wholesale, or transporting minnows for sale.

Subd. 31. **Minnow retailer.** "Minnow retailer" means a person selling minnows at retail from an established place of business.

Subd. 32. **Motor vehicle.** "Motor vehicle" means a self-propelled vehicle or a vehicle propelled or drawn by a self-propelled vehicle that is operated on a highway, on a railroad track, on the ground, in the water, or in the air.

Subd. 33. **Nonresident.** "Nonresident" means a person who is not a resident.

Subd. 34. **Open season.** "Open season" means the period when a specified protected wild animal may be taken.

Subd. 35. **Person.** "Person" means an individual only if used in reference to issuing licenses to take wild animals, but otherwise means an individual, firm, partnership, joint stock company, association, or public or private corporation.

Subd. 36. **Possession.** "Possession" means both actual and constructive possession and control of the things referred to.

Subd. 37. **Predator.** "Predator" means a timber wolf, coyote, fox, lynx, or bobcat.

Subd. 38. **Protected birds.** "Protected birds" means all birds except unprotected birds.

Subd. 39. **Protected wild animals.** "Protected wild animals" are the following wild animals: big game, small game, game fish, rough fish, minnows, leeches, alewives, ciscoes, chubs, and lake whitefish, and the subfamily Coregoninae, rainbow smelt, frogs, turtles, clams, mussels, timber wolf, mourning doves, and wild animals that are protected by a restriction in the time or manner of taking, other than a restriction in the use of artificial lights, poison, or motor vehicles.

Subd. 40. **Public access.** "Public access" means an access that is publicly owned and accessible to the public without charge.

Subd. 41. **Public waters.** "Public waters" means waters defined in section 103G.005, subdivision 15.

Subd. 42. **Resident.** "Resident" means: (1) an individual who is a citizen of the United States or a resident alien, and has maintained a legal residence in the state at least the immediately preceding 60 days; (2) a nonresident under the age of 21 who is the child of a resident; (3) a domestic corporation; or (4) a foreign corporation authorized to do business in the state that has conducted a licensed business at a location within the state for at least ten years.

Subd. 43. **Rough fish.** "Rough fish" means carp, buffalo, sucker, sheepshead, bowfin, burbot, cisco, gar, goldeye, and bullhead.

Subd. 44. **Sale.** "Sale" means an exchange for consideration, and includes barter, offer to sell, and possession with intent to sell.

Subd. 45. **Small game.** "Small game" means game birds, gray squirrel, fox squirrel, cottontail rabbit, snowshoe hare, jack rabbit, raccoon, lynx, bobcat, red fox and gray fox, fisher, pine marten, opossum, badger, cougar, wolverine, muskrat, mink, otter, and beaver.

Subd. 46. **Sunfish.** "Sunfish" means bluegill, pumpkinseed, green sunfish, orange spotted sunfish, longear sunfish, and warmouth. "Sunfish" includes hybrids of sunfish.

Subd. 47. **Taking.** "Taking" means pursuing, shooting, killing, capturing, trapping, snaring, angling, spearing, or netting wild animals, or placing, setting, drawing, or using a net, trap, or other device to take wild animals. Taking includes attempting to take wild animals, and assisting another person in taking wild animals.

Subd. 48. **Transport, transportation.** "Transport, transportation" means causing or attempting to cause wild animals to be carried or moved by a device and includes accepting or receiving wild animals for transportation or shipment.

Subd. 49. **Undressed bird.** "Undressed bird" means:

(1) a bird, excluding migratory waterfowl, pheasant, Hungarian partridge, or grouse, with feet and feathered head intact;

(2) a migratory waterfowl with a fully feathered wing and head attached; or

(3) a pheasant, Hungarian partridge, or grouse with one leg and foot or the fully feathered head or wing intact.

Subd. 50. **Undressed fish.** "Undressed fish" means fish with heads, tails, fins and skins intact, whether entrails, gills, or scales are removed or not.

Subd. 51. **Unloaded.** "Unloaded" means, with reference to a firearm, without ammunition in the barrels and magazine, if the magazine is in the firearm. A muzzle loading firearm with a flintlock ignition is unloaded if it does not have priming powder in a pan. A muzzle loading firearm with percussion ignition is unloaded if it does not have a percussion cap on a nipple.

Subd. 52. **Unprotected birds.** "Unprotected birds" means English sparrow, blackbird, starling, magpie, cormorant, common pigeon, chukar partridge, quail other than bob-white quail, mute swan, and great horned owl.

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.

Subd. 54. **Waters of this state; state waters.** "Waters of this state" and "state waters" include all boundary and inland waters.

Subd. 55. **Wild animals.** "Wild animals" means all living creatures, not human, wild by nature, endowed with sensation and power of voluntary motion, and includes mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.

**History:** 1986 c 386 art 1 s 2; 1987 c 149 art 1 s 2-6; 1988 c 588 s 1; 1990 c 391 art 8 s 21; 1991 c 254 art 2 s 25; 1992 c 462 s 4,5; 1993 c 269 s 4,5; 1994 c 623 art 1 s 20,21; 1Sp1995 c 1 s 15-17; 1996 c 410 s 22,23

#### 97A.021 CONSTRUCTION.

Subdivision 1. **Code of criminal procedure.** A provision of the game and fish laws that is inconsistent with the code of criminal procedure or of penal law is only effective under the game and fish laws.

Subd. 2. **Authority of commissioner.** A provision of the game and fish laws is subject to, and does not change or modify the authority of the commissioner to delegate powers, duties, and functions under section 84.083.

Subd. 3. **Parts of wild animals.** A provision relating to a wild animal applies in the same manner to a part of the wild animal.

Subd. 4. **Dates and open seasons.** The dates specified in the game and fish laws and time periods prescribed for certain activities or as open season are inclusive, unless otherwise specified.

**History:** 1986 c 386 art 1 s 3; 1987 c 384 art 2 s 17

#### 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 84.091 to 84.15, or sections 17.47 to 17.498.

**History:** 1986 c 386 art 1 s 4; 1991 c 309 s 13; 1996 c 410 s 58

#### 97A.028 CROP PROTECTION ASSISTANCE.

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Agricultural crops" means annually seeded crops, legumes, fruit orchards, tree farms and nurseries, turf farms, and apiaries.

(c) "Parcel" has the meaning given in section 272.03, subdivision 6.

(d) "Specialty crops" means fruit orchards, vegetables, tree farms and nurseries, turf farms, and apiaries.

Subd. 2. **Technical assistance.** The commissioner shall establish a statewide program to provide technical assistance to persons for the protection of agricultural crops from destruction by wild animals. As part of the program, the commissioner shall develop and identify the latest and most effective abatement techniques; acquire appropriate demonstration supplies and materials required to meet specialized needs; train property owners, field staff, public land managers, extension agents, pest control operators, and others; provide technical manuals and brochures; and provide field personnel with supplies and materials for damage abatement demonstrations and short-term assistance and for the establishment of food or lure crops where appropriate.

Subd. 3. **Emergency deterrent materials assistance.** (a) For the purposes of this subdivision, "cooperative damage management agreement" means an agreement between a landowner or tenant and the commissioner that establishes a program for addressing the problem of destruction of the landowner's or tenant's specialty crops by wild animals.

(b) A landowner or tenant may apply to the commissioner for emergency deterrent materials assistance in controlling destruction of the landowner's or tenant's specialty crops by wild animals. Subject to the availability of money appropriated for this purpose, the commissioner shall provide suitable deterrent materials when the commissioner determines that:

- (1) immediate action is necessary to prevent significant damage from continuing; and
- (2) a cooperative damage management agreement cannot be implemented immediately.

(c) A person may receive emergency deterrent materials assistance under this subdivision more than once, but the cumulative total value of deterrent materials provided to a person, or for use on a parcel, may not exceed \$3,000. If a person is a coowner or cotenant with respect to the specialty crops for which the deterrent materials are provided, the deterrent materials are deemed to be "provided" to the person for the purposes of this paragraph.

(d) As a condition of receiving emergency deterrent materials assistance under this subdivision, a landowner or tenant shall enter into a cooperative damage management agreement with the commissioner. Deterrent materials provided by the commissioner may include repellents, fencing materials, or other materials recommended in the agreement to alleviate the damage problem. If requested by a landowner or tenant, any fencing materials provided must be capable of providing long-term protection of specialty crops. A landowner or tenant who receives emergency deterrent materials assistance under this subdivision shall comply with the terms of the cooperative damage management agreement.

**History:** 1993 c 172 s 50; 1994 c 632 art 2 s 23; 1996 c 407 s 40,41

#### **97A.031 WANTON WASTE.**

Unless expressly allowed, a person may not wantonly waste or destroy a usable part of a protected wild animal.

**History:** 1986 c 386 art 1 s 5

#### **97A.035 REMOVAL OF SIGNS PROHIBITED.**

A person may not remove or deface a department of natural resources sign, without approval of the commissioner.

**History:** 1986 c 386 art 1 s 6

#### **97A.037 HUNTER, TRAPPER, AND ANGLER HARASSMENT PROHIBITED.**

**Subdivision 1. Interference with taking wild animals prohibited.** A person who has the intent to prevent, disrupt, or dissuade the taking of a wild animal or enjoyment of the out-of-doors may not disturb or interfere with another person who is lawfully taking a wild animal or preparing to take a wild animal. "Preparing to take a wild animal" includes travel, camping, and other acts that occur on land or water where the affected person has the right or privilege to take lawfully a wild animal.

**Subd. 2. Disturbing wild animals prohibited.** A person who has the intent to prevent or disrupt a person from lawfully taking the animals may not disturb or engage in an activity that will tend to disturb wild animals.

**Subd. 3. Persons intending to harass hunters, trappers, and anglers may not remain on land.** A person who has intent to violate subdivision 1 or 2 may not enter or remain on public lands, or on private lands without permission of the owner.

**Subd. 4. Peace officer order; penalty.** A person must obey the order of a peace officer to stop the harassing conduct that violates this section if the officer observes the conduct. For purposes of this subdivision, "harassing conduct" does not include a landowner's or lessee's action to enforce the trespass law. Violation of this subdivision is a misdemeanor.

**History:** 1989 c 287 s 1

#### **97A.041 EXHIBITION OF WILDLIFE.**

**Subdivision 1. Definition.** For the purposes of this section, "wildlife" means any wild mammal, wild bird, reptile, or amphibian.

**Subd. 2. Possession.** A person connected with a commercial enterprise may not possess wildlife in captivity for public exhibition purposes, except under permit as provided in this section.

**Subd. 3. Permit.** The commissioner may issue a permit to possess wildlife for public exhibition to an applicant qualified by education or experience in the care and treatment of wildlife. The permit fee is \$10. The commissioner may prescribe terms and conditions of the permit. A permit issued under this section shall include a condition that allows an enforce-

ment officer to enter and inspect the facilities where the wildlife covered by the permit are held in captivity.

**Subd. 4. Permit application.** An application for a permit must include:

- (1) a statement regarding the education or experience in the care and treatment of wildlife of the applicant and each individual employed by the applicant for that purpose;
- (2) a description of the facilities used to keep the wildlife in captivity;
- (3) a statement of the number of species or subspecies of wildlife to be covered by the permit and a statement describing where and from whom the wildlife was acquired;
- (4) a signed agreement that the standards prescribed by the commissioner will be followed; and
- (5) other information requested by the commissioner.

**Subd. 5. Care and treatment.** The commissioner shall adopt, under chapter 14, reasonable standards for the care and treatment of captive wildlife for public display purposes, including standards of sanitation.

**Subd. 6. Violation of possession standards.** If a violation is found during an inspection, the commissioner shall give the permittee notice to abate the violation within an adequate time determined by the commissioner. If the violation has not been abated when the time expires, the commissioner may request the attorney general to bring an action to abate the violation.

**Subd. 7. Exemption for zoos, circuses, pet shops.** This section does not apply to a publicly owned zoo or wildlife exhibit, privately owned traveling zoo or circus, or a pet shop.

**History:** 1986 c 386 art 1 s 7

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

**Subdivision 1. Duties; generally.** The commissioner shall do all things the commissioner determines are necessary to preserve, protect, and propagate desirable species of wild animals. The commissioner shall make special provisions for the management of fish and wildlife to ensure recreational opportunities for anglers and hunters. The commissioner shall acquire wild animals for breeding or stocking and may dispose of or destroy undesirable or predatory wild animals.

**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 84.027, subdivision 13, 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 84.027, subdivision 13, 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.

**Subd. 3. Power to modify dates of seasons.** If the statutory opening date of a season for taking protected wild animals, except a season prescribed under federal regulations, is not on a Saturday, the commissioner may designate the nearest Saturday to the statutory date as the opening day of the season. If the statutory closing date falls on a Saturday, the commissioner may extend it through the following day.

**Subd. 4. Boundary waters.** The commissioner may regulate the taking, possession, and transportation of wild animals from state and international boundary waters. The rules may include:

- (1) special seasons for taking fish; and

(2) restrictions on the limits of fish that may be taken, possessed, or transported from international boundary waters by a person possessing both a Minnesota angling license and an angling license from an adjacent Canadian province.

**Subd. 5. Power to prescribe the form of permits and licenses.** The commissioner may prescribe the form of permits, licenses, and tags issued under the game and fish laws.

**Subd. 6. Duty to disseminate information.** The commissioner shall collect, compile, publish, and disseminate statistics, bulletins, and information related to conservation.

**Subd. 7. Duty to encourage stamp design and purchases.** (a) The commissioner shall encourage the purchase of:

(1) Minnesota migratory waterfowl stamps by nonhunters interested in the migratory waterfowl preservation and habitat development;

(2) pheasant stamps by persons interested in pheasant habitat improvement; and

(3) trout and salmon stamps by persons interested in trout and salmon stream and lake improvement.

(b) The commissioner shall make rules governing contests for selecting a design for each stamp.

**Subd. 8. Hunting and fishing license reciprocity with Wisconsin.** The commissioner may enter into an agreement with game and fish licensing authorities in the state of Wisconsin under which Wisconsin residents owning real property in Minnesota are allowed to purchase annual nonresident game and fish licenses at fees required of Minnesota residents, provided Minnesota residents owning real property in Wisconsin are allowed to purchase identical nonresident licenses in Wisconsin upon payment of the Wisconsin resident license fee. The commissioners of natural resources in Minnesota and Wisconsin must agree on joint standards for defining real property ownership. The commissioner shall present the joint standards to the senate and house committees having jurisdiction over environment and natural resources matters.

**Subd. 9. Notice of rulemaking.** In addition to notice requirements under chapter 14, the commissioner shall attempt to notify persons or groups of persons affected by rules adopted under the game and fish laws by public announcements, press releases, and other appropriate means as determined by the commissioner.

**Subd. 10. Reciprocal agreements on violations.** The commissioner, with the approval of the attorney general, may enter into reciprocal agreements with game and fish authorities in other states and the United States government to provide for:

(1) revocation of the appropriate Minnesota game and fish licenses of Minnesota residents for violations of game and fish laws committed in signatory jurisdictions which result in license revocation in that jurisdiction;

(2) reporting convictions and license revocations of residents of signatory states for violations of game and fish laws of Minnesota to game and fish authorities in the nonresident's state of residence; and

(3) release upon signature without posting of bail for residents of signatory states accused of game and fish law violations in this state, providing for recovery, in the resident jurisdiction, of fines levied if the citation is not answered in this state.

As used in this subdivision, "conviction" includes a plea of guilty or a forfeiture of bail.

**History:** 1985 c 248 s 70; 1986 c 386 art 1 s 8; 1989 c 19 s 1; 1991 c 259 s 11; 1993 c 231 s 5,6; 1993 c 269 s 6; 1995 c 233 art 2 s 56; 1Sp1995 c 1 s 18

## **97A.0451 AUTHORITY FOR USE OF EMERGENCY RULES PROCEDURE; EXPIRATION OF AUTHORITY.**

**Subdivision 1. When to use emergency rulemaking.** When the commissioner is directed by statute, federal law, or court order to adopt, amend, suspend, or repeal a rule in a manner that does not allow for compliance with sections 14.14 to 14.28, or if the commissioner is expressly required or authorized by statute to adopt emergency rules, the commissioner shall adopt emergency rules in accordance with sections 97A.0451 to 97A.0459.

**Subd. 2. 180-day time limit.** Unless the commissioner is directed by federal law or court order to adopt, amend, suspend, or repeal a rule in a manner that does not allow for



compliance with sections 14.14 to 14.28, the commissioner may not adopt an emergency rule later than 180 days after the effective date of the statutory authority, except as provided in section 84.027, subdivision 13. If emergency rules are not adopted within the time allowed, the authority for the rules expires. The time limit of this section does not include any days used for review by the attorney general. If the 180-day period expires while the attorney general is reviewing the rule and the attorney general disapproves the rule, the commissioner may resubmit the rule to the attorney general after taking corrective action. The resubmission must occur within five working days after the commissioner receives written notice of disapproval. If the rule is again disapproved by the attorney general, it is withdrawn.

**History:** 1995 c 233 art 2 s 40

#### **97A.0452 NOTICE OF PROPOSED ADOPTION OF EMERGENCY RULE.**

The proposed emergency rule must be published with a notice of intent to adopt emergency rules in the State Register, and the same notice must be mailed to all persons registered with the commissioner to receive notice of any rulemaking proceedings. The notice must include a statement advising the public that a free copy of the proposed rule is available on request from the commissioner and that notice of the date of submission of the proposed emergency rule to the attorney general will be mailed to any person requesting to receive the notice. For at least 25 days after publication the commissioner shall afford all interested persons an opportunity to submit data and views on the proposed emergency rule in writing. The notice must also include the date on which the 25-day comment period ends.

**History:** 1995 c 233 art 2 s 41

#### **97A.0453 NOTICE TO COMMITTEES FOR FEES FIXED BY RULE.**

Before the commissioner submits notice to the State Register of intent to adopt emergency rules that establish or adjust fees, the commissioner shall send a copy of the notice and the proposed rules to the chairs of the house ways and means committee and the senate committee on finance.

**History:** 1995 c 233 art 2 s 42; 1996 c 305 art 3 s 8

#### **97A.0454 MODIFICATIONS OF PROPOSED EMERGENCY RULE.**

The proposed emergency rule may be modified if the modifications are supported by the data and views submitted to the commissioner.

