

CHAPTER 97B

HUNTING

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97B.0001 APPLICATION OF LAWS 2005, CHAPTER 56, TERMINOLOGY CHANGES.

State agencies shall use the terminology changes specified in Laws 2005, chapter 56, section 1, when printed material and signage are replaced and new printed material and signage are obtained. State agencies do not have to replace existing printed material and signage to comply with Laws 2005, chapter 56, sections 1 and 2. Language changes made according to Laws 2005, chapter 56, sections 1 and 2, shall not expand or exclude eligibility to services.

History: 2005 c 56 s 3

HUNTING RESTRICTIONS AND REQUIREMENTS

97B.001 TRESPASS.

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

- (1) that is plowed or tilled;
- (2) that has standing crops or crop residues;
- (3) within a maintained fence for enclosing domestic livestock;
- (4) that is planted native or introduced grassland or hay land; or
- (5) that is planted to short rotation woody crops as defined in section 41B.048, subdivision 4.

Subd. 1a. **Outdoor recreation definition.** "Outdoor recreation" means any voluntary activity, including hunting, fishing, trapping, boating, hiking, camping, and engaging in winter sports, which is conducted primarily for the purposes of pleasure, rest, or relaxation and is dependent upon or derives its principal benefit from natural surroundings.

Subd. 2. **Permission required to enter agricultural land for outdoor recreation purposes.** Except as provided in subdivisions 5 and 6, a person may not enter agricultural land for outdoor recreation purposes, without first obtaining permission of the owner, occupant, or lessee.

Subd. 3. **Remaining on land prohibited after notice.** Except as provided in subdivision 6, a person may not remain on any land for outdoor recreation purposes after being orally told not to do so by the owner, occupant, or lessee.

Subd. 4. **Entering posted land prohibited; signs.** (a) Except as provided in subdivision 6, a person may not enter, for outdoor recreation purposes, any land that is posted under this subdivision without first obtaining permission of the owner, occupant, or lessee.

(b) The owner, occupant, or lessee of private land, or an authorized manager of public land may prohibit outdoor recreation on the land by posting signs once each year that:

- (1) state "no trespassing" or similar terms;
- (2) display letters at least two inches high;
- (3) either:
 - (i) are signed by the owner, occupant, lessee, or authorized manager; or
 - (ii) include the legible name and telephone number of the owner, occupant, lessee, or authorized manager; and

(4) either:

(i) are at intervals of 1,000 feet or less along the boundary of the area, or in a wooded area where boundary lines are not clear, at intervals of 500 feet or less; or

(ii) mark the primary corners of each parcel of land and access roads and trails at the point of entrance to each parcel of land except that corners only accessible through agricultural land need not be posted.

(c) A person may not erect a sign that prohibits outdoor recreation or trespassing where the person does not have a property right, title, or interest to use the land.

Subd. 5. Retrieving wounded game. Except as provided in subdivision 3, a person on foot may, without permission of the owner, occupant, or lessee, enter land that is not posted under subdivision 4, to retrieve a wounded animal that was lawfully shot. The hunter must leave the land immediately after retrieving the wounded game.

Subd. 6. Retrieving hunting dogs. A person on foot may, without permission of the owner, occupant, or lessee, enter private land without a firearm to retrieve a hunting dog. After retrieving the dog, the person must immediately leave the premises.

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

(1) on another person's private land; or

(2) on a public right-of-way.

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

(c) A person may not take a wild animal on any land where the person is prohibited from entering by this section.

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

(1) wound or kill another person's domestic animal;

(2) destroy, cut, or tear down another person's fence, building, grain, crops, live tree, or sign erected under subdivision 4; or

(3) pass through another person's closed gate without returning the gate to its original position.

History: 1986 c 386 art 2 s 1; 1987 c 149 art 1 s 40-42; 1996 c 301 s 1-7; 1Sp2001 c 2 s 117

97B.002 CIVIL TRESPASS.

Subdivision 1. Authority to issue. Conservation officers, sheriffs, and deputies may issue citations to a person who trespasses in violation of section 84.90 or 97B.001 or removes a sign posted to prevent trespass without permission of the owner of the property.

Subd. 2. Penalty amount. The citation must impose the following penalty amounts:

(1) \$50 for the first violation;

(2) \$200 for the second violation in a three-year period;

(3) for a third or subsequent violation in a three-year period, the penalty shall be \$500 and loss of every license or registration being used; and

(4) \$50 for removal of a sign posted pursuant to this section.

Subd. 3. Appeals. Citations may be appealed under the procedures in section 116.072, subdivision 6, if the person requests a hearing by notifying the commissioner in writing within 15 days after receipt of the citation. If a hearing is not requested within the 15-day period, the citation becomes a final order not subject to further review.

Subd. 4. Enforcement of field citations. Field citations may be enforced under section 116.072, subdivisions 9 and 10.

Subd. 5. Cumulative remedy. The authority to issue field citations is in addition to other remedies available under statutory or common law, except that the state may not seek penalties under any other provision of law for the incident subject to the citation.