**History:** 1995 c 233 art 2 s 43

#### **97A.0455 SUBMISSION OF PROPOSED EMERGENCY RULE TO ATTORNEY GENERAL.**

**Subdivision 1. Submission.** The commissioner shall submit to the attorney general the proposed emergency rule as published, with any modifications. On the same day that it is submitted, the commissioner shall mail notice of the submission to all persons who requested to be informed that the proposed emergency rule has been submitted to the attorney general. If the proposed emergency rule has been modified, the notice must state that fact, and must state that a free copy of the proposed emergency rule, as modified, is available upon request from the commissioner.

**Subd. 2. Review.** The attorney general shall review the proposed emergency rule as to its legality, review its form to the extent the form relates to legality, and shall approve or disapprove the proposed emergency rule and any modifications on the tenth working day following the date of receipt of the proposed emergency rule from the commissioner. The attorney general shall send a statement of reasons for disapproval of the rule to the commissioner, the chief administrative law judge, the legislative commission to review administrative rules, and to the revisor of statutes.

The attorney general shall disregard any error or defect in the proceeding due to the commissioner's failure to satisfy any procedural requirement imposed by law or rule if the attorney general finds:

(1) that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process; or

(2) that the commissioner has taken corrective action to cure the error or defect so that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process.

Subd. 3. **Costs.** The attorney general shall assess the commissioner for the actual cost of processing rules under this section. The commissioner shall include in the department's budget money to pay the attorney general's assessment. Receipts from the assessment must be deposited in the state treasury and credited to the general fund.

**History:** 1995 c 233 art 2 s 44

#### **97A.0456 EFFECTIVE DATE OF EMERGENCY RULE.**

The emergency rule takes effect five working days after approval by the attorney general. The attorney general shall file two copies of the approved emergency rule with the secretary of state. The secretary of state shall forward one copy of each approved and filed emergency rule to the revisor of statutes. Failure of the attorney general to approve or disapprove a proposed emergency rule within ten working days is approval.

**History:** 1995 c 233 art 2 s 45

#### **97A.0457 PUBLICATION OF APPROVAL.**

As soon as practicable, notice of the attorney general's decision must be published in the State Register and the adopted rule must be published in the manner as provided for adopted rules in section 14.18.

**History:** 1995 c 233 art 2 s 46

#### **97A.0458 EFFECTIVE PERIOD OF EMERGENCY RULE.**

Emergency rules adopted under sections 97A.0451 to 97A.0459 shall be effective for the period stated in the notice of intent to adopt emergency rules which may not be longer than 180 days. The emergency rules may be continued in effect for an additional period of up to 180 days if the commissioner gives notice of continuation by publishing notice in the State Register and mailing the same notice to all persons registered with the commissioner to receive notice of any rulemaking proceedings. The continuation is not effective until these notices have been mailed. No emergency rule may remain in effect on a date 361 days after its original effective date. The emergency rules may not be continued in effect after 360 days without following the procedure of sections 14.14 to 14.28.

**History:** 1995 c 233 art 2 s 47

#### **97A.0459 APPROVAL OF FORM OF EMERGENCY RULE.**

No approved emergency rule shall be filed with the secretary of state or published in the State Register unless the revisor of statutes has certified that the emergency rule's form is approved.

**History:** 1995 c 233 art 2 s 48

#### **97A.051 PUBLICATION OF RULES 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 ten copies shall be distributed to each county auditor. Section 3.195 governs distribution of copies to members of the legislature. 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 con-

servation 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. 3. [Repealed, 1989 c 155 s 5]

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:** 1986 c 386 art 1 s 9; 1989 c 155 s 3; 1991 c 243 s 1; 1991 c 259 s 12-14,23; 1994 c 585 s 1

#### 97A.055 GAME AND FISH FUND.

Subdivision 1. **Establishment; purposes.** The game and fish fund is established as a fund in the state treasury.

Subd. 2. **Receipts.** The state treasurer shall credit to the game and fish fund all money received under the game and fish laws including receipts from:

- (1) licenses issued;
- (2) fines and forfeited bail;
- (3) sales of contraband, wild animals, and other property under the control of the division;
- (4) fees from advanced education courses for hunters and trappers;
- (5) reimbursements of expenditures by the division; and
- (6) contributions to the division.

Subd. 3. **Game and fish fund fees.** To reduce yearly fluctuations of the game and fish fund balance and to provide improved long-range planning of the fund, the policy of the state is to make fee adjustments as part of the budget process. Agency responsibilities are:

(a) The commissioner of natural resources must make specific requests for fee adjustments for all receipt items in the game and fish fund as a part of the fee report.

(b) The commissioner of finance must review the fee report and make recommendations for each fee. The commissioner of finance must submit a six-year projection on revenues and expenditures to the legislature.

Subd. 4. **Annual reports.** (a) By November 15 each year, the commissioner shall submit to the legislative committees having jurisdiction over appropriations and the environment and natural resources reports on each of the following:

(1) the amount of revenue from the following and purposes for which expenditures were made:

- (i) the small game license surcharge under section 97A.475, subdivision 4;
- (ii) the Minnesota migratory waterfowl stamp under section 97A.475, subdivision 5, clause (1);
- (iii) the trout and salmon stamp under section 97A.475, subdivision 10;
- (iv) the pheasant stamp under section 97A.475, subdivision 5, clause (2); and
- (v) the turkey stamp under section 97A.475, subdivision 5, clause (3);
- (2) the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c), and the purposes for which these amounts were spent; and

(3) money credited to the game and fish fund under this section and purposes for which expenditures were made from the fund.

(b) The report must include the commissioner's recommendations, if any, for changes in the laws relating to the stamps and surcharge referenced in paragraph (a).

Subd. 4a. **Citizen oversight committees.** (a) The commissioner shall appoint committees of affected persons to review the reports prepared under subdivision 4 and other relevant information and make recommendations to the legislature and the commissioner for improvements in the management and use of money in the game and fish fund.

(b) The commissioner shall appoint the following committees:

(1) a committee to review the annual game and fish fund report and address general game and fish fund issues;

(2) a committee to address funding issues related to fishing;

(3) a committee to review the report on the small game license surcharge and the report required in subdivision 4, paragraph (a), clause (2), and address funding issues related to hunting;

(4) a committee to review the trout and salmon stamp report and address funding issues related to trout and salmon;

(5) a committee to review the report on the migratory waterfowl stamp and address funding issues related to migratory waterfowl;

(6) a committee to review the report on the pheasant stamp and address funding issues related to pheasants; and

(7) a committee to review the report on the turkey stamp and address funding issues related to wild turkeys.

**Subd. 5. Pelting fees.** The commissioner may pay a pelting fee to a person who recovers, treats, preserves, or transports the pelt of a fur-bearing animal that is accidentally killed or is lawfully taken under section 97B.655. The commissioner may adopt rules setting pelting fees and governing their payment. The amounts necessary to pay the fees are appropriated from the game and fish fund to the commissioner.

**History:** 1986 c 386 art 1 s 10; 1987 c 149 art 1 s 7; 1989 c 335 art 1 s 85; 1993 c 172 s 51,52; 1993 c 231 s 7; 1994 c 561 s 2,3; 1996 c 364 s 1,2

**NOTE:** The amendments to subdivisions 4 and 4a by Laws 1996, chapter 364, sections 1 and 2, are effective March 1, 1997, and apply to licenses issued beginning with the 1997 license year. Laws 1996, chapter 364, section 7.

### 97A.061 PAYMENT IN LIEU OF TAXES.

**Subdivision 1. Applicability; amount.** (a) The commissioner shall annually make a payment to each county having public hunting areas and game refuges. Money to make the payments is annually appropriated for that purpose from the general fund. This section does not apply to state trust fund land and other state land not purchased for game refuge or public hunting purposes. The payment shall be the greatest of:

(1) 35 percent of the gross receipts from all special use permits and leases of land acquired for public hunting and game refuges;

(2) 50 cents per acre on land purchased actually used for public hunting or game refuges; or

(3) three-fourths of one percent of the appraised value of purchased land actually used for public hunting and game refuges.

(b) The payment must be reduced by the amount paid under subdivision 3 for croplands managed for wild geese.

(c) The appraised value is the purchase price for five years after acquisition. The appraised value shall be determined by the county assessor every five years after acquisition.

**Subd. 2. Allocation.** (a) Except as provided in subdivision 3, the county treasurer shall allocate the payment among the county, towns, and school districts on the same basis as if the payments were taxes on the land received in the year. Payment of a town's or a school district's allocation must be made by the county treasurer to the town or school district within 30 days of receipt of the payment to the county. The county's share of the payment shall be deposited in the county general revenue fund.

(b) The county treasurer of a county with a population over 39,000 but less than 42,000 in the 1950 federal census shall allocate the payment only among the towns and school districts on the same basis as if the payments were taxes on the lands received in the current year.

**Subd. 3. Goose management croplands.** (a) The commissioner shall make a payment on July 1 of each year to each county where the state owns more than 1,000 acres of crop land, for wild goose management purposes. The payment shall be equal to the taxes assessed on comparable, privately owned, adjacent land. Money to make the payments is annually appro-

priated for that purpose from the general fund. The county treasurer shall allocate and distribute the payment as provided in subdivision 2.

(b) The land used for goose management under this subdivision is exempt from taxation as provided in sections 272.01 and 273.19.

**History:** 1986 c 383 s 15; 1986 c 386 art 1 s 11; 1987 c 404 s 117; 1993 c 375 art 17 s 3,4; 1994 c 561 s 4,5

#### 97A.065 DEDICATION OF CERTAIN RECEIPTS.

**Subdivision 1. Fish and turtles from rough fish removal.** Money received from the sale of fish and turtles taken under rough fish removal operations is continuously available for rough fish removal.

**Subd. 2. Fines and forfeited bail.** (a) Fines and forfeited bail collected from prosecutions of violations of the game and fish laws, sections 84.091 to 84.15, and 84.81 to 84.88, chapter 348, and any other law relating to wild animals, and aquatic vegetation must be paid to the treasurer of the county where the violation is prosecuted. The county treasurer shall submit one-half of the receipts to the commissioner and credit the balance to the county general revenue fund except as provided in paragraphs (b), (c), and (d).

(b) The commissioner must reimburse a county, from the game and fish fund, for the cost of keeping prisoners prosecuted for violations under this section if the county board, by resolution, directs: (1) the county treasurer to submit all fines and forfeited bail to the commissioner; and (2) the county auditor to certify and submit monthly itemized statements to the commissioner.

(c) The county treasurer shall indicate the amount of the receipts that are assessments or surcharges imposed under section 609.101 and shall submit all of those receipts to the commissioner. The receipts must be credited to the game and fish fund to provide peace officer training for persons employed by the commissioner who are licensed under section 626.84, subdivision 1, clause (c), and who possess peace officer authority for the purpose of enforcing game and fish laws.

(d) The county treasurer shall submit one-half of the receipts collected from prosecutions of violations of sections 84.81 to 84.91, including receipts that are assessments or surcharges imposed under section 609.101, to the commissioner and credit the balance to the county general fund. The commissioner shall credit these receipts to the snowmobile trails and enforcement account in the natural resources fund.

**Subd. 3.** [Repealed, 1994 c 561 s 28]

**Subd. 4.** [Repealed, 1987 c 149 art 1 s 54]

**Subd. 5. Restitution for wild animals.** Money collected from restitution under section 97A.341 for wild animals killed, injured, or possessed in violation of the game and fish laws must be used by the commissioner for replacement, propagation, or protection of wild animals.

**History:** 1986 c 386 art 1 s 12; 1986 c 429 s 1; 1987 c 149 art 1 s 8; 1987 c 384 art 1 s 5; 1987 c 404 s 118; 1989 c 19 s 2; 1989 c 298 s 1; 1993 c 184 s 6; 1996 c 410 s 58

#### 97A.071 WILDLIFE ACQUISITION ACCOUNT.

**Subdivision 1. Account established.** The wildlife acquisition account is established as an account in the game and fish fund.

**Subd. 2. Revenue from the small game license surcharge.** Revenue from the small game surcharge shall be credited to the wildlife acquisition account and the money in the account shall be used by the commissioner only for the purposes of this section, and acquisition and development of wildlife lands under section 97A.145 and maintenance of the lands, in accordance with appropriations made by the legislature.

**Subd. 2a. Use of wildlife acquisition account money.** Of the money annually appropriated and available from the wildlife acquisition account:

(1) at least 50 percent must be used for land costs; and

(2) the remainder may only be used for other land acquisition costs, development, and maintenance of wildlife lands, and activities under subdivision 3.

**Subd. 3. Waterfowl breeding grounds in Canada.** The wildlife acquisition account may be used for developing, preserving, restoring, and maintaining waterfowl breeding grounds in Canada under agreement or contract with any nonprofit organization dedicated to the construction, maintenance, and repair of projects that are acceptable to the governmental agency having jurisdiction over the land and water affected by the projects. The commissioner may execute agreements and contracts if the commissioner determines that the use of the funds will benefit the migration of waterfowl into the state.

**Subd. 4.** [Repealed, 1994 c 561 s 28]

**Subd. 5. Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Development" means fencing, signing, and onsite improvement of the land that is related to the purposes for which the land was acquired. Development includes material or equipment that is purchased or rented and labor that is necessary to provide for the onsite improvement of the land.

(c) "Land costs" means the purchase price of land acquired by the commissioner under section 97A.145.

(d) "Maintenance" means noxious weed control and other onsite functions performed on a regular basis to sustain the environmental conditions that result from the original improvement of the land.

(e) "Other acquisition costs" means acquisition coordination costs, costs of engineering services, appraisal fees, attorney fees, taxes, assessments required at the time of purchase, and recording fees for land acquired by the commissioner under section 97A.145.

**History:** 1986 c 386 art 1 s 13; 1990 c 391 art 8 s 22; 1993 c 172 s 53; 1994 c 561 s 6-9

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

**Subdivision 1. Deer and bear licenses.** (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (4) and (5), and 3, clauses (2) and (3).

(b) At least \$2 from each deer license shall be used for deer habitat improvement or deer management programs.

(c) At least \$1 from each resident deer license and each resident bear license shall be used for deer and bear management programs, including a computerized licensing system. Fifty cents from each resident deer license is appropriated for emergency deer feeding. Money appropriated for emergency deer feeding is available until expended. When the unencumbered balance in the appropriation for emergency deer feeding at the end of a fiscal year exceeds \$750,000, \$750,000 is canceled to the unappropriated balance of the game and fish fund and the amount appropriated for emergency deer feeding is reduced to 25 cents from each resident deer license.

**Subd. 2. Minnesota migratory waterfowl stamp.** (a) Ninety percent of the revenue from the Minnesota migratory waterfowl stamps must be credited to the waterfowl habitat improvement account. Money in the account may be used only for:

(1) development of wetlands and lakes in the state and designated waterfowl management lakes for maximum migratory waterfowl production including habitat evaluation, 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 designation of waters under section 97A.101;

(2) management of migratory waterfowl;

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

(4) acquisition of and access to structure sites.

(b) Money in the account may not be used for costs unless they are directly related to a specific parcel of land or body of water under paragraph (a), clause (1), (3), or (4), or to specific management activities under paragraph (a), clause (2).

**Subd. 3. Trout and salmon stamp.** (a) Ninety percent of the revenue from trout and salmon stamps must be credited to the trout and salmon management account. Money in the account may be used only for:

(1) the development, restoration, maintenance, and preservation of trout streams and lakes; and

(2) rearing and stocking of trout and salmon in trout streams and lakes and Lake Superior.

(b) Money in the account may not be used for costs unless they are directly related to a specific parcel of land or body of water under paragraph (a) or to specific fish rearing activities under paragraph (a), clause (2).

**Subd. 4. Pheasant stamp.** (a) Ninety percent of the revenue from pheasant stamps must be credited to the pheasant habitat improvement account. Money in the account may be used only for:

(1) the development, restoration, and maintenance of suitable habitat for ringnecked pheasants on public and private land including the establishment of nesting cover, winter cover, and reliable food sources;

(2) reimbursement of landowners for setting aside lands for pheasant habitat;

(3) reimbursement of expenditures to provide pheasant habitat on public and private land; and

(4) the promotion of pheasant habitat development and maintenance, including promotion and evaluation of government farm program benefits for pheasant habitat.

(b) Money in the account may not be used for:

(1) costs unless they are directly related to a specific parcel of land under paragraph (a), clauses (1) to (3), or to specific promotional or evaluative activities under paragraph (a), clause (4); or

(2) any personnel costs.

**Subd. 5. Turkey stamps.** (a) Ninety percent of the revenue from turkey stamps must be credited to the wild turkey management account. Money in the account may be used only for:

(1) the development, restoration, and maintenance of suitable habitat for wild turkeys on public and private land including forest stand improvement and establishment of nesting cover, winter roost area, and reliable food sources;

(2) acquisitions of, or easements on, critical wild turkey habitat;

(3) reimbursement of expenditures to provide wild turkey habitat on public and private land;

(4) trapping and transplantation of wild turkeys; and

(5) the promotion of turkey habitat development and maintenance, population surveys and monitoring, and research.

(b) Money in the account may not be used for:

(1) costs unless they are directly related to a specific parcel of land under paragraph (a), clauses (1) to (3), a specific trap and transplant project under paragraph (a), clause (4), or to specific promotional or evaluative activities under paragraph (a), clause (5); or

(2) any permanent personnel costs.

**History:** 1986 c 386 art 1 s 14; 1987 c 149 art 1 s 9; 1991 c 254 art 2 s 24; 1993 c 172 s 54; 1994 c 561 s 10-12; 1996 c 294 s 1; 1996 c 364 s 3

**NOTE:** The amendment to subdivision 1 by Laws 1996, chapter 294, section 1, is effective July 1, 1997. Laws 1996, chapter 294, section 4.

**NOTE:** Subdivision 5, as added by Laws 1996, chapter 364, section 3, is effective March 1, 1997, and applies to licenses issued beginning with the 1997 license year. Laws 1996, chapter 364, section 7.

#### 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:** 1986 c 386 art 1 s 15; 1991 c 259 s 15

**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

**97A.085 GAME REFUGES.**

**Subdivision 1. State parks.** All state parks are designated as game refuges.

**Subd. 2. Establishment by commissioner.** The commissioner may designate a contiguous area of at least 640 acres as a game refuge if more than 50 percent of the area is in public ownership.

**Subd. 3. Establishment by petition of land holders.** The commissioner may designate a land area described in a petition as a game refuge. The petition must be signed by the owner, the lessee, or the person in possession of each tract in the area. A certificate of the auditor of the county where the lands are located must accompany the petition stating that the persons named in the petition are the owners, lessees, or persons in possession of all of the land described according to the county records. The game refuge must be a contiguous area of at least 640 acres unless it borders or includes a marsh, or other body of water or watercourse suitable for wildlife habitat.

**Subd. 4. Establishment by petition of county residents.** The commissioner may designate as a game refuge a contiguous area of at least 640 acres, described in a petition, signed by 50 or more residents of the county where the area is located. The game refuge may be designated only if the commissioner finds that protected wild animals are depleted and are in danger of extermination, or that it will best serve the public interest.

**Subd. 4a. Hearing required.** Before designating a game refuge under this section, the commissioner must hold a public hearing within the county where the majority of the proposed game refuge exists. Notices of the time and place of the hearing must be posted in five conspicuous places within the proposed game refuge at least 15 days before the hearing. A notice of the hearing must be published in a legal newspaper in each county where the area is located at least seven days before the hearing. Designation of a game refuge under this section is not subject to chapter 14.

**Subd. 5. Game refuge for specified game.** The commissioner may designate a game refuge under this section for only specified species. The game refuge must be posted accordingly.

**Subd. 6. Area included in game refuge.** A state game refuge includes all public lands, waters, highways, and railroad right-of-way within the refuge boundary and, in the discretion of the commissioner, may include adjacent public lands and waters.

**Subd. 7. Game refuge boundary posting.** (a) The designation of a state game refuge is not effective until the boundary has been posted with notices that measure at least 12 inches.

(b) The notices must be posted at intervals of not more than 500 feet or less along the boundary. The notices must also be posted at all public road entrances to the refuges, except where the boundary is also an international or state boundary in public waters. Where the boundary of a refuge extends more than 500 feet continuously through a body of water, instead of placing notices in the water, notices with the words, "Adjacent Waters Included," may be placed on the shoreline at the intersection of the boundary and the water 20 feet or less above the high water mark and at intervals of 500 feet or less along the shoreline.

(c) A certification by the commissioner or the director, or a certification filed with the commissioner or director by a conservation officer, refuge supervisor, or other authorized officer or employee, stating that the required notices have been posted is prima facie evidence of the posting.

**Subd. 8. Modification or abandonment.** A state game refuge may be vacated or modified by the commissioner under the same procedures required for establishment of the refuge.

**History:** 1986 c 386 art 1 s 16; 1987 c 149 art 1 s 10,11; 1992 c 462 s 6-11



**97A.091 HUNTING ON GAME REFUGES.**

Subdivision 1. **Hunting and possession of firearms.** Except as provided in subdivision 2, a person may not take a wild animal, except fish, within a state game refuge. A person may not carry within a refuge:

(1) a firearm unless the firearm is unloaded and contained in a case, or unloaded and broken down; or

(2) an uncased bow.

Subd. 2. **When hunting allowed.** (a) The commissioner may allow hunting of a protected wild animal species within any portion of a state game refuge, including a state park. Hunting may be allowed under this paragraph only if the commissioner finds:

(1) the population of the species exceeds the refuge's carrying capacity;

(2) the species is causing substantial damage to agricultural or forest crops in the vicinity;

(3) the species or other protected wild animals are threatened by the species population; or

(4) a harvestable surplus of the species exists.

(b) The commissioner may allow hunting of unprotected wild animals in a game refuge.

(c) The commissioner may prescribe rules for any hunting allowed within a refuge.

(d) In any selection process for permits to take deer within a game refuge, the commissioner may designate a certain number of permits that are available only to applicants who are age 70 or over or are qualified for a special permit under section 97B.055, subdivision 3, or 97B.106.

Subd. 3. **Trap or target shooting.** The commissioner may issue special permits, without fee, to the owner or lessee of privately owned land within the boundaries of a state game refuge for trap or target shooting.

**History:** 1986 c 386 art 1 s 17; 1993 c 231 s 8,9; 1994 c 561 s 13

**97A.092 CONTROLLED HUNTING ZONES.**

The commissioner may by rule establish controlled hunting zones in areas on or adjacent to wildlife management areas and game refuges where the commissioner determines it is necessary to limit the distribution of waterfowl hunters. The commissioner may by rule establish conditions for entry and restrictions on hunting in a controlled hunting zone, including procedures for impartially selecting hunters for the zone.

**History:** 1993 c 231 s 10

**97A.093 HUNTING, TRAPPING, 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:

(1) for scientific and natural areas designated before May 15, 1992, the designating document allows hunting, trapping, or fishing; or

(2) for other scientific and natural areas, the commissioner allows hunting, trapping, or fishing in accordance with the procedure in section 86A.05, subdivision 5, paragraph (d).

**History:** 1991 c 259 s 17; 1992 c 462 s 12

**97A.095 WATERFOWL PROTECTED AREAS.**

Subdivision 1. **Migratory waterfowl refuges.** The commissioner shall designate by rule any part of a state game refuge as a migratory waterfowl refuge if there is presented to the commissioner a petition signed by ten resident licensed hunters describing an area that is primarily a migratory waterfowl refuge. The commissioner shall post the area as a migratory waterfowl refuge. A person may not enter a posted migratory waterfowl refuge during the open migratory waterfowl season unless accompanied by a conservation officer or game refuge manager.

**Subd. 2. Waterfowl feeding and resting areas.** The commissioner may, by rule, designate any part of a lake as a migratory feeding or resting area. Before designation, the commissioner must receive a petition signed by at least ten local resident licensed hunters describing the area of a lake that is a substantial feeding or resting area for migratory waterfowl, and find that the statements in the petition are correct, and that adequate, free public access to the lake exists near the designated area. The commissioner shall post the area as a migratory waterfowl feeding and resting area. Except as authorized in rules adopted by the commissioner, a person may not enter a posted migratory waterfowl feeding and resting area, during a period when hunting of migratory waterfowl is allowed, with watercraft or aircraft propelled by a motor, other than an electric motor of less than 30 pounds thrust. The commissioner may, by rule, further restrict the use of electric motors in migratory waterfowl feeding and resting areas.

**Subd. 3. Hunting on Muskrat Lake.** The commissioner may prohibit migratory waterfowl hunting on Muskrat Lake in Beltrami county by posting accordingly.

**History:** 1986 c 386 art 1 s 18; 1987 c 119 s 1; 1991 c 259 s 23; 1993 c 231 s 11

#### 97A.098 TRESPASS ON FEDERAL LANDS.

A person may not enter or use a national wildlife refuge or federal waterfowl production area in violation of federal law.

**History:** 1993 c 231 s 12

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

**Subdivision 1. Reserves.** The commissioner may designate and reserve public waters of the state to propagate and protect wild animals.

**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.

**Subd. 3. Fishing may not be restricted.** Seasons or methods of taking fish may not be restricted under this section.

**History:** 1986 c 386 art 1 s 19; 1990 c 391 art 8 s 23; 1991 c 199 art 1 s 13

#### 97A.105 GAME AND FUR FARMS.

**Subdivision 1. License requirements.** (a) A person may breed and propagate fur-bearing animals, game birds, bear, moose, elk, caribou, mute swans, or deer only on privately owned or leased land and after obtaining a license. Any of the permitted animals on a game farm may be sold to other licensed game farms. "Privately owned or leased land" includes waters that are shallow or marshy, are not actually navigable, and are not of substantial beneficial public use. Before an application for a license is considered, the applicant must enclose the area to sufficiently confine the animals to be raised in a manner approved by the commissioner. A license may be granted only if the commissioner finds the application is made in good faith with intention to actually carry on the business described in the application and the commissioner determines that the facilities are adequate for the business.

(b) A person may purchase live game birds or their eggs without a license if the birds or eggs, or birds hatched from the eggs, are released into the wild, consumed, or processed for consumption within one year after they were purchased or hatched. This paragraph does not apply to the purchase of migratory waterfowl or their eggs.

(c) A person may not introduce mute swans into the wild without a permit issued by the commissioner.

**Subd. 2. Transfer of license.** (a) A game or fur farm license is transferable with the transfer of all or a portion of the title or leasehold of the land if:

- (1) the land transferred complies with the license requirements;
- (2) the land is used for the purposes of the license; and
- (3) a verified written report of the existing and intended land use is made to the commissioner, accompanied by a copy of deed, assignment, lease, or other instrument transferring the corresponding title or leasehold in the enclosed land.

(b) A transfer of less than the whole interest in the license is not valid. Each bona fide partner or associate in the ownership or operation of a game or fur farm must obtain a separate license.

**Subd. 3. Ownership of wild animals.** All wild animals and their offspring, of the species identified in the license, that are within the enclosure are the property of the game and fur farm licensee.

**Subd. 4. Sale of live animals.** A sale of live animals from a licensed fur or game farm is not valid unless the animals are delivered to the purchaser or they are identified and kept separately. The sale agreement or contract must be in writing. The licensee must notify a purchaser of the death of an animal within 30 days and of the number of increase before July 20 of each year.

**Subd. 5. Sale of pelts.** The commissioner shall prescribe:

- (1) the manner that pelts and products of wild animals raised on fur or game farms may be sold or transported; and
- (2) the tags or seals to be affixed to the pelts and products.

**Subd. 6. Fox and mink.** Fox and mink may not be bought or sold for breeding or propagating unless they have been pen-bred for at least two generations.

**Subd. 7. Transportation of live beaver.** Live beaver may not be transported without a permit from the commissioner.

**Subd. 8. Penalty.** A licensee that does not comply with a provision of this section subjects all wild animals on the game or fur farm to confiscation.

**Subd. 9. Rules.** The commissioner may adopt rules for:

- (1) the issuance of game farm licenses;
- (2) the inspection of game farm facilities;
- (3) the acquisition and disposal of game farm animals; and
- (4) record keeping and reporting by game farm licensees.

**History:** 1986 c 386 art 1 s 20; 1987 c 121 s 1; 1987 c 404 s 119; 1993 c 231 s 13,14; 1996 c 385 art 2 s 2

### 97A.111 MUSKRAT FARMS.

**Subdivision 1. Application for a license.** An owner of suitable land may operate a muskrat farm for breeding, raising, trapping, and dealing in muskrats in accordance with this section. A person may apply for a muskrat farm license by filing with the commissioner a signed statement describing the land, title, and number of acres where the farm is to be located.

**Subd. 2. Issuance of license.** (a) The commissioner shall investigate the application filed and may require the applicant to produce evidence of the facts stated. The commissioner shall issue a muskrat farm license to an applicant if the commissioner determines that:

- (1) the applicant is the owner of the land;
- (2) the applicant intends to establish and operate a muskrat farm; and
- (3) the establishment of a muskrat farm in the proposed area will conserve the natural resources.

(b) The license must describe the land and certify that the licensee is entitled to use the land to breed, raise, trap, and trade muskrats.

**Subd. 3. Ownership, taking, sale, and transportation.** A licensee is the owner of all muskrats on the licensed muskrat farm. The licensee may take and trap the muskrats at any time and in any manner, except by firearm or spear. Muskrats taken for pelting purposes may only be trapped under a permit issued by the commissioner. The licensee may sell and trans-

port the muskrats or their pelts from the muskrat farm at any time. The pelts must be tagged as prescribed by the commissioner. The commissioner shall furnish tags to the licensee at cost. The tags must be numbered to identify the muskrat farm license.

**Subd. 4. Posting notice.** Within 30 days after a muskrat farm license is issued, the licensee must post and maintain notices on posts, stakes, or enclosures on the boundary of the farm at intervals of not more than 70 feet. The notices stating the existence of a muskrat farm must be furnished by the commissioner to the licensee for 12 cents each.

**Subd. 5. Alteration of boundaries.** The licensee may not alter the boundaries of the muskrat farm without consent of the commissioner.

**Subd. 6. Illegal taking.** An unauthorized person who takes muskrats from a muskrat farm is liable to the licensee for \$25 and all damages. An action for the trespass and taking must be brought by the licensee.

**Subd. 7. Annual report.** By March 31 of each year, the licensee must submit a signed report to the commissioner covering the preceding license year. The report must be completed on a form furnished by the commissioner stating the license number, the number and value of muskrats killed, transported, and sold from the muskrat farm, and other information required by the commissioner.

**History:** 1986 c 386 art 1 s 21; 1987 c 149 art 1 s 12,13

### 97A.115 ESTABLISHMENT OF SHOOTING PRESERVES.

**Subdivision 1. Licenses; rules.** A person may not operate a shooting preserve without a license. The commissioner may issue licenses to operate commercial shooting preserves and private shooting preserves if the commissioner determines that it is in the public interest and that there will not be an adverse effect on wild game bird populations. Private shooting preserves may only be located outside of the pheasant range as determined by the commissioner. The commissioner may adopt rules to implement this section and section 97A.121.

**Subd. 2. Species available.** Species that may be released and hunted in a licensed shooting preserve must be specified in the license and are limited to unprotected birds, adult pheasant, and bob-white quail for private shooting preserves and adult pheasant, bob-white quail, turkey, mallard duck, black duck, and other species designated by the commissioner for commercial shooting preserves. These game birds must be pen hatched and raised.

**Subd. 3. Size of preserve.** A shooting preserve must be at least 40 but not more than 160 contiguous acres for private shooting preserves and at least 100 but not more than 1,000 contiguous acres, including any water area, for commercial shooting preserves.

**Subd. 4. Posting of boundaries.** The boundaries of a shooting preserve must be clearly posted in a manner prescribed by the commissioner.

**Subd. 5. Revocation of license.** The commissioner may revoke a shooting preserve license if the licensee or persons authorized to hunt in the preserve have been convicted of a violation under this section or section 97A.121. After revocation, a new license may be issued in the discretion of the commissioner.

**History:** 1986 c 386 art 1 s 22; 1990 c 605 s 1; 1994 c 623 art 1 s 22; 1995 c 186 s 27

### 97A.121 HUNTING IN PRIVATE SHOOTING PRESERVES.

**Subdivision 1. Hunter's license.** (a) A person hunting released birds in a private shooting preserve must have the licenses required by law for hunting pheasants.

(b) A license is not required to hunt authorized game birds on a commercial shooting preserve.

**Subd. 2. Season.** (a) The open season for hunting in commercial shooting preserves is continuous. Sanctioned registered field trials in commercial shooting preserves may be held from April 16 to July 14 after notification to the commissioner.

(b) The open season for hunting in a private shooting preserve is September 15 until December 31.

(c) The commissioner may restrict the open season after receiving a complaint, holding a public hearing, and finding that the population of wild game birds is in danger by hunting in the preserve.

**Subd. 3. Operator may establish restrictions.** A shooting preserve licensee may determine who is allowed to hunt in the preserve. In each preserve the licensee may establish the charge for taking game, the shooting hours, the season, limitations, and restrictions on the age, sex, and number of each species that may be taken by a hunter. These provisions may not conflict with this section or section 97A.115 and may not be less restrictive than any rule.

**Subd. 4. Limits and marking of game birds.** Except as provided in subdivision 4a, the commissioner shall prescribe the minimum number of each authorized species that may be released and the percentage of each species that may be taken. The commissioner shall prescribe methods for identifying birds to be released.

**Subd. 4a. Pheasants.** (a) A private shooting preserve licensed to release pheasants may release no more than 300 adult pheasants on the licensed shooting preserve area during the private shooting preserve hunting season. The number of pheasants harvested may not exceed 95 percent of the number of pheasants released.

(b) A commercial shooting preserve must release at least 1,000 adult pheasants.

**Subd. 5. Marking harvested game.** Harvested game, except ducks that are marked in accordance with regulations of the United States Fish and Wildlife Service, must be marked or identified by the shooting preserve in a manner prescribed by the commissioner. The commissioner may issue the tags or other markings at a cost of 15 cents each. The marking must remain attached on the bird while the bird is transported.

**Subd. 6. Record keeping.** A shooting preserve licensee must maintain a registration book listing the names, addresses, and hunting license numbers, if applicable, of all hunters, the date when they hunted, the amount and species of game taken, and the tag numbers or other markings affixed to each bird. A shooting preserve must keep records of the number of each species raised and purchased and the date and number of each species released. The records must be open to inspection by the commissioner at all reasonable times.

**History:** 1986 c 386 art 1 s 23; 1987 c 149 art 1 s 14; 1988 c 588 s 2,3; 1990 c 605 s 2; 1991 c 259 s 23

#### **97A.125 WILDLIFE HABITAT ON PRIVATE LAND.**

The commissioner may enter into agreements with landowners to develop or improve wildlife habitat on private land and provide financial, technical, and professional assistance and material.

**History:** 1986 c 386 art 1 s 24

#### **97A.127 FINANCING WATERFOWL DEVELOPMENT.**

The commissioner may use funds appropriated for fish and wildlife programs for the purpose of developing, preserving, restoring, and maintaining waterfowl breeding grounds in Canada under agreement or contract with any nonprofit organization dedicated to the construction, maintenance, and repair of projects that are acceptable to the governmental agency having jurisdiction over the land and water affected by the projects. The commissioner may execute agreements and contracts if the commissioner determines that use of the funds will benefit the migration of waterfowl into the state.

**History:** 1993 c 269 s 7

#### **97A.131 GAME FARMS AND HATCHERIES.**

The commissioner may acquire property by gift, lease, purchase, or condemnation and may construct, maintain, operate, and alter facilities for game farms and hatcheries.

**History:** 1986 c 386 art 1 s 25

#### **97A.135 ACQUISITION OF WILDLIFE LANDS.**

**Subdivision 1. Public hunting and wildlife areas.** (a) The commissioner or the commissioner of administration shall acquire and improve land for public hunting, game refuges, and food and cover planting. The land may be acquired by a gift, lease, easement, purchase, or condemnation. At least two-thirds of the total area acquired in a county must be open to

public hunting. The commissioner may designate land acquired under this subdivision as a wildlife management area for the purposes of the outdoor recreation system.