Subd. 6. **Payment of penalty.** Penalty amounts shall be remitted within 30 days of issuance of the penalty citation to the issuer.

Subd. 7. **Allocation of penalty amounts.** Penalty amounts are deposited to the county or the commissioner for deposit in the game and fish fund depending upon who issues the citation.

History: 1996 c 301 s 8; 2000 c 466 s 2

97B.005 TRAINING DOGS.

Subdivision 1. **Field training.** A person may not train hunting dogs afield on public lands administered by the commissioner from April 16 to July 14 except as specifically authorized by permit or rule.

Subd. 2. **Restriction on ammunition while training.** A person training a dog afield and carrying a firearm may only have blank cartridges and shells in personal possession when the season is not open for any game bird, except as provided in subdivision 3.

Subd. 3. **Permits for organizations and individuals to use game birds and firearms.** (a) The commissioner may issue special permits, without a fee, to use firearms and live ammunition on domesticated birds or banded game birds from game farms.

(b) Permits for holding field trials may be issued to organizations. The permit shall specify the dates and locations of the field trial. The commissioner may limit the number of dates approved for any organization.

(c) Permits for training hunting dogs may be issued to an individual.

(d) Domesticated birds, other than pigeons, and game farm birds used for trials or training under this section must be clearly marked with dye or a streamer attached to a leg in a manner that makes them visually identifiable prior to being taken.

Subd. 4. [Repealed, 2005 c 146 s 52]

History: 1986 c 386 art 2 s 2; 1993 c 269 s 9,10; 2005 c 146 s 21,22; 1Sp2005 c 1 art 2 s 105

97B.011 DOGS PURSUING BIG GAME.

A person who observes a dog wounding, killing, or pursuing in a manner that endangers big game may kill the dog:

(1) at any time, if the person is a peace officer or conservation officer; or

(2) between January 1 and July 14, if the person is not a peace officer or conservation officer and the discharge of firearms is allowed.

The officer or person is not liable for damages for killing the dog.

History: 1986 c 386 art 2 s 3; 1994 c 575 s 1

97B.015 FIREARMS SAFETY AND WILDLIFE IDENTIFICATION COURSE.

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

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

(b) The Enforcement Division may appoint instructors necessary for this section. Instructors shall serve on a voluntary basis without compensation. The Enforcement Divi-

sion must supply the materials necessary for the course. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training.

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

Subd. 4. **Student fee.** To defray the expense of the course, the Enforcement Division shall collect a fee from each person that takes the firearm safety course. The commissioner shall establish a fee that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The fees shall be deposited in the game and fish fund and the amount thereof is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the program. In addition to the fee established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses.

Subd. 5. **Firearms safety certificate.** The commissioner shall issue a firearms safety certificate to a person that satisfactorily completes the required course of instruction. A person must be at least age 11 to take the firearms safety course and may receive a firearms safety certificate, but the certificate is not valid for hunting until the person reaches age 12. A person who is age 11 and has a firearms safety certificate may purchase a deer, bear, turkey, or prairie chicken license that will become valid when the person reaches age 12. A firearms safety certificate issued to a person under age 12 by another state as provided in section 97B.020 is not valid for hunting in Minnesota until the person reaches age 12. The form and content of the firearms safety certificate shall be prescribed by the commissioner.

Subd. 6. **Provisional certificate for persons with developmental disability.** Upon the recommendation of a course instructor, the commissioner may issue a provisional firearms safety certificate to a person who satisfactorily completes the classroom portion of the firearms safety course but is unable to pass the written or an alternate format exam portion of the course because of developmental disability as defined in section 97B.1055, subdivision 1. The certificate is valid only when used according to section 97B.1055.

Subd. 7. **Fee for duplicate certificate.** The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing a duplicate firearms safety certificate. The commissioner shall establish a fee that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the service. The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner may establish the fee notwithstanding section 16A.1283. The duplicate certificate fees, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the game and fish fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, and issuing fees collected by the commissioner, are appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the firearm safety course program.

History: 1986 c 386 art 2 s 4; 1989 c 45 s 1; 2000 c 473 s 6; 2000 c 495 s 36,37; 2004 c 215 s 18; 2004 c 221 s 41; 2005 c 56 s 1; 2005 c 146 s 23–25; 1Sp2005 c 1 art 2 s 106

97B.020 FIREARMS SAFETY CERTIFICATE REQUIRED.

(a) Except as provided in this section and section 97A.451, subdivision 3a, a person born after December 31, 1979, may not obtain an annual license to take wild animals by firearms unless the person has:

- (1) a firearms safety certificate or equivalent certificate;
- (2) a driver's license or identification card with a valid firearms safety qualification indicator issued under section 171.07, subdivision 13;
- (3) a previous hunting license with a valid firearms safety qualification indicator; or

(4) other evidence indicating that the person has completed in this state or in another state a hunter safety course recognized by the department under a reciprocity agreement or certified by the department as substantially similar.

(b) A person who is on active duty and has successfully completed basic training in the United States armed forces, reserve component, or National Guard may obtain a hunting license or approval authorizing hunting regardless of whether the person is issued a firearms safety certificate.