(b) The commissioner of administration may transfer money to the commissioner for acquiring wildlife lands to qualify for Pittman–Robertson funds. The transferred money is reappropriated to the commissioner for the wildlife land acquisition.

**Subd. 2. Disposal of unsuitable hunting areas.** The commissioner shall sell or exchange land acquired for public hunting that is unnecessary or unsuitable. The land may not be sold for less than its purchase price. The land may be exchanged for land of equal value that adds to existing public hunting areas. The sales and exchanges must be approved by the executive council. This subdivision does not apply to land in a wildlife management area.

**Subd. 2a. Disposal of land in wildlife management areas.** (a) The commissioner may sell or exchange land in a wildlife management area authorized by designation under section 86A.07, subdivision 3, or 97A.145 if the commissioner vacates the designation before the sale or exchange in accordance with this subdivision. The designation may be vacated only if the commissioner finds, after a public hearing, that the disposal of the land is in the public interest.

(b) A sale under this subdivision is subject to sections 94.09 to 94.16. An exchange under this subdivision is subject to sections 94.341 to 94.348.

(c) Revenue received from a sale authorized under paragraph (a) is appropriated to the commissioner for acquisition of replacement wildlife management lands.

(d) Land acquired by the commissioner under this subdivision must meet the criteria in section 86A.05, subdivision 8, and as soon as possible after the acquisition must be designated as a wildlife management area under section 86A.07, subdivision 3, or 97A.145.

(e) In acquiring land under this subdivision, the commissioner must give priority to land within the same geographic region of the state as the land conveyed.

**Subd. 3. Cooperative farming agreements.** On any public hunting, game refuge, wildlife management area, or scientific and natural area lands, the commissioner may enter into written cooperative farming agreements on a sharecrop basis, without competitive bidding, for the purpose of wildlife and plant management. Cooperative farming agreements may also be used to allow pasturing of livestock. The agreements may provide for the bartering of a share of any crop, produced from these lands, for services or products that will enhance or benefit the management of state lands for plant and animal species. Cooperative farming agreements pursuant to this section shall not be considered leases for tax purposes under section 272.01, subdivision 2, or 273.19.

**History:** 1986 c 386 art 1 s 26; 1987 c 149 art 1 s 15; 1990 c 605 s 3; 1993 c 285 s 16,17; 1994 c 561 s 14; 1994 c 622 s 1

## 97A.137 HUNTING, FISHING, AND TRESPASSING IN WILDLIFE MANAGEMENT AREAS.

**Subdivision 1. Hunting and fishing.** Wildlife management areas are open to hunting and fishing unless closed by rule of the commissioner or by posting under subdivision 2.

**Subd. 2. Commissioner may restrict entry to designated areas.** The commissioner may, by posting in accordance with section 97B.001, subdivision 4, designate areas within wildlife management areas that are closed to entry for the purpose of providing areas where disturbance of wildlife can be minimized. A person may not enter an area posted under this subdivision except as authorized by rule or a permit issued by the commissioner.

**History:** 1991 c 259 s 18; 1993 c 231 s 15

## 97A.141 PUBLIC WATER ACCESS SITES.

**Subdivision 1. Acquisition; generally.** The commissioner shall acquire access sites adjacent to public waters and easements and rights-of-way necessary to connect the access sites with public highways. The land may be acquired by gift, lease, or purchase, or by condemnation with approval of the executive council. An access site may not exceed seven acres and may only be acquired where access is inadequate.

**Subd. 2. Acquisition; limitations.** Access sites may not be acquired under this section adjacent to public waters that are unmeandered or completely surrounded by land owned and

maintained for the purpose of an educational or religious institution. Access sites adjacent to public waters that contain less than 200 acres within the meander lines may not be acquired by condemnation and may only be acquired if:

- (1) the public water contains at least 150 acres within the meander lines; or
- (2) the public waters are to be managed intensively for fishing.

**Subd. 3. Maintenance.** The commissioner shall maintain the sites, easements, and rights-of-way acquired under this section. The commissioner may make an agreement for the maintenance of the site easements and rights-of-way with a county board if the connecting public highway is a county state-aid highway or county highway, or the town board if the connecting highway is a town road. The county board and town board may spend money from its road and bridge funds for maintenance under the agreement.

**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:** 1986 c 386 art 1 s 27; 1991 c 254 art 2 s 26; 1991 c 259 s 19

#### 97A.145 WETLANDS FOR WILDLIFE.

**Subdivision 1. Acquisition; generally.** (a) The commissioner or the commissioner of administration may acquire wetlands and bordering areas, including marshes, ponds, small lakes, and stream bottoms for water conservation relating to wildlife development. The lands that are acquired may be developed for wildlife, recreation, and public hunting. The wetlands may be acquired by gift, lease, purchase, or exchange of state lands.

(b) The commissioner may also acquire land owned by the state and tax-forfeited land that is suitable for wildlife development. The wetlands may not be acquired unless public access by right-of-way or easement from a public road is also acquired or available. In acquiring wetlands under this section the commissioner shall assign highest priority to type 3 and 4 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), that are public waters. Lands purchased or leased under this section may not be used to produce crops unless needed for wildlife. The commissioner may designate land acquired under this section as a wildlife management area for purposes of the outdoor recreation system.

**Subd. 2. Acquisition procedure.** (a) Lands purchased or leased under this section must be acquired in accordance with this subdivision.

(b) The commissioner must notify the county board and the town officers where the land is located and furnish them a description of the land to be acquired. The county board must approve or disapprove the proposed acquisition within 90 days after being notified. The commissioner may extend the time up to 30 days. The soil and water conservation district supervisors shall counsel the county board on drainage and flood control and the best utilization and capability of the land.

(c) If the county board approves the acquisition within the prescribed time, the commissioner may acquire the land.

(d) If the county board disapproves the acquisition, it must state valid reasons. The commissioner may not purchase or lease the land if the county board disapproves the acquisition and states its reasons within the prescribed time period. The landowner or the commissioner may appeal the disapproval to the district court having jurisdiction where the land is located.

(e) The commissioner or the owner of the land may submit the proposed acquisition to the land exchange board if: (1) the county board does not give reason for disapproval, or does not approve or disapprove the acquisition within the prescribed time period; or (2) the court finds that the disapproval is arbitrary and capricious, or that the reasons stated for disapproval are invalid.

(f) The land exchange board must conduct a hearing and make a decision on the acquisition within 60 days after receiving the proposal. The land exchange board must give notice of the hearing to the county board, the commissioner, the landowner, and other interested parties. The land exchange board must consider the interests of the county, the state, and the landowner in determining whether the acquisition is in the public interest. If a majority of the land exchange board members approves the acquisition, the commissioner may acquire the land. If a majority disapproves, the commissioner may not purchase or lease the land.

**Subd. 3. Management.** If a drainage outlet is petitioned and drainage proceedings are conducted under the drainage code, chapter 103E, the commissioner should not interfere with or unnecessarily delay the proceedings.

**History:** 1986 c 386 art 1 s 28; 1990 c 391 art 10 s 3

### 97A.151 LEECH LAKE INDIAN RESERVATION AGREEMENT.

**Subdivision 1. Purpose.** The purpose of this section is to give recognition and effect to the rights of the Leech Lake Band of Chippewa Indians that are preserved by federal treaty relating to hunting, fishing, and trapping, and to the gathering of wild rice on the Leech Lake Indian Reservation. These rights have been recognized and given effect by the decision of the United States District Court in the following entitled actions: Leech Lake Band of Chippewa Indians, et al v. Robert L. Herbst, No. 3-69 Civ. 65; and United States of America v. State of Minnesota, No. 3-70 Civ. 228. The state of Minnesota desires to settle all outstanding issues and claims relating to the above rights.

**Subd. 2. Definitions.** The definitions in this subdivision apply to this section.

(a) "Band" means the Leech Lake Band of Chippewa Indians.

(b) "Committee" means the reservation business committee of the Leech Lake Band of Chippewa Indians.

(c) "Reservation" means the Leech Lake Indian Reservation described in the settlement agreement.

(d) "Settlement agreement" means the document entitled "Agreement and Settlement" on file and of record in the United States District Court for the District of Minnesota, Third Division, in the following entitled actions: Leech Lake Band of Chippewa Indians, et al v. Robert L. Herbst, No. 3-69 Civ. 65; and United States of America v. State of Minnesota, No. 3-70 Civ. 228.

**Subd. 3. Ratification of settlement agreement.** Notwithstanding the provisions of any other law to the contrary, the state of Minnesota by this section ratifies and affirms the agreement set forth in the settlement agreement.

**Subd. 4. Commissioner's powers and duties.** (a) Notwithstanding the provisions of any other law to the contrary, the commissioner, on behalf of the state of Minnesota, shall take all actions, by rule or otherwise, necessary to carry out the duties and obligations of the state of Minnesota arising from the agreement entered into by the parties to the settlement agreement.

(b) These actions include but are not limited to the following:

(1) the implementation of the exemption of members of the band and other members of the Minnesota Chippewa tribe from state laws relating to hunting, fishing, trapping, the taking of minnows and other bait, and the gathering of wild rice within the reservation, together with exemption from related possession and transportation laws, to the extent necessary to effectuate the terms of the settlement agreement;

(2) the establishment of a system of special licenses and related license fees for persons who are not members of the Minnesota Chippewa tribe for the privilege of hunting, fishing, trapping, or taking minnows and other bait within the reservation. All money collected by the commissioner for special licenses shall be deposited in the state treasury and credited to the Leech Lake Band and White Earth Band special license account, which is hereby created. All money in the state treasury credited to the Leech Lake Band and White Earth Band special license account, less any deductions for administrative costs authorized by the terms of the settlement agreement, is appropriated to the commissioner who shall remit the money to the committee pursuant to the terms of the settlement agreement;



(3) to the extent necessary to effectuate the terms of the settlement agreement, the promulgation of rules for the harvesting of wild rice within the reservation by non-Indians;

(4) to the extent necessary to effectuate the terms of the settlement agreement, the establishment of policies and procedures for the enforcement by conservation officers of the conservation code adopted by the band; and

(5) the arbitration of disputes arising under the terms of the settlement agreement.

**History:** 1986 c 386 art 1 s 29; 1991 c 259 s 23

#### **97A.155 AMENDMENTS TO LEECH LAKE INDIAN RESERVATION AGREEMENT.**

**Subdivision 1. Payment in lieu of special licenses.** The commissioner may enter into an agreement with authorized representatives of the Leech Lake Band of Chippewa Indians to amend the settlement agreement adopted by section 97A.151 by providing that in lieu of the system of special licenses and license fees for persons who are not members of the Minnesota Chippewa tribe for the privilege of hunting, fishing, trapping, or taking minnows and other bait within the reservation, five percent of the proceeds from all licenses sold in the state for hunting, fishing, trapping, and taking minnows and other bait shall be credited to the special license account established by section 97A.151. The funds shall be remitted to the Leech Lake Band in the manner and subject to the terms and conditions that may be mutually agreed upon.

**Subd. 2. Payment in lieu of migratory waterfowl stamp fee.** The commissioner may enter into an agreement with the reservation business committee of the Leech Lake Indian Reservation to amend the settlement agreement adopted in section 97A.151 by providing that in lieu of collecting an additional fee in connection with the state migratory waterfowl stamp for the privilege of hunting waterfowl on the Leech Lake Indian reservation five percent of the proceeds from the sale of state migratory waterfowl stamps shall be credited to the special license account established by section 97A.151. The funds shall be remitted to the Leech Lake reservation business committee in the manner and subject to the terms and conditions provided in section 97A.151.

**Subd. 3. Aquaculture allowed.** The commissioner shall not interpret commercial fishing in the settlement agreement in a manner that restricts aquaculture by the Leech Lake Band, or Leech Lake Band members, that is conducted consistent with state policies, laws, and regulations relating to aquaculture.

**History:** 1986 c 386 art 1 s 30; 1990 c 502 s 3

#### **97A.157 1854 TREATY AREA AGREEMENT.**

**Subdivision 1. Purpose.** The purpose of this section is to effectuate resolution of issues in dispute between the state of Minnesota and the Grand Portage, Bois Forte, and Fond du Lac Bands of Chippewa Indians that relate to hunting, fishing, trapping, and gathering in the ceded area described in the September 30, 1854, treaty between the Lake Superior Chippewa and the government of the United States. This treaty was ratified by the United States Senate on January 10, 1855, and was recognized and affirmed in a subsequent treaty between the Bois Forte Band of Chippewa Indians and the government of the United States dated April 7, 1866, and ratified by the United States Senate on April 26, 1866. The enforcement of certain rights claimed by Lake Superior Chippewas under these treaties has been sought in a civil action brought in the United States District Court for the District of Minnesota, Fourth Division, that is entitled *Grand Portage Band of Chippewas, et al. v. State of Minnesota, et al.*, Civ. No. 4-85-1090. The state of Minnesota desires to settle all outstanding matters relating to the above dispute.

**Subd. 2. Settlement agreement.** The parties to the above named civil action have negotiated a settlement of the dispute and have filed an executed copy of their "Memorandum of Agreement" with the court on February 16, 1988.

**Subd. 3. Ratification of settlement agreement.** The state of Minnesota, by the enactment of this section, ratifies and affirms the Memorandum of Agreement, provided the agreement is amended by July 1, 1988, by the addition of the following language: "Any party

in the Memorandum of Agreement may cancel this agreement upon one year's written notice to the other parties."

**Subd. 4. Commissioner's powers and duties.** The commissioner of natural resources, on behalf of the state of Minnesota, shall take all actions, by rule or otherwise, necessary to carry out the duties and obligations of the state of Minnesota arising from the Memorandum of Agreement. Powers and duties provided by this subdivision apply to payment of money under the Memorandum of Agreement only to the extent and to the amount specifically appropriated by the legislature to carry out the terms of the Memorandum of Agreement.

**History:** 1988 c 525 s 1; 1991 c 259 s 23

#### **97A.161 AGREEMENT WITH WHITE EARTH INDIANS.**

The commissioner may enter into an agreement with authorized representatives of the White Earth Band of Chippewa Indians on substantially the same terms as the agreement adopted by section 97A.151 and amended under section 97A.155; except that the agreement shall provide that 2-1/2 percent of the proceeds from all licenses sold in the state for hunting, fishing, trapping, and taking of minnows and other bait shall be credited to the special license account established by section 97A.151. The funds shall be remitted to the White Earth Band in the manner and subject to the terms and conditions that may be mutually agreed upon. An agreement negotiated under this section shall be for a term of at least four years following the date of its execution.

**History:** 1986 c 386 art 1 s 31

#### **97A.165 SOURCE OF PAYMENTS FOR INDIAN AGREEMENT.**

Money to make payments to the Leech Lake Band, the 1854 treaty area agreement, and White Earth Band special license account under sections 97A.151, subdivision 4, 97A.155, subdivision 2, and 97A.157, subdivision 4, is annually appropriated for that purpose from the general fund.

**History:** 1986 c 386 art 1 s 32; 1989 c 335 art 1 s 86; 1994 c 561 s 15

### **ENFORCEMENT**

#### **97A.201 ENFORCEMENT.**

**Subdivision 1. Enforcement by the commissioner.** The commissioner shall execute and enforce the laws relating to wild animals. The commissioner may delegate execution and enforcement of the wild animal laws to the director and enforcement officers.

**Subd. 2. Duty of county attorneys and peace officers.** County attorneys and all peace officers must enforce the game and fish laws.

**History:** 1986 c 386 art 1 s 33; 1987 c 149 art 1 s 16

#### **97A.205 ENFORCEMENT OFFICER POWERS.**

An enforcement officer is authorized to:

(1) execute and serve court issued warrants and processes relating to wild animals, wild rice, public waters, water pollution, conservation, and use of water, in the same manner as a constable or sheriff;

(2) enter any land to carry out the duties and functions of the division;

(3) make investigations of violations of the game and fish laws;

(4) take an affidavit, if it aids an investigation;

(5) arrest, without a warrant, a person who is detected in the actual violation of the game and fish laws, a provision of chapters 84, 84A, 84D, 85, 86A, 88 to 97C, 103E, 103F, 103G, sections 86B.001 to 86B.815, 89.51 to 89.61; or 609.66, subdivision 1, clauses (1), (2), (5), and (7); and 609.68; and

(6) take an arrested person before a court in the county where the offense was committed and make a complaint.

Nothing in this section grants an enforcement officer any greater powers than other licensed peace officers.

**History:** 1986 c 386 art 1 s 34; 1987 c 109 s 12; 1987 c 384 art 1 s 6; 1990 c 391 art 10 s 3; 1990 c 558 s 1; 1Sp1995 c 1 s 19; 1996 c 385 art 2 s 3

### 97A.211 ARREST PROCEDURES.

**Subdivision 1. Notice to appear in court.** (a) A person must be given notice to appear in court for a misdemeanor violation of the game and fish laws; chapter 84, 84D, 103E, or 103G; sections 103F.201 to 103F.221; or section 103F.601 or 609.68 if:

(1) the person is arrested and is released from custody prior to appearing before a court; or

(2) the person is subject to a lawful arrest and is not arrested because it reasonably appears to the enforcement officer that arrest is unnecessary to prevent further criminal conduct and that there is a substantial likelihood that the person will respond to a notice.

(b) The enforcement officer shall prepare, in quadruplicate, a written notice to appear in court. The notice must be in the form and has the effect of a summons and complaint. The notice must contain the name and address of the person charged, the offense, and the time and the place to appear in court. The court must have jurisdiction within the county where the offense is alleged to have been committed.

**Subd. 2. Release after arrest.** A person arrested for a misdemeanor violation of the game and fish laws; chapter 84, 84D, 103E, or 103G; sections 103F.201 to 103F.221; or section 103F.601 or 609.68 may obtain release by signing the written notice prepared by the arresting officer promising to appear in court. The officer shall deliver a copy marked "SUMMONS" to the person arrested. The officer must then release the person from custody.

**Subd. 3. Court appearance.** On or before the court appearance date, the enforcement officer must deliver the summons and complaint to the court. If the person summoned fails to appear in court on the day specified, the court shall issue a warrant for the person's arrest.

**History:** 1986 c 386 art 1 s 35; 1987 c 149 art 1 s 17,18; 1990 c 391 art 8 s 24,25; 1996 c 385 art 2 s 4,5

### 97A.215 INSPECTIONS.

**Subdivision 1. Storage of wild animals.** (a) When an enforcement officer has probable cause to believe that wild animals possessed or stored in violation of the game and fish laws are present, the enforcement officer may enter and inspect any commercial cold storage warehouse, hotel, restaurant, ice house, locker plant, butcher shop, and other building used to store dressed meat, game, or fish, to determine whether wild animals are kept and stored in compliance with the game and fish laws.

(b) When an enforcement officer has probable cause to believe that wild animals taken or possessed in violation of the game and fish laws are present, the officer may:

(1) enter and inspect any place or vehicle; and

(2) open and inspect any package or container.

**Subd. 2. Records.** An enforcement officer may inspect the relevant records of any person that the officer has probable cause to believe has violated the game and fish laws.

**Subd. 3. Licensed activity.** An enforcement officer may, at reasonable times:

(1) enter and inspect the premises of an activity requiring a license under the game and fish laws; and

(2) stop and inspect a motor vehicle requiring a license under the game and fish laws.

**History:** 1986 c 386 art 1 s 36; 1987 c 169 s 1

### 97A.221 SEIZURE AND CONFISCATION OF PROPERTY.

**Subdivision 1. Property subject to seizure and confiscation.** (a) An enforcement officer may seize:

(1) wild animals, wild rice, and other aquatic vegetation taken, bought, sold, transported, or possessed in violation of the game and fish laws or chapter 84 or 84D; and

(2) firearms, bows and arrows, nets, boats, lines, poles, fishing rods and tackle, lights, lanterns, snares, traps, spears, dark houses, fish houses, and wild rice harvesting equipment that are used with the owner's knowledge to unlawfully take or transport wild animals, wild rice, or other aquatic vegetation and that have a value under \$1,000 are subject to this section.

(b) An item described in paragraph (a), clause (2), that has a value of \$1,000 or more is subject to the provisions of section 97A.225.

(c) An enforcement officer must seize nets and equipment unlawfully possessed within ten miles of Lake of the Woods or Rainy Lake.

**Subd. 2. Seizure of commingled shipments.** A whole shipment or parcel is contraband if two or more wild animals are shipped or possessed in the same container, vehicle, or room, or in any way commingled, and any of the animals are contraband. Seizure of any part of a shipment includes the entire shipment.

**Subd. 3. Procedure for confiscation of property seized.** The enforcement officer must hold the seized property. The property held may be confiscated when:

- (1) the person from whom the property was seized is convicted; or
- (2) the property seized is contraband consisting of a wild animal, wild rice, or other aquatic vegetation.

**Subd. 4. Disposal of confiscated property.** Confiscated property may be disposed of or retained for use by the commissioner, or sold at the highest price obtainable as prescribed by the commissioner. Upon acquittal or dismissal of the charged violation for which the property was seized, all property, other than contraband consisting of a wild animal, wild rice, or other aquatic vegetation, must be returned to the person from whom the property was seized.

**History:** 1986 c 386 art 1 s 37; 1987 c 149 art 1 s 19; 1Sp1995 c 1 s 20; 1996 c 385 art 2 s 6

## 97A.225 SEIZURE AND CONFISCATION OF MOTOR VEHICLES AND BOATS.

**Subdivision 1. Seizure.** (a) An enforcement officer must seize all motor vehicles used to:

- (1) shine wild animals in violation of section 97B.081, subdivision 1;
- (2) transport big game animals illegally taken or fur-bearing animals illegally purchased; or
- (3) transport minnows in violation of section 97C.501, 97C.515, or 97C.525.

(b) An enforcement officer must seize all boats and motors used in netting fish on Lake of the Woods, Rainy Lake, Lake Superior, Namakan Lake, and Sand Point Lake in violation of licensing or operating requirements of section 97A.475, subdivision 31, 32, 33, or 37, 97C.825, 97C.831, or 97C.835, or a rule of the commissioner relating to these provisions.

**Subd. 2. Procedure for confiscation of property seized.** The enforcement officer must hold the seized property, subject to the order of the court having jurisdiction where the offense was committed. The property held is confiscated when the commissioner complies with this section and the person from whom it was seized is convicted of the offense.

**Subd. 3. Complaint against property.** The commissioner shall file with the court a separate complaint against the property held. The complaint must identify the property, describe its use in the violation, and specify the time and place of the violation. A copy of the complaint must be served upon the defendant or the owner of the property.

**Subd. 4. Release of property after posting bond.** At any time after seizure of the property specified in this section, the property must be returned to the owner or person having the legal right to possession upon execution of a valid bond to the state with a corporate surety. The bond must be approved by a judge of the court of jurisdiction, conditioned to abide by an order and judgment of the court and to pay the full value of the property at the time of seizure. The bond must be for \$100 or for a greater amount not more than twice the value of the property seized.

**Subd. 5. Court order.** (a) If the person arrested is acquitted, the court shall dismiss the complaint against the property and order it returned to the person legally entitled to it.

(b) Upon conviction of the person, the court shall issue an order directed to any person that may have any right, title, or interest in, or lien upon, the seized property. The order must

describe the property and state that it was seized and that a complaint against it has been filed. The order shall require a person claiming right, title, or interest in, or lien upon, the property to file with the court administrator an answer to the complaint, stating the claim, within ten days after the service of the order. The order shall contain a notice that if the person fails to file an answer within the time limit, the property may be ordered sold by the commissioner.

(c) The court order must be served upon any person known or believed to have any right, title, interest, or lien in the same manner as provided for service of a summons in a civil action, and upon unknown persons by publication, in the same manner as provided for publication of a summons in a civil action.

**Subd. 6. Court ordered sale after no answer.** If an answer is not filed within the time provided in subdivision 5, the court administrator shall notify the court and the court shall order the commissioner to sell the property. The net proceeds of the sale shall be deposited in the state treasury and credited to the game and fish fund.

**Subd. 7. Hearing after answer.** If an answer is filed within the time provided in subdivision 5, the court shall schedule a hearing within ten to 30 days after the time expired for filing the answer. The court, without a jury, shall determine whether any of the property was used in a violation specified in the complaint and whether the owner had knowledge or reason to believe that the property was being used, or intended to be used, in the violation. The court shall order the commissioner to sell the property that was unlawfully used with knowledge of the owner and to return to the owner property that was not unlawfully used with the knowledge of the owner. If the property is to be sold, the court shall determine the priority of liens against the property and whether the lienholders had knowledge that the property was being used or was intended to be used. Lienholders that had knowledge of the property's use in the violation are not to be paid. The court order must state the priority of the liens to be paid.

**Subd. 8. Proceeds of sale.** After determining the expense of seizing, keeping, and selling the property, the commissioner must pay the liens from the proceeds according to the court order. The remaining proceeds shall be deposited in the state treasury and credited to the game and fish fund.

**Subd. 9. Cancellation of security interests.** A sale under this section cancels all liens on and security interests in the property sold.

**History:** 1986 c 386 art 1 s 38; 1Sp1986 c 3 art 1 s 82; 1991 c 259 s 23

### 97A.231 SEARCH WARRANTS.

Upon complaint establishing that the complainant has probable cause to believe that a wild animal taken, bought, sold, transported, or possessed in violation of the game and fish laws, or contraband, is concealed or illegally kept in a place, a judge, authorized to issue warrants in criminal cases, may issue a search warrant. The judge may direct that the place be entered, broken open, and examined. Property seized under the warrant shall be safely kept under the direction of the court so long as necessary for the purpose of being used as evidence in a trial and subsequently disposed of as otherwise provided.

**History:** 1986 c 386 art 1 s 39

### 97A.235 JURISDICTION OVER BOUNDARY WATERS.

Courts in counties having jurisdiction adjacent to boundary waters and enforcement officers have jurisdiction over the entire boundary waters. The courts and enforcement officers of North Dakota, South Dakota, Iowa, Wisconsin, and Michigan have concurrent jurisdiction over boundary waters.

**History:** 1986 c 386 art 1 s 40

### 97A.241 RECIPROCITY WITH OTHER STATES IN APPOINTING OFFICERS.

**Subdivision 1. Officers of other jurisdictions as special conservation officers.** With approval of the proper authority of another state or the United States, the commissioner may appoint any salaried and bonded officer of that jurisdiction authorized to enforce its wild animal laws a special conservation officer of this state. A special conservation officer is subject to the supervision and control of and serves at the pleasure of the commissioner, but may not

be compensated by this state. A special conservation officer has powers of and is subject to the liabilities of conservation officers of this state, except as otherwise directed by the commissioner.

**Subd. 2. Officers of this state as officers of other jurisdictions.** An enforcement officer or peace officer of this state may enforce wild animal laws of another state, or the United States, under conditions prescribed by the commissioner. The officer may serve under the laws of another jurisdiction to the extent they are compatible with the duties of an officer of this state.

**Subd. 3. Reciprocal effect.** This section is effective with respect to another state or the United States to the extent that there is a similar provision in effect in that jurisdiction with respect to this state.

**History:** 1986 c 386 art 1 s 41

#### 97A.245 REWARDS.

The commissioner may pay rewards for information leading to the conviction of a person that has violated a provision of laws relating to wild animals or threatened or endangered species of wildlife. A reward may not exceed \$500, except a reward for information relating to big game or threatened or endangered species of wildlife, may be up to \$1,000. The rewards may only be paid from funds donated to the commissioner for these purposes and may not be paid to salaried conservation officers or peace officers.

**History:** 1986 c 386 art 1 s 42

#### 97A.251 OBSTRUCTION OF OFFICERS.

**Subdivision 1. Unlawful conduct.** A person may not:

- (1) intentionally hinder, resist, or obstruct an enforcement officer, agent, or employee of the division in the performance of official duties;
- (2) refuse to submit to inspection of firearms while in the field, licenses, or wild animals; or
- (3) refuse to allow inspection of a motor vehicle, boat, or other conveyance used while taking or transporting wild animals.

**Subd. 2. Civil actions.** In addition to criminal prosecution, the state may bring a civil action to recover damages resulting from and enjoin the continuance of a violation of this section. The civil actions may be brought by the attorney general on the request of the commissioner.

**History:** 1986 c 386 art 1 s 43

#### 97A.255 PROSECUTIONS.

**Subdivision 1. Statute of limitations.** A prosecution under the game and fish laws may not be brought more than three years after commission of the offense.

**Subd. 2. Burden of proof.** (a) In a prosecution that alleges animals have been taken, bought, sold, transported, or possessed in violation of the game and fish laws, the burden of establishing that the animals were domesticated, reared in a private preserve, raised in a private fish hatchery or aquatic farm, taken for scientific purposes, lawfully taken, or received as a gift, is on the defendant.

(b) The commissioner may by rule prescribe the documentation or other evidence sufficient to demonstrate lawful possession of:

- (1) a wild animal received as a gift; and
- (2) a wild animal taken on an Indian reservation or in another state, province, or country.

**Subd. 3. [Repealed, 1987 c 149 art 1 s 54]**

**Subd. 4. Each violation a separate offense.** Each wild animal unlawfully taken, bought, sold, transported, or possessed is a separate offense. If acquitted, a person may not be prosecuted for a similar offense involving another animal in the same incident.

**History:** 1986 c 386 art 1 s 44; 1987 c 149 art 1 s 20; 1993 c 231 s 16

## PENALTIES

**97A.301 GENERAL PENALTY PROVISIONS.**

Subdivision 1. **Misdemeanor.** Unless a different penalty is prescribed, a person is guilty of a misdemeanor if that person:

(1) takes, buys, sells, transports or possesses a wild animal in violation of the game and fish laws;

(2) aids or assists in committing the violation;

(3) knowingly shares in the proceeds of the violation;

(4) fails to perform a duty or comply with a requirement of the game and fish laws;

(5) knowingly makes a false statement related to an affidavit regarding a violation of the game and fish laws; or

(6) violates or attempts to violate a rule under the game and fish laws.

Subd. 2. **Gross misdemeanor.** Unless a different penalty is prescribed, a person convicted of violating a provision of the game and fish laws that is defined as a gross misdemeanor or is subject to a fine of not less than \$100 nor more than \$3,000 and imprisonment in the county jail for not less than 90 days or more than one year.

**History:** 1986 c 386 art 1 s 45; 1991 c 259 s 23

**97A.305 IMPERSONATION OF AN ENFORCEMENT OFFICER.**

A person that purports to be acting in an official capacity and causes another to be injured or defrauded while falsely impersonating an enforcement officer or other officer acting under authority of the game and fish laws, or falsely claiming to have special authority under those laws, is guilty of a gross misdemeanor.

**History:** 1986 c 386 art 1 s 46

**97A.311 LICENSES.**

Subdivision 1. **Alteration of a license.** A person that alters a license in a material manner is guilty of a misdemeanor.

Subd. 2. **False statement.** A person that knowingly makes a false statement related to an application for a license, a license, or certificate, required by or issued under the game and fish laws, is guilty of a misdemeanor.

Subd. 3. **License agent violations.** A license agent that knowingly issues a license to an ineligible person or predates a license is guilty of a misdemeanor.

Subd. 4. **License agent suspension.** In addition to other penalties, a license agent that violates a law or rule of the commissioner relating to license sales, handling, or accounting forfeits the right to sell and handle licenses for a period of one year.

**History:** 1986 c 386 art 1 s 47; 1987 c 149 art 1 s 21; 1991 c 259 s 23

**97A.315 TRESPASS.**

Subdivision 1. **Criminal penalties.** (a) A person that violates a provision of section 97B.001, relating to trespass is guilty of a misdemeanor except as provided in paragraph (b).

(b) A person is guilty of a gross misdemeanor if the person:

(1) knowingly disregards signs prohibiting trespass;

(2) trespasses after personally being notified by the landowner or lessee not to trespass;

or

(3) is convicted of violating this section more than once in a three-year period.

Subd. 2. **License revocations.** (a) If a person is convicted of trespassing under subdivision 1 while exercising or attempting to exercise an activity licensed under the game and fish laws or requiring snowmobile registration under section 84.82, the applicable license and registration are null and void.

(b) A person convicted of a gross misdemeanor under subdivision 1, paragraph (b), may not be issued a license to take game for two years after the conviction.

**History:** 1986 c 386 art 1 s 48; 1987 c 149 art 1 s 22

**97A.321 DOGS PURSUING OR KILLING BIG GAME.**

The owner of a dog that kills or pursues a big game animal is guilty of a petty misdemeanor and is subject to a civil penalty of up to \$500 for each violation.

*History: 1986 c 386 art 1 s 49*

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

**Subdivision 1. Gross misdemeanor for sales of \$300 or more.** (a) A person that buys or sells protected wild animals in violation of the game and fish laws where the sales total \$300 or more is guilty of a gross misdemeanor. The person is subject to the penalty in section 97A.301, subdivision 2, except that the fine may not be less than \$3,000 or more than \$10,000.

(b) Licenses possessed by a person convicted under this subdivision are null and void and the person may not take wild animals for three years after the conviction.

**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.

**Subd. 3. Small game and game fish.** Except as provided in subdivision 1, a person that buys or sells small game or game fish in violation of the game and fish laws where the sales total \$50 or more is guilty of a gross misdemeanor.

**Subd. 4. Fur-bearing animals.** Except as provided in subdivision 1, a person that buys fur-bearing animals in violation of the game and fish laws is guilty of a gross misdemeanor.

*History: 1986 c 386 art 1 s 50; 1987 c 149 art 1 s 23; 1991 c 254 art 2 s 27*

**97A.331 PENALTIES RELATED TO HUNTING.**

**Subdivision 1. Hunting while under the influence of alcohol or a controlled substance.** A person that violates the provision of section 97B.065 relating to hunting while under the influence of alcohol or a controlled substance is guilty of a gross misdemeanor.

**Subd. 2. Shining.** A person that violates section 97B.081, relating to the use of an artificial light to locate wild animals while in possession of a firearm, bow, or other implement capable of killing big game is guilty of a gross misdemeanor.

**Subd. 3. Transporting illegal big game.** A person that knowingly transports big game taken in violation of the game and fish laws is guilty of a gross misdemeanor.

**Subd. 4. Taking and possessing big game out of season.** A person that takes or illegally possesses big game during the closed season is guilty of a gross misdemeanor.

**Subd. 5. Moose; elk; caribou.** A person that unlawfully takes, transports, or possesses moose, elk, or caribou in violation of the game and fish laws is guilty of a gross misdemeanor.

**Subd. 6. Pine marten; otter; fisher; wolverine.** A person that takes, transports, or possesses pine marten, otter, fisher, or wolverine in violation of the game and fish laws is guilty of a gross misdemeanor.

*History: 1986 c 386 art 1 s 51; 1987 c 149 art 1 s 24*

**97A.335 PENALTIES RELATED TO FISHING.**

**Subdivision 1. Taking fish with illegal devices or substances.** A person that takes fish with devices, chemicals or substances in violation of section 97C.325, is guilty of a gross misdemeanor.

**Subd. 2. Illegally taking or possessing muskellunge.** A person who takes or possesses a muskellunge in violation of the game and fish laws is guilty of a misdemeanor and subject to a fine of up to \$1,000.

*History: 1986 c 386 art 1 s 52*

**97A.341 RESTITUTION FOR WILD ANIMALS ILLEGALLY TAKEN.**

**Subdivision 1. Liability for restitution.** A person who kills, injures, or possesses a wild animal in violation of the game and fish laws is liable to the state for the value of the wild



animal as provided in this section. Species afforded protection include members of the following groups as defined by statute or rule: game fish, game birds, big game, small game, fur-bearing animals, minnows, and threatened and endangered animal species. Other animal species may be added by rule of the commissioner as determined after public meetings and notification of the chairs of the environment and natural resources committees in the senate and house of representatives.

**Subd. 2. Arrest and charging procedure.** (a) An enforcement officer who arrests a person for killing, injuring, or possessing a wild animal in violation of the game and fish laws must describe the number, species, and restitution value of wild animals illegally killed, injured, or possessed on the warrant or the notice to appear in court.