(c) A person born after December 31, 1979, may not use a lifetime license to take wild animals by firearms, unless the person meets the requirements for obtaining an annual license under paragraph (a) or (b).

History: 1991 c 63 s 1; 1999 c 231 s 125; 2000 c 341 s 9; 2002 c 323 s 6; 2003 c 28 art 1 s 14; 1Sp2005 c 1 art 2 s 107

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

Subdivision 1. **Restrictions.** (a) Except as provided in this subdivision, a person under the age of 16 may not possess a firearm, unless accompanied by a parent or guardian.

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

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

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

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

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

Subd. 1a. **Parent or guardian duties.** A parent or guardian may not knowingly direct, allow, or permit a person under the age of 16 to possess a firearm in violation of this section.

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

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

History: 1986 c 386 art 2 s 5; 1996 c 410 s 38; 2006 c 281 art 2 s 35

97B.025 HUNTER AND TRAPPER EDUCATION.

(a) The commissioner may establish education courses for hunters. The commissioner shall collect a fee from each person attending a course. A fee, to include a \$1 issuing fee for licensing agents, shall be collected for issuing a duplicate certificate. The commissioner shall establish the fees in a manner that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner may establish the fees notwithstanding section 16A.1283. The fees, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the game and fish fund and the amount thereof, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the program. In addition to the fee established by the commissioner for each course, instructors may

charge each person up to the established fee amount for class materials and expenses. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training.

(b) The commissioner shall enter into an agreement with a statewide nonprofit trappers association to conduct a trapper education program. At a minimum, the program must include at least six hours of classroom, electronic, or correspondence instruction and in the field training. The program must include a review of state trapping laws and regulations, trapping ethics, the setting and tending of traps and snares, tagging and registration requirements, and the preparation of pelts. The association shall issue a certificate to persons who complete the program. The association shall be responsible for all costs of conducting the education program, and shall not charge any fee for attending the course.

History: 1986 c 386 art 2 s 6; 1996 c 305 art 3 s 9; 1999 c 250 art 3 s 8; 2000 c 495 s 38; 2002 c 351 s 14; 2004 c 221 s 42; 2005 c 146 s 26; 1Sp2005 c 1 art 2 s 108

97B.026 TRAPPER EDUCATION CERTIFICATE REQUIREMENT.

A person born after December 31, 1989, and who has not been issued a trapping license in a previous license year, may not obtain a trapping license unless the person has been issued a trapper education certificate under section 97B.025, paragraph (b).

History: 2005 c 146 s 27

NOTE: This section as added by Laws 2005, chapter 146, section 27, is effective March 1, 2007. Laws 2005, chapter 146, section 27, the effective date.

97B.031 USE AND POSSESSION OF FIREARMS.

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

- (1) the rifle, shotgun, and handgun used is a caliber of at least .23 inches;
- (2) the firearm is loaded only with single projectile ammunition;
- (3) a projectile used is a caliber of at least .23 inches and has a soft point or is an expanding bullet type;
- (4) the ammunition has a case length of at least 1.285 inches;
- (5) the muzzle-loader used is incapable of being loaded at the breech;
- (6) the smooth-bore muzzle-loader used is a caliber of at least .45 inches; and
- (7) the rifled muzzle-loader used is a caliber of at least .40 inches.

(b) Notwithstanding paragraph (a), clause (4), a person may take big game with a ten millimeter cartridge that is at least 0.95 inches in length, a .45 Winchester Magnum cartridge, or a .50 A. E. (Action Express) handgun cartridge.

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

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

Subd. 4. **Silencers prohibited.** Except as provided in section 609.66, subdivision 1h, a person may not own or possess a silencer for a firearm or a firearm equipped to have a silencer attached.

Subd. 5. **Scopes; visually impaired hunters.** (a) Notwithstanding any other law to the contrary, the commissioner may issue a special permit, without a fee, to use a muzzleloader with a scope to take deer during the muzzleloader season to a person who obtains the required licenses and who has a visual impairment. The scope may not have magnification capabilities.

(b) The visual impairment must be to the extent that the applicant is unable to identify targets and the rifle sights at the same time without a scope. The visual impairment and specific conditions must be established by medical evidence verified in writing by a licensed physician, ophthalmologist, or optometrist. The commissioner may request additional information from the physician if needed to verify the applicant's eligibility for the permit.

(c) A permit issued under this subdivision may be valid for up to five years, based on the permanence of the visual impairment as determined by the licensed physician, ophthalmologist, or optometrist.

(d) The permit must be in the immediate possession of the permittee when hunting under the special permit.

(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this subdivision for cause, including a violation of the game and fish laws or rules.

(f) A person who knowingly makes a false application or assists another in making a false application for a permit under this subdivision is guilty of a misdemeanor. A physician, ophthalmologist, or optometrist who fraudulently certifies to the commissioner that a person is visually impaired as described in this subdivision is guilty of a misdemeanor.

History: 1986 c 386 art 2 s 7; 1989 c 153 s 1; 1989 c 287 s 7; 2000 c 473 s 7; 2002 c 351 s 15; 2004 c 215 s 19; 2005 c 102 s 1; 2005 c 146 s 28,29

97B.035 RESTRICTIONS ON ARCHERY EQUIPMENT.

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

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

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

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

Subd. 4. Authority of commissioner. The commissioner may not impose restrictions on the possession, transportation, or use of archery equipment except as specifically authorized by law.

History: 1986 c 386 art 2 s 8; 1987 c 170 s 1; 1989 c 209 art 2 s 1; 1994 c 623 art 1 s 28

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

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

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

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

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

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

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

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

This section does not apply during an open firearms season in an area where deer may be taken only by muzzleloader, except that muzzleloading firearms lawful for the taking of deer may be possessed only by persons with a valid license to take deer by muzzleloader during that season.

History: 1986 c 386 art 2 s 9; 1987 c 149 art 1 s 43; 1993 c 269 s 11; 1994 c 623 art 1 s 29

97B.045 TRANSPORTATION OF FIREARMS.

Subdivision 1. **Restrictions.** A person may not transport a firearm in a motor vehicle unless the firearm is:

- (1) unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed;
- (2) unloaded and in the closed trunk of a motor vehicle; or
- (3) a handgun carried in compliance with sections 624.714 and 624.715.

Subd. 2. **Exception for disabled persons.** The restrictions in subdivision 1 do not apply to a disabled person if:

- (1) the person possesses a permit under section 97B.055, subdivision 3;
- (2) the person is participating in a hunt sponsored by a nonprofit organization under a permit from the commissioner or is hunting on property owned or leased by the person; and
- (3) the firearm is not loaded in the chamber until the vehicle is stationary, or is a hinge action firearm with the action open until the vehicle is stationary.

History: 1986 c 386 art 2 s 10; 1993 c 269 s 12

97B.051 TRANSPORTATION OF ARCHERY BOWS.

Except as specified under section 97B.055, subdivision 2, a person may not transport an archery bow in a motor vehicle unless the bow is:

- (1) unstrung;
- (2) completely contained in a case; or
- (3) in the closed trunk or rear—most enclosed portion of a motor vehicle that is not accessible from the passenger compartment.

History: 1986 c 386 art 2 s 11; 2000 c 428 s 1; 2000 c 473 s 8

97B.055 DISCHARGING FIREARMS AND BOWS AND ARROWS.

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

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

Subd. 2. **Restrictions related to motor vehicles.** A person may not take a wild animal with a firearm or by archery from a motor vehicle except as permitted in this section. Notwithstanding section 97B.091, a person may transport a bow uncased while in an electric motor-powered boat and may take rough fish while in the boat.

Subd. 3. **Hunting from vehicle by disabled hunters.** (a) The commissioner may issue a special permit, without a fee, to discharge a firearm or bow and arrow from a stationary motor vehicle to a person who obtains the required licenses and who has a permanent physical disability that is more substantial than discomfort from walking. The permit recipient must be:

- (1) unable to step from a vehicle without aid of a wheelchair, crutches, braces, or other mechanical support or prosthetic device; or
- (2) unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing.

(b) The permanent physical disability must be established by medical evidence verified in writing by a licensed physician or chiropractor. The commissioner may request additional information from the physician or chiropractor if needed to verify the applicant's eligibility

for the permit. Notwithstanding section 97A.418, the commissioner may, in consultation with appropriate advocacy groups, establish reasonable minimum standards for permits to be issued under this section. In addition to providing the medical evidence of a permanent disability, the applicant must possess a valid disability parking certificate authorized by section 169.345 or license plates issued under section 168.021.

(c) A person issued a special permit under this subdivision and hunting deer may take a deer of either sex, except in those antlerless permit areas and seasons where no antlerless permits are offered. This subdivision does not authorize another member of a party to take an antlerless deer under section 97B.301, subdivision 3.

(d) A permit issued under this subdivision is valid for five years.

(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this section for cause, including a violation of the game and fish laws or rules.

(f) A person who knowingly makes a false application or assists another in making a false application for a permit under this section is guilty of a misdemeanor. A physician or chiropractor who fraudulently certifies to the commissioner that a person is permanently disabled as described in this section is guilty of a misdemeanor.

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

History: 1986 c 386 art 2 s 12; 1990 c 558 s 2; 1991 c 241 s 7; 1991 c 259 s 23; 1994 c 561 s 23; 1Sp1995 c 1 s 27; 1997 c 226 s 28; 2000 c 265 s 2; 2000 c 428 s 2; 2001 c 185 s 30

97B.061 REPORTS AND RECORDS.

The commissioner may request a person who has taken game to submit a report to the commissioner on a furnished form, stating the number or kind of each game animal taken during the preceding license year. There is no penalty for failure to comply with a request from the commissioner under this section, and information submitted to the commissioner under this section may not be used as evidence in a prosecution under this chapter, chapter 97A or 97C.