(b) As part of the charge against a person arrested for killing, injuring, or possessing a wild animal in violation of the game and fish laws, the prosecuting attorney must include a demand that restitution be made to the state for the value of the wild animal killed, injured, or possessed. The demand for restitution is in addition to the criminal penalties otherwise provided for the violation.

**Subd. 3. Sentencing procedure.** If a person is convicted of or pleads guilty to killing, injuring, or possessing a wild animal in violation of the game and fish laws, the court must require the person to pay restitution to the state for replacement of the wild animal as part of the sentence or state in writing why restitution was not imposed. The court may consider the economic circumstances of the person and, in lieu of monetary restitution, order the person to perform conservation work representing the amount of restitution that will aid the propagation of wild animals. If the court does not order a person to pay restitution, the court administrator must send a copy of the court order to the commissioner.

**Subd. 4. Amount of restitution.** The amount of restitution shall be determined by the court by a preponderance of the evidence. In determining the amount of restitution, the court must consider the value of the wild animal under section 97A.345.

**Subd. 5. Restitution credited to game and fish fund.** The court administrator shall forward restitution collected under this section to the commissioner of finance and the commissioner shall credit all money forwarded to the game and fish fund in the state treasury.

**History:** 1989 c 298 s 2; 1991 c 259 s 23

#### 97A.345 RESTITUTION VALUE OF WILD ANIMALS.

(a) The commissioner may, by rules adopted under chapter 14, prescribe the dollar value to the state of species of wild animals. The value may reflect the value to other persons to legally take the wild animal, the replacement cost, or the intrinsic value to the state of the wild animals. Species of wild animals with similar values may be grouped together.

(b) The value of a wild animal under the rules adopted by the commissioner is prima facie evidence of a wild animal's value under section 97A.341.

(c) The commissioner shall report annually to the legislature the amount of restitution collected under section 97A.341 and the manner in which the funds were expended.

**History:** 1989 c 298 s 3

### LICENSES AND PERMITS

#### 97A.401 SPECIAL PERMITS.

**Subdivision 1. Commissioner's authority.** The commissioner may issue special permits for the activities in this section.

**Subd. 2. Zoological specimen collecting.** Special permits may be issued without a fee to municipalities, incorporated natural history societies, high schools, colleges, and universities that maintain a zoological collection, to collect specimens of eggs, nests, and wild animals for scientific or exhibition purposes.

**Subd. 3. Taking, possessing, and transporting wild animals for certain purposes.** (a) Except as provided in paragraph (b), special permits may be issued without a fee to take, possess, and transport wild animals as pets and for scientific, educational, rehabilitative, and

exhibition purposes. The commissioner shall prescribe the conditions for taking, possessing, transporting, and disposing of the wild animals.

(b) A special permit may not be issued to take or possess wild or native deer for exhibition or propagation.

(c) The commissioner shall establish criteria for issuing special permits for persons to possess wild and native deer as pets.

**Subd. 4. Taking wild animals from game refuges, wildlife management, and other areas.** Special permits may be issued, with or without a fee, to take a wild animal from game refuges, wildlife management areas, state parks, controlled hunting zones, and other areas of the state that the commissioner may open for the taking of a wild animal during a special season or subject to special restrictions. In addition, an application fee may be charged for a special permit. Local units of government may charge an administrative fee in connection with special hunts under their jurisdiction. Fees to be collected shall be based upon the estimated cost of conducting the special season or administering the special restrictions.

**Subd. 5. Wild animals damaging property.** Special permits may be issued with or without a fee to take protected wild animals that are damaging property. A special permit issued under this subdivision to take beaver must state the number to be taken.

**Subd. 6. Endangered muskrats.** Special permits may be issued with or without a fee to take muskrats in danger of freezing out or starving in the winter.

**Subd. 7. Raptors.** The commissioner shall prescribe conditions and may issue permits for persons to breed, propagate, and sell raptors.

**History:** 1986 c 386 art 1 s 53; 1986 c 450 s 2; 1989 c 287 s 2; 1993 c 231 s 17; 1Sp1995 c 1 s 21; 1996 c 410 s 24

#### **97A.405 LICENSE REQUIREMENTS.**

**Subdivision 1. Protected wild animals.** Unless allowed under the game and fish laws, a person may not take, buy, sell, transport, or possess protected wild animals of this state without a license.

**Subd. 2. Personal possession.** A person to whom a license is issued must have the license in personal possession while acting under the license and while traveling from the area where the licensed activity is performed. If possession of a license is required, a person must exhibit the proper license when requested by a conservation officer or peace officer. A receipt for license fees, a copy of a license, or evidence showing the issuance of a license does not entitle a licensee to exercise the rights or privileges conferred by a license.

**Subd. 3. Duplicate licenses.** The commissioner shall prescribe rules for issuing duplicate licenses to persons whose licenses are lost or destroyed. A duplicate license may not be issued unless the applicant takes an oath covering the facts of loss or destruction of the license.

**History:** 1986 c 386 art 1 s 54; 1987 c 149 art 1 s 25

#### **97A.411 VALIDITY OF LICENSES.**

**Subdivision 1. License period.** (a) Except as provided in paragraph (b), a license is valid during the lawful time within the license year that the licensed activity may be performed. A license year begins on the first day of March and ends on the last day of February.

(b) A license issued under section 97A.475, subdivision 6, clause (5), or section 97A.475, subdivision 7, clause (2), (3), (5), or (6), is valid for the full license period even if this period extends into the next license year, provided that the license period selected by the licensee begins at the time of issuance.

**Subd. 2. Signature on stamps.** A stamp issued under the game and fish laws must be signed by the licensee across the front of the stamp to be valid.

**Subd. 3. Archery deer license.** (a) Except as provided in paragraph (b), a license to take deer by archery issued after the opening of the archery deer season is not valid until the fifth day after it is issued.

(b) The commissioner may issue a license to take a second deer by archery under section 97B.301, subdivision 4, that is valid immediately upon issuance.

**History:** 1986 c 386 art 1 s 55; 1992 c 462 s 13; 1996 c 410 s 25

**97A.415 LICENSE RESTRICTIONS.**

Subdivision 1. **One license per person.** Only one trapping and big game license of each kind may be issued to a person in a license year unless authorized by commissioner's rule.

Subd. 2. **Transfer prohibited.** A person may not lend, transfer, borrow, or solicit a license or permit, application for a license or permit, coupon, tag, or seal, or use a license, permit, coupon, tag, or seal not issued to the person unless otherwise expressly authorized.

Subd. 3. **Nonresidents.** Nonresidents may not obtain a license for an activity unless the activity is expressly authorized for nonresidents.

**History:** 1986 c 386 art 1 s 56; 1987 c 149 art 1 s 26; 1991 c 259 s 23; 1993 c 231 s 18

**97A.418 PERMIT RULES.**

Wherever the game and fish laws specifically provide for the issuance of a permit by the commissioner, the commissioner may do the following in accordance with criteria and procedures established in rules adopted by the commissioner:

- (1) issue a permit with reasonable conditions; and
- (2) deny, modify, suspend, or revoke a permit for cause, including violation of the game and fish laws or rules adopted thereunder.

**History:** 1993 c 231 s 19

**97A.421 VALIDITY AND ISSUANCE OF LICENSES AFTER CONVICTION.**

Subdivision 1. **General.** (a) The license of a person convicted of a violation of the game and fish laws relating to the license or wild animals covered by the license is void when:

- (1) a second conviction occurs within three years under a license to take small game or to take fish by angling or spearing;
- (2) a third conviction occurs within one year under a minnow dealer's license;
- (3) a second conviction occurs within three years for violations of section 97A.425 that do not involve falsifications or intentional omissions of information required to be recorded, or attempts to conceal unlawful acts within the records; or
- (4) the conviction occurs under a license not described in clause (1) or (2) or is for a violation of section 97A.425 not described in clause (3).

(b) Except for big game licenses and as otherwise provided in this section, for one year after the conviction the person may not obtain the kind of license relating to the game and fish law violation.

Subd. 2. **Issuance of license after conviction for buying and selling wild animals.** A person may not obtain a license to take any wild animal for a period of three years after being convicted of buying or selling game fish, big game, or small game, and the total amount of the sale is \$300 or more.

Subd. 3. **Issuance of a big game license after conviction.** A person may not obtain any big game license for three years after the person is convicted of:

- (1) a gross misdemeanor violation under the game and fish laws relating to big game;
- (2) doing an act without a required big game license; or
- (3) the second violation within three years under the game and fish laws relating to big game.

Subd. 4. **Issuance after intoxication or narcotics conviction.** A person convicted of a violation under section 97B.065, relating to hunting while intoxicated or using narcotics, may not obtain a license to hunt with a firearm or by archery for five years after conviction.

Subd. 5. **Commissioner may reinstate certain licenses after conviction.** If the commissioner determines that the public welfare will not be injured, the commissioner may reinstate licenses voided under subdivision 1 and issue licenses to persons ineligible under subdivision 2. The commissioner's authority applies only to licenses to:

- (1) maintain and operate fur or game farms or private fish hatcheries;
- (2) take fish commercially in Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior;

(3) buy fish from Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior commercial fishing licensees; and

(4) sell live minnows.

Subd. 6. **Applicability to moose or elk licenses.** In this section the term "license" includes an application for a license to take either moose or elk.

**History:** 1986 c 386 art 1 s 57; 1987 c 149 art 1 s 27; 1987 c 373 s 3; 1992 c 589 s 1

#### **97A.425 RECORD AND REPORTING REQUIREMENTS FOR DEALERS, TAN- NERS, AND TAXIDERMISTS.**

Subdivision 1. **Requirement.** A person required to have a license under the game and fish laws to buy or sell wild animals, to tan or dress raw furs, or to mount specimens of wild animals, must keep complete records of all transactions and activities covered by the license and submit reports to the commissioner.

Subd. 2. **Records.** (a) The records must show:

(1) the names and addresses of persons from whom wild animals were obtained and to whom they were transferred;

(2) the dates of receipt, shipment, and sale of wild animals;

(3) detailed descriptions of the number and type of wild animals purchased, sold, and shipped;

(4) serial numbers of seals, tags, or permits required to be attached to the wild animals; and

(5) trapping license numbers for protected fur-bearing animals, unless the trapper is exempt from the license requirement, which must be noted.

(b) A licensed fur dealer, buying for one employer at the employer's place of business, is not required to keep separate records if the employer notifies the commissioner in writing that the employer will account for the fur dealer.

(c) The records required under this section must be available for inspection by the commissioner, the director, or their agents at all reasonable times. The records must be preserved and available for two years after the expiration of a license that required them.

(d) Records required of persons licensed to buy or sell wild animals, or to tan or dress raw furs, must be kept in a book supplied by the commissioner.

Subd. 3. **Reports.** Except for persons licensed to mount specimens of wild animals, an annual report covering the preceding license year must be submitted to the commissioner by March 15. The commissioner may require other reports for statistical purposes. The reports must be on forms supplied by the commissioner.

Subd. 4. **Rules.** The commissioner may adopt rules, not inconsistent with subdivisions 1 to 3, governing record keeping, reporting, and marking of specimens by taxidermists.

**History:** 1986 c 386 art 1 s 58; 1987 c 149 art 1 s 28; 1992 c 589 s 2

#### **97A.431 MOOSE LICENSES.**

Subdivision 1. **Number of licenses; party size.** The commissioner shall include in a rule setting the dates for a moose season:

(1) the number of licenses to be issued; and

(2) the size of a moose hunting party, not to exceed six persons.

Subd. 2. **Eligibility.** Persons eligible for a moose license shall be determined under this section and commissioner's rule. 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.

Subd. 3. **Application for license.** An application for a moose license must be on a form provided by the commissioner and accompanied by a \$3 nonrefundable application fee per

person. A person may not make more than one application for each season. If a person makes more than one application, the person is ineligible for a license for that season after determination by the commissioner, without a hearing.

**Subd. 4. Separate selection; eligibility.** (a) The commissioner may conduct a separate selection for up to 20 percent of the moose licenses to be issued for an area. Only owners of, and tenants living on, at least 160 acres of agricultural or grazing land in the area, and their family members, are eligible for the separate selection. Persons that are unsuccessful in a separate selection must be included in the selection for the remaining licenses.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision.

**History:** 1986 c 386 art 1 s 59; 1987 c 373 s 4; 1991 c 254 art 2 s 28; 1991 c 259 s 23; 1993 c 231 s 20,21

#### 97A.433 ELK LICENSES.

**Subdivision 1. Number of licenses; party size.** The commissioner shall include in a rule setting the dates for an elk season:

- (1) the number of licenses to be issued; and
- (2) the size of an elk hunting party, not to exceed two persons.

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

- (1) is a resident;
- (2) is at least age 16 before the season opens; and
- (3) has never been issued an elk license.

**Subd. 3. Application for license.** An application for an elk license must be on a form provided by the commissioner and accompanied by a \$10 nonrefundable application fee per person. A person may not make more than one application for each season. If a person makes more than one application, the person is ineligible for a license for that season after determination by the commissioner, without a hearing.

**Subd. 4. Separate selection; eligibility.** (a) The commissioner may conduct a separate selection for up to 20 percent of the elk licenses to be issued for an area. Only owners of, and tenants living on, at least 160 acres of agricultural or grazing land in the area, and their family members, are eligible for the separate selection. Persons that are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons who obtain an elk license in a separate selection must allow public elk hunting on their land during the elk season for which the license is valid.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision.

**History:** 1987 c 373 s 5; 1991 c 259 s 23; 1993 c 231 s 22,23

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

**Subdivision 1. Number of licenses to be issued.** The commissioner shall include in a rule setting the dates for a turkey season the number of licenses to be issued.

**Subd. 2. Eligibility.** Persons eligible for a turkey license shall be determined by this section and commissioner's rule. 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.

**Subd. 3. Application for license.** An application for a turkey license must be on a form provided by the commissioner and accompanied by a \$3 application fee. A person may not make more than one application for each season. If a person makes more than one application the person is ineligible for a license for that season after determination by the commissioner, without a hearing.

**Subd. 4. Separate selection of eligible licensees.** (a) The commissioner may conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any area. Only persons that are owners or tenants of and that live on at least 40 acres of agricultural or grazing land in the area, and their family members, are eligible applicants for turkey licenses for

the separate selection. Persons that are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons that obtain a license in a separate selection must allow public turkey hunting on their land during that turkey season.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision.

**History:** 1986 c 386 art 1 s 60; 1988 c 588 s 4; 1991 c 254 art 2 s 29; 1991 c 259 s 23; 1993 c 231 s 24

#### **97A.438 RELEASE OF WILD TURKEYS; PERMIT REQUIRED.**

A person may not release a wild turkey or wild turkey hybrid without a permit from the commissioner.

**History:** 1993 c 231 s 25

#### **97A.441 LICENSES TO BE ISSUED WITHOUT A FEE.**

Subdivision 1. **Angling and spearing; disabled residents.** Licenses to take fish by angling or spearing shall be issued without a fee to a resident that is:

- (1) blind;
- (2) a recipient of supplemental security income for the aged, blind, and disabled;
- (3) a recipient of social security aid to the disabled under United States Code, title 42, section 416, paragraph (i)(I) or section 423(d); or
- (4) is a recipient of workers' compensation based on a finding of total and permanent disability.

Subd. 2. **Angling; foreign exchange students.** A license to take fish by angling shall be issued without a fee to a citizen of a foreign country that is attending school in this state as an exchange student.

Subd. 3. **Angling; residents of state institutions.** The commissioner may issue a license, without a fee, to take fish by angling to a person that is a ward of the commissioner of human services and a resident of a state institution upon application by the commissioner of human services.

Subd. 4. **Angling; mentally retarded residents.** A person authorized to issue licenses must issue, without a fee, a permanent license to take fish by angling to a resident at least 16 years old that is mentally retarded upon being furnished satisfactory evidence of the disability.

Subd. 5. **Angling; disabled veterans.** A person authorized to issue licenses must issue, without a fee, a permanent license to take fish by angling to a resident who is a veteran, as defined in section 197.447, and that has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence.

Subd. 6. **Taking deer; disabled veterans.** A person authorized to issue licenses must issue, without a fee, a license to take deer with firearms or by archery to a resident that is a veteran, as defined in section 197.447, and that has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence.

Subd. 6a. **Taking small game; disabled veterans.** A person authorized to issue licenses must issue, without a fee, a license to take small game to a resident who is a veteran, as defined in section 197.447, and who has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence.

Subd. 7. **Owners or tenants of agricultural land.** (a) The commissioner may issue, without an additional fee, a license to take additional deer with firearms under section 97B.301, subdivision 4, to a person who is an owner or tenant and lives on at least ten acres of agricultural land, as defined in section 97B.001, in an area where the commissioner has made these licenses available. Landowners and tenants applying for a license under this subdivision must receive preference over other applicants for the licenses.

(b) Persons who obtain a license under paragraph (a) must allow public deer hunting on their land during that deer hunting season.

Subd. 8. **Duplicate licenses.** There is no fee for a duplicate license if the original license was issued without a fee.

**History:** 1986 c 386 art 1 s 61; 1987 c 384 art 1 s 7; 1993 c 172 s 55; 1993 c 231 s 26; 1994 c 623 art 1 s 23; 1994 c 632 art 2 s 24

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

Subdivision 1. **Angling; Take a Kid Fishing Weekend.** A resident over age 18 may take fish by angling without a license during one Saturday and Sunday of the angling season designated by rule of the commissioner if accompanied by a child who is under age 16. The commissioner shall publicize the Saturday and Sunday as "Take a Kid Fishing Weekend."

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.

Subd. 3. **Angling and spearing; disabled railroad and postal retirees.** A license is not required to take fish by angling or spearing for a resident that is:

- (1) receiving aid under the federal Railroad Retirement Act of 1937, United States Code, title 45, section 228b(a)5; or

- (2) a former employee of the United States Postal Service receiving disability pay under United States Code, title 5, section 8337.

Subd. 4. **Angling; Take a Mom Fishing Weekend.** Any mother who is a resident of Minnesota may take fish by angling without a license during the Saturday and Sunday of the angling season that coincides with Mother's Day. The commissioner shall publicize the Saturday and Sunday as "Take a Mom Fishing Weekend."