History: 1986 c 386 art 2 s 13; 1987 c 149 art 1 s 44; 1Sp1995 c 1 s 28

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

Subdivision 1. Acts prohibited. (a) A person may not take wild animals with a firearm or by archery:

- (1) when the person is under the influence of alcohol;
- (2) when the person is under the influence of a controlled substance, as defined in section 152.01, subdivision 4;
- (3) when the person is under the influence of a combination of any two or more of the elements in clauses (1) and (2);
- (4) when the person's alcohol concentration is 0.08 or more;
- (5) when the person's alcohol concentration as measured within two hours of the time of taking is 0.08 or more; or
- (6) when the person is knowingly under the influence of any chemical compound or combination of chemical compounds that is listed as a hazardous substance in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to operate a firearm or bow and arrow.

(b) An owner or other person having charge or control of a firearm or bow may not authorize or permit an individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance, as provided under paragraph (a), to possess the firearm or bow in this state or on a boundary water of this state.

(c) A person may not possess a loaded or uncased firearm or an uncased bow afield under any of the conditions in paragraph (a).

Subd. 2. **Arrest.** A peace officer may arrest a person for a violation under subdivision 1 without a warrant upon probable cause, without regard to whether the violation was committed in the officer's presence.

Subd. 3. **Preliminary screening test.** When an officer authorized under subdivision 2 to make arrests has reason to believe that the person may be violating or has violated subdivision 1, paragraph (a) or (c), the officer may require the person to provide a breath sample for a preliminary screening test using a device approved by the commissioner of public safety for this purpose. The results of the preliminary screening test must be used for the purpose of deciding whether an arrest should be made under this section and whether to require the chemical tests authorized in section 97B.066, but may not be used in any court action except: (1) to prove that a test was properly required of a person under section 97B.066, or (2) in a civil action arising out of the operation of a firearm or bow and arrow. Following the preliminary screening test, additional tests may be required of the person as provided under section 97B.066. A person who refuses a breath sample is subject to the provisions of section 97B.066 unless, in compliance with that section, the person submits to a blood, breath, or urine test to determine the presence of alcohol or a controlled substance.

Subd. 4. **Evidence.** In a prosecution for a violation of subdivision 1, paragraph (a) or (c), or an ordinance in conformity with it, the admission of evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine is governed by section 169A.45.

Subd. 5. **Penalties.** (a) A person who violates a prohibition in subdivision 1, or an ordinance in conformity with it, is subject to the penalties provided in section 97A.331.

(b) A person who hunts during the period the person is prohibited from hunting under subdivision 6 is guilty of a misdemeanor.

Subd. 6. **Hunting privileges suspended.** Upon conviction, and in addition to any penalty imposed under subdivision 5, the person is subject to the limitations on hunting provided in section 97A.421.

Subd. 7. **Duties of commissioner.** The court shall promptly forward to the commissioner copies of all convictions and criminal and civil penalties imposed under subdivision 5 and section 97B.066, subdivision 2. The commissioner shall notify the convicted person of the period during which the person is prohibited from hunting under subdivision 6 and section 97A.421. The commissioner shall also periodically circulate to appropriate law enforcement agencies a list of all persons who are prohibited from hunting under subdivision 6 and section 97A.421.

Subd. 8. **Immunity from liability.** The state or political subdivision that employs an officer who is authorized under subdivision 2 to make an arrest for violations of subdivision 1 is immune from any liability, civil or criminal, for the care or custody of the hunting equipment in the physical control of the person arrested if the officer acts in good faith and exercises due care.

History: 1986 c 386 art 2 s 14; 1987 c 149 art 1 s 45; 1992 c 570 art 5 s 1; 1Sp1997 c 2 s 67; 2000 c 478 art 2 s 7; 2002 c 323 s 7-9; 2004 c 283 s 1

97B.066 CHEMICAL TESTING.

Subdivision 1. **Mandatory chemical testing.** A person who takes wild animals with a bow or firearm in this state or on a boundary water of this state is required, subject to the provisions of this section, to take or submit to a test of the person's blood, breath, or urine for the purpose of determining the presence and amount of alcohol or a controlled substance. The test shall be administered at the direction of an officer authorized to make arrests under section 97B.065, subdivision 2. Taking or submitting to the test is mandatory when requested by an officer who has probable cause to believe the person was hunting in violation of section 97B.065, subdivision 1, paragraph (a) or (c), and one of the following conditions exists:

(1) the person has been lawfully placed under arrest for violating section 97B.065, subdivision 1, paragraph (a) or (c);

(2) the person has been involved while hunting in an accident resulting in property damage, personal injury, or death;

(3) the person has refused to take the preliminary screening test provided for in section 97B.065, subdivision 3; or

(4) the screening test was administered and indicated an alcohol concentration of 0.08 or more.

Subd. 2. Penalties; refusal; revocation of hunting privilege. (a) If a person refuses to take a test required under subdivision 1, none must be given but the officer authorized to make arrests under section 97B.065, subdivision 2, shall report the refusal to the commissioner of natural resources and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the incident occurred that gave rise to the test demand and refusal.

On certification by the officer that probable cause existed to believe the person had been hunting while under the influence of alcohol or a controlled substance, and that the person refused to submit to testing, the commissioner shall impose a civil penalty of \$500 and shall prohibit the person from hunting for one year.

On behalf of the commissioner, an officer requiring a test or directing the administration of a test shall serve on a person who refused to permit a test immediate notice of intention to prohibit the person from hunting, and to impose the civil penalty set forth in this subdivision. If the officer fails to serve a notice of intent to suspend hunting privileges, the commissioner may notify the person by certified mail to the address on the license of the person. The notice must advise the person of the right to obtain administrative and judicial review as provided in this section. The prohibition imposed by the commissioner takes effect ten days after receipt of the notice. The civil penalty is imposed 30 days after receipt of the notice or upon return of the certified mail to the commissioner, and must be paid within 30 days of imposition.

(b) A person who hunts during the period the person is prohibited from hunting as provided under paragraph (a) is guilty of a misdemeanor.

Subd. 3. Rights and obligations. At the time a test is requested, the person must be informed that:

(1) Minnesota law requires a person to take a test to determine if the person is under the influence of alcohol or a controlled substance;

(2) if the person refuses to take the test, the person is subject to a civil penalty of \$500 and is prohibited for a one-year period from hunting, as provided under subdivision 2; and

(3) that the person has the right to consult with an attorney, but that this right is limited to the extent it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test.

Subd. 4. Requirement of urine test. Notwithstanding subdivision 1, if there is probable cause to believe there is impairment by a controlled substance that is not subject to testing by a breath test, a blood or urine test may be required even after a breath test has been administered.

Subd. 5. Chemical tests. Chemical tests administered under this section are governed by section 169A.51.

Subd. 6. [Repealed, 1Sp1997 c 2 s 69]

Subd. 7. Administrative review. (a) At any time during the period of prohibition or revocation imposed under this section, the person may request in writing a review of the order imposing sanctions under this section. If the person makes a request for administrative review within 30 days following receipt of a notice and order imposing sanctions, the request shall stay imposition of the civil penalty. Upon receiving the request for review, the commissioner or the commissioner's designee shall review the order, the evidence upon which the order was based, and other material information brought to the attention of the commissioner and determine whether sufficient cause exists to sustain the order.

(b) Within 15 days after receiving the request, the commissioner shall issue a written report ordering that the prohibition, revocation, or civil penalty be either sustained or re-

scinded. The review provided in this subdivision is not subject to the contested case provisions of the Administrative Procedure Act under chapter 14. The availability of administrative review does not have an effect upon the availability of judicial review under this section.

Subd. 8. Judicial review. (a) Within 30 days following receipt of a notice and order imposing sanctions under this section, a person may petition the court for review. The petition must be filed with the district court administrator in the county where the incident occurred giving rise to the test demand and refusal, together with proof of service of a copy on the commissioner and the prosecuting authority for misdemeanor offenses for the jurisdiction in which the incident occurred. A responsive pleading is not required of the commissioner of natural resources, and court fees may not be charged for the appearance of the representative of the commissioner in the matter.

(b) The petition must be captioned in the name of the person making the petition as petitioner and the commissioner as respondent. The petition must state specifically the grounds upon which the petitioner seeks rescission of the order imposing sanctions.

(c) The filing of the petition does not stay the revocation or prohibition against hunting. However, the filing of a petition stays imposition of the civil penalty. The judicial review shall be conducted according to the Rules of Civil Procedure.

Subd. 9. Hearing. (a) A hearing under this section must be before a district court judge in the county where the incident occurred which gave rise to the test demand and refusal. The hearing must be to the court and may be conducted at the same time as hearings upon pretrial motions in the criminal prosecution under section 97B.065. The hearing must be recorded. The commissioner must be represented by the prosecuting authority for misdemeanor offenses for the jurisdiction in which the incident occurred which gave rise to the test demand and refusal.

(b) The hearing must be held at the earliest practicable date and in any event no later than 60 days following the filing of the petition for review. The reviewing court may order a temporary stay of the balance of the prohibition or revocation if the hearing has not been conducted within 60 days after filing of the petition, upon the application of the petitioner and upon terms the court deems proper.

(c) The scope of the hearing must be limited to the issues of:

(1) whether the officer had probable cause to believe that the person violated section 97B.065;

(2) whether one of the conditions in subdivision 1 existed;

(3) whether the person was informed as prescribed in subdivision 3; and

(4) whether the person refused to submit to testing.

(d) It is an affirmative defense for the petitioner to prove that, at the time of the refusal, the petitioner's refusal to permit the test was based upon reasonable grounds.

(e) The court shall order that the prohibition or revocation be either sustained or rescinded and shall either sustain or rescind the civil penalty. The court shall forward a copy of the order to the commissioner.

Subd. 10. Payment of civil penalty. The civil penalty imposed under subdivision 2 must be paid to the political subdivision that represents the commissioner on the petition for judicial review or, in the event that a petition is not filed, to the political subdivision that would have represented the commissioner had a petition been filed. If a person does not pay the civil penalty, the prohibition against hunting is automatically extended until the political subdivision reports to the commissioner in writing that the penalty has been paid.