Subd. 5. **Small game hunting; Take a Kid Hunting Weekend.** A resident over age 18 may take small game by hunting without a license during one Saturday and Sunday of the small game hunting season designated by rule of the commissioner if accompanied by a child who is under age 16. The commissioner shall publicize the Saturday and Sunday as "Take a Kid Hunting Weekend."

**History:** 1986 c 386 art 1 s 62; 1987 c 149 art 1 s 29; 1987 c 384 art 1 s 8; 1987 c 404 s 120; 1988 c 588 s 5; 1989 c 242 s 1; 1990 c 605 s 4; 1991 c 241 s 5; 1991 c 259 s 23

#### 97A.451 LICENSE REQUIREMENTS AND EXEMPTIONS RELATING TO AGE.

Subdivision 1. [Repealed, 1988 c 437 s 6]

Subd. 2. **Residents under age 16; fishing.** A resident under the age of 16 years may take fish without a license.

Subd. 3. **Residents under age 16; small game.** (a) A resident under age 16 may not obtain a small game license but may take small game by firearms or bow and arrow without a license if the resident is:

- (1) age 14 or 15 and possesses a firearms safety certificate;
- (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian; or
- (3) age 12 or under and is accompanied by a parent or guardian.

(b) A resident under age 16 may take small game by trapping without a small game license, but a resident 13 years of age or older must have a trapping license. A resident under age 13 may trap without a trapping license.

Subd. 3a. **Nonresidents under age 16; small game.** (a) A nonresident under age 16 may obtain a small game license at the resident fee if the nonresident:

(1) possesses a firearms safety certificate; or

(2) if age 13 or under, is accompanied by a parent or guardian when purchasing the license.

(b) A nonresident age 13 or under must be accompanied by a parent or guardian to take small game.

Subd. 4. **Persons under age 16; big game.** A person under the age of 16 may not obtain a license to take big game unless the person possesses a firearms safety certificate. A person under the age of 14 must be accompanied by a parent or guardian to hunt big game.

Subd. 5. **Nonresidents under age 16.** A nonresident under the age of 16 may take fish by angling without a license if a parent or guardian has a fishing license. Fish taken by a nonresident under the age of 16 without a license must be included in the limit of the parent or guardian. A nonresident under age 16 may purchase a nonresident fishing license, take fish by angling, and possess a limit of fish.

Subd. 6. **Nonresidents under age 16 attending camps; fishing.** A nonresident under the age of 16 that is attending a camp conducted by a nonprofit organization may take fish by angling in adjacent and connected public waters without a license. The organization must have a certificate from the commissioner that describes the public waters where the fishing is allowed. The nonresident must possess a document, prescribed by the commissioner, for identification of the nonresident and the authorized fishing waters. The document must be signed and dated within the current calendar year by the person in charge of the camp.

Subd. 7. **Residents over age 65; spearing.** A resident age 65 or over may take fish by spearing without a spearing license if the resident has an angling license.

**History:** 1986 c 386 art 1 s 63; 1987 c 149 art 1 s 30,31; 1989 c 168 s 1; 1Sp1995 c 1 s 22; 1996 c 410 s 26,27

#### **97A.455 NONRESIDENT STUDENTS; FISHING, SMALL GAME, AND BIG GAME.**

(a) A nonresident that is a full-time student at an educational institution in the state and resides in the state during the school year may obtain a resident license to take fish, small game, or big game, except moose, by providing proof of student status and residence as prescribed by the commissioner.

(b) A nonresident that is a full-time foreign exchange student at a high school in the state and resides with persons in the state may obtain a resident license to take big game, except moose, by providing proof of foreign exchange student status as prescribed by the commissioner.

**History:** 1986 c 386 art 1 s 64; 1987 c 47 s 1; 1996 c 410 s 28

#### **97A.461 NONRESIDENT LICENSES FOR BOUNDARY WATER HUNTING OR FISHING.**

Licenses to take fish or small game in or on boundary waters may be granted to nonresidents upon the same terms and conditions as licenses granted by the adjacent state or province to nonresidents of the adjacent state or province for those boundary waters. The fees for a license granted by this state may not be less than the fees for a corresponding resident license.

**History:** 1986 c 386 art 1 s 65

#### **97A.465 MILITARY PERSONNEL; FISHING AND HUNTING.**

Subdivision 1. **Residents on leave.** A resident that is in the armed forces of the United States, stationed outside of the state, and in the state on leave, may hunt and fish without a license if the resident possesses official military leave papers. The resident must obtain the seals, tags, and coupons required of a licensee, which must be furnished without charge. This subdivision does not apply to the taking of moose or elk.



Subd. 2. **Camp Ripley personnel.** A nonresident who is in the military and in training at Camp Ripley may obtain a resident license to take fish.

Subd. 3. **Nonresidents stationed in the state.** The commissioner may issue a resident license to take fish or game to a person in the armed forces of the United States that is stationed in the state. This subdivision does not apply to the taking of moose or elk.

Subd. 4. **Discharged resident; obtaining deer license during season.** Notwithstanding section 97A.485, subdivision 9, a resident who is discharged from the United States armed forces during, or within ten days before, the firearms deer season may, upon showing the official discharge paper, obtain a firearm deer license during the season.

**History:** 1986 c 386 art 1 s 66; 1987 c 373 s 6,7; 1987 c 384 art 1 s 9

#### 97A.471 NONRESIDENT COURTESY LICENSES.

Subdivision 1. **Game and fish officers of other jurisdictions.** The commissioner may issue a courtesy nonresident license to take game or fish without charge to a game and fish or conservation employee of another state or of the United States that is in the state to assist or cooperate with the commissioner.

Subd. 2. **Guests of the governor or commissioner.** The commissioner may issue a nonresident courtesy license to take game or fish without charge to an official of another state, the United States, or foreign country and to a representative of a conservation organization or publication that is in the state as a guest of the governor or commissioner.

Subd. 3. **Nonapplicability to moose or elk hunting.** This section does not apply to taking moose or elk.

**History:** 1986 c 386 art 1 s 67; 1987 c 373 s 8

#### 97A.472 PLACE OF SALE OF NONRESIDENT LICENSES; RESTRICTION.

The commissioner shall not sell or issue in any place outside this state a nonresident license to take fish in this state.

**History:** 1987 c 404 s 121

#### 97A.475 LICENSE FEES.

Subdivision 1. **Requirements for issuance.** A license shall be issued when the requirements of the law are met and the license fee specified in this section is paid.

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 nonresidents, 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;
- (6) to take raccoon, bobcat, fox, coyote, or lynx, \$137.50; and
- (7) to take antlered deer in more than one zone, \$220.

Subd. 4. **Small game surcharge.** Fees for licenses to take small game must be increased by a surcharge of \$4. An additional commission may not be assessed on the surcharge and this must be stated on the back of the license with the following statement: "This \$4 surcharge is being paid by hunters for the acquisition and development of wildlife lands."

Subd. 5. **Hunting stamps.** Fees for the following stamps are:

- (1) migratory waterfowl stamp, \$5;
- (2) pheasant stamp, \$5; and
- (3) turkey stamp, \$5.

Subd. 6. **Resident fishing.** Fees for the following licenses, to be issued to residents only, are:

- (1) to take fish by angling, for persons under age 65, \$13;
- (2) to take fish by angling, for persons age 65 and over, \$4.50;
- (3) to take fish by angling, for a combined license for a married couple, \$17.50;
- (4) to take fish by spearing from a dark house, \$13; and
- (5) to take fish by angling for a 24-hour period selected by the licensee, \$7.50.

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

- (1) to take fish by angling, \$27.50;
- (2) to take fish by angling limited to seven consecutive days selected by the licensee, \$19;
- (3) to take fish by angling for a 72-hour period selected by the licensee, \$16;
- (4) to take fish by angling for a combined license for a family, \$37.50;
- (5) to take fish by angling for a 24-hour period selected by the licensee, \$7.50; and
- (6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days selected by one of the licensees, \$27.50.

Subd. 8. **Minnesota sporting.** The commissioner shall issue Minnesota sporting licenses to residents only. The licensee may take fish by angling and small game. The fee for the license is:

- (1) for an individual, \$17.50; and
- (2) for a combined license for a married couple to take fish and for one spouse to take small game, \$24.

Subd. 9. [Repealed, 1994 c 561 s 28]

Subd. 10. **Trout and salmon stamp.** The fee for a trout and salmon stamp is \$5.

Subd. 11. **Fish houses and dark houses; residents.** Fees for the following licenses are:

- (1) for a fish house or dark house that is not rented, \$9; and
- (2) for a fish house or dark house that is rented, \$20.

Subd. 12. **Fish houses; nonresident.** Fees for fish house licenses for a nonresident are:

- (1) annual, \$27.50; and
- (2) seven consecutive days, \$16.50.

Subd. 13. **Netting whitefish and ciscoes for personal consumption.** The fee for a license to net whitefish and ciscoes in inland lakes and international waters for personal consumption is, for each net, \$8.

Subd. 14. **Rough fish; Minnesota and Mississippi rivers.** The fee for a license to take rough fish for domestic use with a set line in the Minnesota and Mississippi rivers is \$14.50.

Subd. 15. **Lake Superior fishing guides.** The fee for a license to operate a charter boat and guide anglers on Lake Superior is:

- (1) for a resident, \$27.50;
- (2) for a nonresident, \$110; or
- (3) if another state charges a Minnesota resident a fee greater than \$100 for a Lake Superior fishing guide license in that state, the nonresident fee for a resident of that state is that greater fee.

Subd. 16. **Resident hunting guides.** The fees for the following resident guide licenses are:

(1) to guide bear hunters, \$82.50; and

(2) to guide turkey hunters, \$22.

Subd. 17. [Repealed, 1994 c 623 art 1 s 47]

Subd. 18. **Shooting preserves.** The fee for a shooting preserve license is:

(1) for a private shooting preserve, \$100; and

(2) for a commercial shooting preserve, \$500.

Subd. 19. **Taxidermists.** The fee for a taxidermist license, to be issued for a three-year period to residents only, is:

(1) for persons age 18 and older, \$44; and

(2) for persons under age 18, \$27.50.

Subd. 20. **Trapping license.** The fee for a license to trap fur-bearing animals is:

(1) for persons over age 13 and under age 18, \$5.50; and

(2) for persons age 18 and older, \$18.

Subd. 21. **Fur buying and selling; residents.** (a) The fee for a license for a resident to buy and sell raw furs is \$110.

(b) The fee for a supplemental license to buy and sell furs is \$55.

Subd. 22. **Fur buying and selling; nonresidents.** The fee for a license for a nonresident to buy and sell raw furs is \$500.

Subd. 23. **Raw fur tanning.** The fee for a license to tan and dress raw furs to be issued to residents and nonresidents is \$16.50.

Subd. 24. **Game and fur farms.** The fee for a game and fur farm license is \$16.50.

Subd. 25. **Muskrat farms.** The fee for a muskrat farm license is \$11.

Subd. 26. **Minnow dealers.** The fees for the following licenses are:

(1) minnow dealer, \$77;

(2) minnow dealer's helper, \$5.50;

(3) minnow dealer's vehicle, \$11;

(4) exporting minnow dealer, \$275; and

(5) exporting minnow dealer's vehicle, \$11.

Subd. 27. **Minnow retailers.** The fees for the following licenses, to be issued to residents and nonresidents, are:

(1) minnow retailer, \$11; and

(2) minnow retailer's vehicle, \$11.

Subd. 28. **Nonresident minnow haulers.** The fees for the following licenses, to be issued to nonresidents, are:

(1) exporting minnow hauler, \$525; and

(2) exporting minnow hauler's vehicle, \$11.

Subd. 29. **Private fish hatcheries.** The fees for the following licenses to be issued to residents and nonresidents are:

(1) for a private fish hatchery, with annual sales under \$200, \$27.50;

(2) for a private fish hatchery, with annual sales of \$200 or more, \$55; and

(3) To take sucker eggs from public waters for a private fish hatchery, \$165, plus \$3 for each quart in excess of 100 quarts.

Subd. 29a. [Repealed, 1992 c 566 s 23]

Subd. 30. **Commercial netting of fish in inland waters.** The fee for a license to net commercial fish in inland waters, to be issued to residents and nonresidents, is \$70 plus:

(1) for each hoop net pocket, \$1;

(2) for each 1,000 feet of seine, \$16.50; and

(3) for each apprentice license, \$25.

Subd. 31. **Commercial netting of fish in Lake of the Woods.** The fee for a license to commercially net fish in Lake of the Woods is:

(1) for each pound net or staked trap net, \$49.50;

(2) for each fyke net, \$11, plus \$5 for each two-foot segment, or fraction, of the wings or lead in excess of four feet in height;

(3) for each 100 feet of gill net, \$2.75;

(4) for each submerged trap net, \$16.50; and

(5) for each apprentice license, \$25.

**Subd. 32. Commercial netting of fish in Rainy Lake.** The fee for a license to commercially net fish in Rainy Lake is:

(1) for each pound net, \$49.50;

(2) for each 100 feet of gill net, \$2.75; and

(3) for each apprentice license, \$25.

**Subd. 33. Commercial netting of fish in Namakan and Sand Point Lakes.** The fee for a license to commercially net fish in Namakan Lake and Sand Point Lake is:

(1) for each 100 feet of gill net, \$1.75;

(2) for each pound, fyke, and submerged trap net, \$16.50; and

(3) for each apprentice license, \$25.

**Subd. 34. Commercial seine and set lines to take fish in the Mississippi river.** (a) The fee for a license to commercially seine rough fish in the Mississippi river from St. Anthony Falls to the St. Croix river junction is:

(1) for a seine not exceeding 500 feet, \$27.50; or

(2) for a seine over 500 feet, \$44, plus \$2 for each 100 foot segment or fraction over 1,000 feet.

(b) The fee for each apprentice license issued under paragraph (a) is \$25.

**Subd. 35. Commercial seining of fish in Wisconsin boundary waters.** The fee for a license to commercially seine fish in the boundary waters between Wisconsin and Minnesota from Taylors Falls to the Iowa border is:

(1) for a seine not exceeding 500 feet, \$27.50; or

(2) for a seine over 500 feet, \$44, plus \$2.50 for each 100 feet over 1,000 feet; and

(3) for each apprentice license to be issued to residents, \$25.

**Subd. 36. Commercial netting in Wisconsin boundary waters.** The fee for a license to commercially net in the boundary waters between Wisconsin and Minnesota from Lake St. Croix to the Iowa border is:

(1) for each gill net not exceeding 500 feet, \$14.50;

(2) for each gill net over 500 feet, \$27.50;

(3) for each fyke net and hoop net, \$11;

(4) for each bait net, \$1.75;

(5) for each turtle net, \$1.75;

(6) for each set line identification tag, \$14.50; and

(7) for each apprentice license to be issued to residents, \$25.

**Subd. 37. Commercial netting of fish in Lake Superior.** The fee for a license to commercially net fish in Lake Superior is:

(1) for each gill net, \$77 plus \$2 for each 1,000 feet over 1,000 feet;

(2) for a pound or trap net, \$77 plus \$2 for each additional pound or trap net; and

(3) for each apprentice license, \$25.

**Subd. 38. Fish buyers.** The fees for licenses to buy fish from commercial fishing licenses to be issued residents and nonresidents are:

(1) for Lake Superior fish bought for sale to retailers, \$55;

(2) for Lake Superior fish bought for sale to consumers, \$11;

(3) for Lake of the Woods, Namakan, Sand Point, and Rainy Lake fish bought for sale to retailers, \$110; and

(4) for Lake of the Woods, Namakan, Sand Point, and Rainy Lake fish bought for shipment only on international boundary waters, \$11.

Subd. 39. **Fish packer.** The fee for a license to prepare dressed game fish for transportation or shipment is \$14.50.

Subd. 40. **Fish vendors.** The fee for a license to use a motor vehicle to sell fish is \$27.50.

Subd. 41. **Turtle sellers.** The fee for a license to take, transport, purchase, and possess turtles for sale is \$55.

Subd. 42. **Frog dealers.** The fee for the licenses to deal in frogs that are to be used for purposes other than bait are:

- (1) for a resident to purchase, possess, and transport frogs, \$77;
- (2) for a nonresident to purchase, possess, and transport frogs, \$220; and
- (3) for a resident to take, possess, transport, and sell frogs, \$11.

Subd. 43. **Duplicate licenses.** The fees for duplicate licenses are:

- (1) for licenses to take big game, \$5; and
- (2) for other licenses, \$2.

**History:** 1986 c 386 art 1 s 68; 1987 c 149 art 1 s 32; 1987 c 318 s 2; 1987 c 373 s 9; 1987 c 404 s 122-131; 1988 c 437 s 1,2; 1989 c 266 s 1; 1989 c 335 art 1 s 87-123; 1990 c 605 s 5; 1991 c 254 art 2 s 30-32; 1993 c 172 s 56; 1993 c 231 s 27; 1994 c 561 s 16-20; 1994 c 623 art 1 s 24; 1Sp1995 c 1 s 23,24; 1996 c 364 s 4; 1996 c 410 s 29-36

**NOTE:** The amendment to subdivision 5 by Laws 1996, chapter 364, section 4, is effective March 1, 1997, and applies to licenses issued beginning with the 1997 license year. Laws 1996, chapter 364, section 7.

#### 97A.481 LICENSE APPLICATIONS; PENALTY.

All information required on a license application form must be furnished. The application must be made in writing and is subject to the penalty prescribed in section 97A.301, subdivision 1, clause (5).

**History:** 1986 c 386 art 1 s 69; 1987 c 149 art 1 s 33; 1989 c 287 s 3

#### 97A.485 ISSUANCE OF LICENSES.

Subdivision 1. **Commissioner.** The commissioner shall issue and sell licenses. The commissioner shall furnish licenses and applications to agents authorized to issue licenses.

Subd. 1a. [Repealed, 1992 c 513 art 3 s 79]

Subd. 2. **County auditors to sell licenses.** County auditors are agents of the commissioner for the issuance and sale of licenses. The commissioner may require a county auditor to provide a corporate surety bond in addition to the auditor's official bond.