Subd. 11. Enforcement of civil penalty. (a) If a person does not pay the civil penalty imposed under subdivision 2 within 30 days of the date it was imposed, the prosecuting authority representing the commissioner may petition the district court in the county where the incident occurred to file the order imposing the civil penalty as an order of the court.

(b) Once entered, the order may be enforced in the same manner as a final judgment of the court. In addition to the penalty, attorney fees, costs, and interest may be assessed against any person who fails to pay the civil penalty.

History: 1992 c 570 art 5 s 2; 1Sp1997 c 2 s 8–13; 2000 c 478 art 2 s 7; 2002 c 323 s 10; 2004 c 283 s 2

97B.071 BLAZE ORANGE REQUIREMENTS.

(a) Except as provided in rules adopted under paragraph (c), a person may not hunt or trap during the open season where deer may be taken by firearms under applicable laws and ordinances, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square. This section does not apply to migratory waterfowl hunters on waters of this state or in a stationary shooting location or to trappers on waters of this state.

(b) Except as provided in rules adopted under paragraph (c), and in addition to the requirement in paragraph (a), a person may not take small game other than turkey, migratory birds, raccoons, and predators, except when hunting with nontoxic shot or while trapping, unless a visible portion of at least one article of the person's clothing above the waist is blaze orange. This paragraph does not apply to a person hunting by falconry.

(c) The commissioner may, by rule, prescribe an alternative color in cases where paragraph (a) or (b) would violate the Religious Freedom Restoration Act of 1993, Public Law 103–141.

(d) A violation of paragraph (b) shall not result in a penalty, but is punishable only by a safety warning.

History: 1986 c 386 art 2 s 15; 1993 c 196 s 1; 1993 c 269 s 13; 1994 c 623 art 1 s 30; 1994 c 632 art 2 s 26; 1996 c 410 s 39; 2000 c 473 s 9

97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.

(a) A person may not take protected wild animals, except raccoon and fox, with a firearm between the evening and morning times established by commissioner's rule, except as provided in this section.

(b) Big game may be taken from one-half hour before sunrise until one-half hour after sunset.

(c) Except as otherwise prescribed by the commissioner before the Saturday nearest October 8, waterfowl may be taken from one-half hour before sunrise until sunset during the entire season prescribed by the commissioner. On the opening day of the duck season, shooting hours for migratory game birds, except woodcock, begin at 9:00 a.m.

History: 1986 c 386 art 2 s 16; 1991 c 259 s 23; 1994 c 623 art 1 s 31; 1Sp1995 c 1 s 29; 1997 c 226 s 29; 2004 c 215 s 20

97B.081 USING ARTIFICIAL LIGHTS TO LOCATE ANIMALS.

Subdivision 1. **With firearms and bows.** (a) A person may not cast the rays of a spotlight, headlight, or other artificial light on a highway, or in a field, woodland, or forest, to spot, locate, or take a wild animal, except while taking raccoons in accordance with section 97B.621, subdivision 3, or tending traps in accordance with section 97B.931, while having in possession, either individually or as one of a group of persons, a firearm, bow, or other implement that could be used to kill big game.

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

(1) unloaded;

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

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

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

(1) completely encased or unstrung; and

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

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

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

(f) This subdivision does not apply to a person hunting fox or coyote from January 1 to March 15 while using a hand-held artificial light, provided that the person:

(1) is on foot;

(2) is using a shotgun;

(3) is not within a public road right-of-way;

(4) is using a hand-held or electronic calling device; and

(5) is not within 200 feet of a motor vehicle.

Subd. 2. **Without firearms.** (a) Between the hours of 10:00 p.m. and 6:00 a.m. from September 1 to December 31, a person may not cast the rays of a spotlight, headlight, or other artificial light in a field, woodland, or forest to spot, locate, or take a wild animal except to take raccoons under section 97B.621, subdivision 3, or to tend traps under section 97B.931.

(b) Between one-half hour after sunset until sunrise, a person may not cast the rays of a spotlight, headlight, or other artificial light to spot, locate, or take a wild animal on fenced, agricultural land containing livestock, as defined in section 17A.03, subdivision 5, or poultry that is marked with signs prohibiting the shining of lights. The signs must:

(1) display reflectorized letters that are at least two inches in height and state "no shining" or similar terms; and

(2) be placed at intervals of 1,000 feet or less along the boundary of the area.

(c) It is not a violation of paragraph (a) or (b) for a person to carry out any agricultural, occupational, or recreational practice, including snowmobiling that is not related to spotting, locating, or taking a wild animal.

(d) Between the hours of 6:00 p.m. and 6:00 a.m., a person may not project a spotlight or hand-held light onto residential property or building sites from a moving motor vehicle being operated on land, except for the following purposes:

(1) safety;

(2) emergency response;

(3) normal vehicle operations; or

(4) performing an occupational duty.