Subd. 2a. **Licenses to take additional deer.** The commissioner may appoint federal, state, or local government employees to be agents of the commissioner for the sale of licenses or permits to take additional deer under section 97B.301, subdivision 4. A bond is not required of a government employee appointed under this subdivision.

Subd. 3. **Appointment of subagents.** A county auditor may appoint residents to be subagents of the auditor within the county or adjacent counties to issue and sell licenses. The auditor shall notify the commissioner of the name and address of a subagent when appointed. The appointment may be revoked by the auditor at any time, and when directed by the commissioner, the auditor must revoke the appointment.

Subd. 4. **Application to sell licenses by subagent.** To be a subagent, a person must apply in writing to an appropriate county auditor in a manner approved by the commissioner. The auditor must provide a subagent the choice either to provide a bond for licenses on consignment, or pay for licenses before furnishing the licenses. License application forms may only be furnished to subagents in groups of ten or more for resident licenses and five or more for nonresident licenses.

Subd. 5. **County auditors responsible for licenses and fees.** (a) The county auditor is responsible for licenses and fees received by the subagents, except in a county that has a population over 150,000 and an area greater than 5,000 square miles and in a county where the county auditor does not retain fees paid for licenses. In these counties the responsibility imposed on the county auditor is imposed on the county.

(b) The county auditor must promptly deposit all money received from the sale of licenses with the county treasurer. The auditor must promptly submit payments and required reports as required by the commissioner.

**Subd. 6. Licenses to be sold and issuing fees.** (a) Persons authorized to sell licenses under this section must sell the following licenses for the license fee and the following issuing fees:

- (1) to take deer or bear with firearms and by archery, the issuing fee is \$1;
- (2) Minnesota sporting, the issuing fee is \$1; and
- (3) to take small game, for a person under age 65 to take fish by angling or for a person of any age to take fish by spearing, and to trap fur-bearing animals, the issuing fee is \$1;
- (4) for a trout and salmon stamp that is not issued simultaneously with an angling or sporting license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller; and

(5) for stamps other than a trout and salmon stamp, there is no fee.

(b) An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp is issued simultaneously with the related angling or sporting license. Only one issuing fee may be collected when selling more than one trout and salmon stamp in the same transaction after the end of the season for which the stamp was issued.

(c) The auditor or subagent shall keep the issuing fee as a commission for selling the licenses.

(d) The commissioner shall collect the issuing fee on licenses sold by the commissioner.

(e) A license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses.

(f) For duplicate licenses, the issuing fees are:

- (1) for licenses to take big game, 75 cents; and
- (2) for other licenses, 50 cents.

**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:

- (1) the small game surcharge;
- (2) all issuing fees;
- (3) \$2.50 of the license fee for the licenses in section 97A.475, subdivisions 6, clauses (1), (3), and (5), 7, 8, 12, and 13; and
- (4) 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.

**Subd. 8. Redemption of unsold licenses.** The commissioner must redeem unsold licenses submitted within the redemption time prescribed by the commissioner. Licenses that are not submitted for redemption within the prescribed time are considered to have been sold and the auditor or county to whom the licenses were furnished are accountable for them. A county auditor must refund the license fees prepaid by the auditor's subagent for unsold licenses submitted within a time period established by the commissioner. Unsold resident and nonresident 24-hour angling licenses held by a subagent may not be returned prior to the end of the license year unless the appointment of the subagent is revoked under subdivision 3, or voluntarily terminated by the subagent.

**Subd. 9. Certain licenses not to be issued after season opens.** (a) The following licenses may not be issued after the day before the opening of the related firearms season:

- (1) to take deer with firearms, except a license to take more than one deer under section 97B.301, subdivision 4;
- (2) to guide bear hunters; and
- (3) to guide turkey hunters.

(b) Paragraph (a) does not apply to deer licenses for discharged military personnel under section 97A.465, subdivision 4.

(c) A nonresident license or tag to take and possess raccoon, bobcat, Canada lynx, or fox may not be issued after the fifth day of the open season.

**Subd. 10. Return of unsold deer and bear licenses.** Subagents must return stubs and unsold licenses for the taking of deer to the county auditor on the first business day after the

first day of the firearms deer season. Subagents must return stubs and unsold licenses for guiding bear hunters to the county auditor as prescribed by the commissioner.

**Subd. 11. Rules for accounting and procedures.** The commissioner shall prescribe rules for the accounting and procedural requirements necessary to assure the efficient handling of licenses and license fees. The commissioner may, by rule, establish standards for the appointment and revocation of subagents to assure the efficient distribution of licenses throughout the state.

**History:** 1986 c 386 art 1 s 70; 1987 c 404 s 132; 1988 c 437 s 3; 1989 c 287 s 4; 1989 c 335 art 1 s 124; 1990 c 608 art 7 s 1; 1991 c 227 s 1; 1991 c 254 art 2 s 33; 1991 c 259 s 23; 1992 c 462 s 14; 1993 c 231 s 28,29; 1993 c 310 s 5; 1994 c 561 s 21,22; 1994 c 623 art 1 s 25; 1994 c 632 art 2 s 25

## POSSESSION AND TRANSPORTATION OF WILD ANIMALS

### 97A.501 WILD ANIMALS; GENERAL RESTRICTIONS.

**Subdivision 1. General restrictions.** A person may not take, buy, sell, transport, or possess a protected wild animal unless allowed by the game and fish laws. The ownership of all wild animals is in the state, unless the wild animal has been lawfully acquired under the game and fish laws. The ownership of a wild animal that is lawfully acquired reverts to the state if a law relating to sale, transportation, or possession of the wild animal is violated.

**Subd. 2. Endangered species.** A person may not take, import, transport, or sell an endangered species of wild animal, or sell, or possess with intent to sell an article made from the parts of a wild animal, except as provided in section 84.0895.

**Subd. 3. Contraceptive chemicals.** (a) A person may not administer contraceptive chemicals to noncaptive wild animals without a permit issued by the commissioner.

(b) The commissioner shall adopt rules establishing standards and guidelines for the administration of contraceptive chemicals to noncaptive wild animals. The rules may specify chemical delivery methods and devices and monitoring requirements.

**History:** 1986 c 386 art 1 s 71; 1987 c 384 art 1 s 10; 1994 c 623 art 1 s 26

### 97A.502 DEER KILLED BY MOTOR VEHICLES.

Deer killed by a motor vehicle on a public road must be removed by the road authority, as defined by section 160.02, subdivision 9. The commissioner of natural resources must provide to all road authorities standard forms for statistical purposes and the tracking of wild animals.

**History:** 1987 c 404 s 133; 1988 c 437 s 4

### 97A.505 POSSESSION OF WILD ANIMALS.

**Subdivision 1.** [Repealed, 1987 c 149 art 1 s 54]

**Subd. 2. Possession of unlawful animals brought into the state prohibited.** A person may not possess a wild animal that has been unlawfully taken, bought, sold, or possessed outside the state, or unlawfully shipped into the state.

**Subd. 3.** [Repealed, 1987 c 149 art 1 s 54]

**Subd. 3a. Transportation of animals into state.** Wild animals lawfully taken, bought, sold, or possessed outside the state may be brought or shipped into the state unless otherwise provided by law.

**Subd. 4. Storage of protected wild animals.** A person that stores protected wild animals for others must plainly mark the package, in ink, with the name and address of the owner, the license number of the person taking the animal, and the number and species in the package. A person may not use a commercial cold storage warehouse for protected wild animals, except lawfully taken fish and furs.

**Subd. 5. License not required for animals acquired by gift.** Lawfully taken protected wild animals may be transferred by gift. A person is not required to have a license to possess and transport protected wild animals acquired by gift.

Subd. 6. [Repealed, 1987 c 149 art 1 s 54]

Subd. 7. **Exceptions to this section.** This section does not apply to mounted specimens of wild animals, antlers, tanned hides, and dressed furs lawfully taken.

**History:** 1986 c 386 art 1 s 72; 1987 c 149 art 1 s 34,35; 1993 c 231 s 30,31

#### **97A.511 FUR-BEARING ANIMALS.**

The skins of fur-bearing animals and the flesh of beaver, muskrat, raccoon, rabbits and hares, legally taken and bearing the required seals or tags required by the game and fish laws, may be bought, sold, and transported at any time. The flesh of beaver, raccoon, rabbits, and hare may not be transported out of the state.

**History:** 1986 c 386 art 1 s 73

#### **97A.512 SALE OF INEDIBLE PORTIONS OF BIG GAME ANIMALS, FUR-BEARING ANIMALS, AND GAME BIRDS OTHER THAN MIGRATORY WATER-FOWL.**

(a) Except as otherwise provided by the game and fish laws and as restricted in this section, a person may possess, transport, buy, or sell the following inedible portions of lawfully taken or acquired big game animals, fur-bearing animals, and game birds other than migratory waterfowl: bones, including skulls; sinews; hides; hooves; teeth; claws; and antlers.

(b) A person may not buy or sell bear paws, unless attached to the hide, or bear gallbladders.

**History:** 1992 c 589 s 3

#### **97A.515 PELTS, SKINS, AND HIDES TAKEN ON INDIAN RESERVATIONS.**

The pelts, skins, and hides of protected wild animals taken on an Indian reservation in this state, except the Fond du Lac reservation, may be transported, sold, and disposed of as prescribed by the commissioner.

**History:** 1986 c 386 art 1 s 74

#### **97A.521 TRANSPORTATION OF WILD ANIMALS; GENERALLY.**

Subdivision 1. **General authority; residents.** A resident may transport wild animals to any place in the state if the resident and the animals are in the same vehicle.

Subd. 2. **General authority; nonresidents.** A nonresident may transport wild animals taken in the state if the nonresident and the animals are in the same vehicle.

Subd. 3. **Wild animals in containers.** A person that transports wild animals in a container must mark or identify the container as prescribed under the game and fish laws or by commissioner's rule.

Subd. 4. **Animals that may be lawfully sold.** During the open season a person may transport a protected wild animal within the state, and to a destination outside the state, if the animal may be lawfully sold and the transportation is not otherwise prohibited.

Subd. 5. **Unlawful wild animals prohibited.** A person may not transport wild animals taken, bought, sold, or possessed in violation of the game and fish laws.

**History:** 1986 c 386 art 1 s 75; 1991 c 259 s 23

#### **97A.525 TRANSPORTATION OF WILD ANIMALS BY COMMON CARRIER.**

Subdivision 1. **Residents.** A resident may transport wild animals within the state by common carrier without being in the vehicle if the resident has the license required to take the animals and they are shipped to the resident. The wild animals that may be transported by common carrier are:

- (1) deer, bear, elk, and moose;
- (2) undressed game birds; and
- (3) fish.

Subd. 2. **Nonresidents.** A nonresident may transport wild animals by common carrier without being in the vehicle if the nonresident has the license required to take the animals and they are shipped to the nonresident.



Subd. 3. **Employee of carrier.** An employee of a carrier may not transport wild animals as baggage while performing duties for the carrier.

Subd. 4. **Statement required for protected wild animals.** A person that transports protected wild animals by common carrier, including animals carried in baggage, must attach a statement to each shipment. The statement must include the name, address, and license number of the person shipping the animals, the number and species of the animals in the shipment, and the signature of the licensee.

Subd. 5. **Carrier must be shown shipper's license.** A common carrier may not accept a shipment of big or small game unless the carrier is shown the license of the shipper to take the game.

Subd. 6. **Waybill must specify animals.** The waybill or receipt issued by a common carrier to a shipper must specify the number and species of wild animals being shipped.

Subd. 7. **Animals in possession of shipper.** Wild animals that are transported by common carrier are considered to be in the possession of the shipper.

**History:** 1986 c 386 art 1 s 76; 1987 c 373 s 10

### 97A.531 SHIPMENT OF WILD ANIMALS TAKEN IN CANADA.

Subdivision 1. **Shipping coupons.** A person may ship, within or out of the state, wild animals lawfully taken and possessed in Canada and that have lawfully entered the state. The shipment must have the shipping coupons required for a shipment originating in the province where the animals were taken.

Subd. 2. [Repealed, 1995 c 220 s 141; 1995 c 224 s 126; 1Sp1995 c 1 s 48]

Subd. 3. [Repealed, 1995 c 220 s 141; 1995 c 224 s 126; 1Sp1995 c 1 s 48]

Subd. 4. [Repealed, 1995 c 220 s 141; 1995 c 224 s 126; 1Sp1995 c 1 s 48]

Subd. 5. [Repealed, 1995 c 220 s 141; 1995 c 224 s 126; 1Sp1995 c 1 s 48]

Subd. 6. [Repealed, 1995 c 220 s 141; 1995 c 224 s 126; 1Sp1995 c 1 s 48]

Subd. 7. [Repealed, 1995 c 224 s 127; 1Sp1995 c 1 s 49]

**History:** 1986 c 386 art 1 s 77; 1993 c 269 s 8; 1994 c 479 s 1; 1994 c 623 art 1 s 27; 1995 c 224 s 51; 1Sp1995 c 1 s 25

### 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.

Subd. 2. **Registration required.** Deer, bear, elk, and moose must be registered as prescribed by the commissioner, in addition to the tag required in subdivision 1.

Subd. 2a. **Quartering of deer allowed.** A deer that has been tagged as required in subdivision 1 may be quartered at the site of the kill. The animal's head must remain attached to one of the quarters. The quarters must be presented together for registration under subdivision 2 and must remain together until the deer is processed for storage.

Subd. 3. **Transportation period restricted.** A person may transport deer, bear, one elk, or moose during the open season and the two days following the season, and afterwards as prescribed by the commissioner.

Subd. 4. **Transportation by person other than licensee.** A person other than the licensee may transport deer, bear, elk, or moose that the licensee has registered as prescribed by the commissioner. A tag must be attached to the animal and marked in ink with the address, license number, signature of the licensee, and the locations from which and to which the animal is being transported.

Subd. 5. **Heads, hides, and claws.** A resident that has a license to take deer, bear, elk, or moose may transport the head or hide of the animal within or out of the state for mounting or

tanning. The hides of deer, bear, elk, and moose, and the claws of bear legally taken and with the tags that are required by this section, may be bought, sold, and transported at any time.

**History:** 1986 c 386 art 1 s 78; 1987 c 149 art 1 s 36,37; 1987 c 373 s 11; 1991 c 241 s 6; 1993 c 231 s 32; 1996 c 410 s 37

**97A.541** [Repealed, 1993 c 269 s 32]

#### **97A.545 TRANSPORTATION OF GAME BIRDS.**

**Subdivision 1. Residents shipping by common carrier.** A resident that ships game birds to the resident by common carrier without being in the vehicle may not make more than three shipments during a license year. A shipment may not contain more than the resident's daily limit.

**Subd. 2. Nonresidents shipping by common carrier.** A nonresident that ships game birds to the nonresident by common carrier without being in the vehicle must obtain a shipping permit from the commissioner. The commissioner shall issue the permit upon request, without a fee. The carrier receiving the shipment must cancel the permit as prescribed by the commissioner.

**Subd. 3. Shipping to other persons.** A person must obtain a permit from the commissioner to ship game birds to another person within or out of the state. The person must have the licenses required to take the game birds.

**Subd. 4. Game birds taken outside of this state.** (a) A person may transport into the state game birds that are lawfully taken and possessed outside of this state.

(b) A resident may ship the game birds by common carrier within the state. A nonresident may ship the game birds out of the state by common carrier. Each shipment must be tagged or sealed by a conservation officer as prescribed by the commissioner.

**Subd. 5. Birds must be in undressed condition; exceptions.** (a) Except as provided in paragraph (b), a person may ship or otherwise transport game birds in an undressed condition only.

(b) Paragraph (a) does not apply if the birds being shipped or otherwise transported:

(1) were taken on a shooting preserve and are marked or identified in accordance with section 97A.121, subdivision 5; or

(2) were taken, dressed, and lawfully shipped or otherwise transported in another state.

**History:** 1986 c 386 art 1 s 80; 1987 c 149 art 1 s 38; 1987 c 384 art 1 s 11; 1993 c 231 s 33-36

#### **97A.551 TRANSPORTATION OF FISH.**

**Subdivision 1.** [Repealed, 1987 c 149 art 1 s 54]

**Subd. 2. Fish transported through state.** A person may not transport game fish taken in another state or country through the state during the closed season or in excess of the possession limit unless the fish are:

(1) transported by common carrier; or

(2) tagged, sealed, or marked as prescribed by the commissioner.

**Subd. 3. Shipping fish.** A person that has a license to take fish may make three shipments of fish in a license year to any person within or out of the state after obtaining a permit for each shipment from the commissioner. A shipment may not contain more than a possession limit of one species of fish per licensee.

**Subd. 4. Walleye; northern pike.** Walleye and northern pike may be possessed, transported, or shipped in a dressed or undressed condition.

**Subd. 5. Preparation and packing of fish for transportation.** The commissioner may adopt rules for the preparation and packing of fish for transportation.

**History:** 1986 c 386 art 1 s 81; 1987 c 149 art 1 s 39; 1993 c 185 s 1; 1993 c 231 s 37

#### **97A.552 FISHING REGULATIONS; EXECUTIVE ORDER.**

**Subdivision 1. Order authorized.** (a) The governor may by executive order:

(1) require that fish that are lawfully taken by angling and possessed in Canada be brought into the state in-the-round;

(2) authorize fish lawfully taken by angling in Canada to be transported within the state or out of the state by a nonresident;

(3) require that a Minnesota resident transporting in Minnesota fish that have been taken by angling in Canada possess a Minnesota angling license; and

(4) require that any advertisement of fishing resorts or facilities in Canada in printed or broadcast form originating or distributed within the state must contain a summary of the requirement of clause (1) and penalty for noncompliance.

(b) An executive order issued under paragraph (a) is effective the day following the filing of a certified copy thereof in the office of the secretary of state, and remains in effect until rescinded by order of the governor.

**Subd. 2. Penalty for noncompliance.** A violation of an executive order imposing the requirement in subdivision 1, paragraph (a), clause (1), is a misdemeanor, and in addition to any criminal penalty imposed, fish brought into or transported within the state contrary to that executive order must be confiscated, and a penalty of \$10 for each fish must be imposed.

**History:** 1995 c 224 s 52; 1Sp1995 c 1 s 26