History: 1986 c 386 art 2 s 17; 1987 c 131 s 1; 1987 c 149 art 1 s 46; 2002 c 351 s 16; 2006 c 281 art 2 s 36

97B.085 USE OF RADIOS TO TAKE ANIMALS.

Subdivision 1. **Radio use in taking game prohibited.** A person may not use radio equipment to take big game or small game.

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

Subd. 3. **Communication excepted.** This section does not prohibit the use of one-way radio communication between a handler and a dog.

History: 1986 c 386 art 2 s 18; 1991 c 166 s 1; 1992 c 479 s 1

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

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

History: 1986 c 386 art 2 s 19

97B.095 DISTURBING BURROWS AND DENS.

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

History: 1986 c 386 art 2 s 20

97B.101 HUNTING WITH FERRETS PROHIBITED.

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

History: 1986 c 386 art 2 s 21

97B.105 HUNTING BY FALCONRY.

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

History: 1986 c 386 art 2 s 22

97B.1055 HUNTING BY PERSONS WITH DEVELOPMENTAL DISABILITY.

Subdivision 1. Definitions. For purposes of this section and section 97B.015, subdivision 6, "person with developmental disability" means a person who has been diagnosed as having substantial limitations in present functioning, manifested as significantly subaverage intellectual functioning, existing concurrently with demonstrated deficits in adaptive behavior, and who manifests these conditions before the person's 22nd birthday. A person with a related condition means a person who meets the diagnostic definition under section 252.27, subdivision 1a.

Subd. 2. Obtaining a license. (a) Notwithstanding section 97B.020, a person with developmental disability may obtain a firearms hunting license with a provisional firearms safety certificate issued under section 97B.015, subdivision 6.

(b) Any person accompanying or assisting a person with developmental disability under this section must possess a valid firearms safety certificate issued by the commissioner.

Subd. 3. Assistance required. A person who obtains a firearms hunting license under subdivision 2 must be accompanied and assisted by a parent, guardian, or other adult person designated by a parent or guardian when hunting. A person who is not hunting but is solely accompanying and assisting a person with developmental disability need not obtain a hunting license.

Subd. 4. Prohibited activities. (a) This section does not entitle a person to possess a firearm if the person is otherwise prohibited from possessing a firearm under state or federal law or a court order.

(b) No person shall knowingly authorize or permit a person, who by reason of developmental disability is incapable of safely possessing a firearm, to possess a firearm to hunt in the state or on any boundary water of the state.

History: 2000 c 473 s 10; 2005 c 56 s 1

97B.106 CROSSBOW PERMITS FOR HUNTING AND FISHING.

Subdivision 1. Qualifications for crossbow permits. (a) The commissioner may issue a special permit, without a fee, to take big game, small game, or rough fish with a crossbow to a person that is unable to hunt or take rough fish by archery because of a permanent or temporary physical disability.

(b) To qualify for a crossbow permit under this section, a temporary disability must render the person unable to hunt or fish by archery for a minimum of two years after application for the permit is made. The permanent or temporary disability must be established by medical evidence, and the inability to hunt or fish by archery for the required period of time must be verified in writing by a licensed physician or chiropractor.

(c) The person must obtain the appropriate license.

Subd. 2. **Crossbow equipment and requirements.** (a) A crossbow used for hunting under the provisions of this section must:

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

(b) An arrow or bolt used to take big game or turkey under the provisions of this section must meet the legal arrowhead requirements in section 97B.211, subdivision 2.

(c) An arrow or bolt used to take rough fish with a crossbow under the provisions of this section must be tethered or controlled by an attached line.

History: 1988 c 588 s 6; 1991 c 241 s 8; 1993 c 69 s 1; 2000 c 428 s 3

97B.111 SPECIAL FIREARM HUNTING SEASONS FOR PHYSICALLY DISABLED.

Subdivision 1. **Establishment; requirements.** The commissioner may establish criteria, special seasons, and limits for persons who have a physical disability to take big game and small game with firearms and by archery in designated areas. A person hunting under this section who has a physical disability must have a verified statement of the disability by a licensed physician and must be participating in a program for physically disabled hunters sponsored by a nonprofit organization that is permitted under subdivision 2. A license is not required for a person to assist a physically disabled person hunting during a special season under this section.

Subd. 2. **Permit for organization; laser sights.** (a) The commissioner may issue a special permit without a fee to a nonprofit organization to provide an assisted hunting opportunity to physically disabled hunters. The assisted hunting opportunity may take place:

- (1) in areas designated by the commissioner under subdivision 1; or
- (2) on private property or a licensed shooting preserve.

(b) The sponsoring organization shall provide a physically capable person to assist each disabled hunter with safety-related aspects of hunting and, notwithstanding section 97B.081, a person with a physical disability who is totally blind may use laser sights.

(c) The commissioner may impose reasonable permit conditions.

History: 1991 c 72 s 1; 1993 c 269 s 14; 2005 c 146 s 30

97B.112 SPECIAL HUNTS FOR YOUTH.

The commissioner may by rule establish criteria, special seasons, and limits for youth hunters to take big game and small game by firearms or archery in designated areas or times. The criteria may also include provisions for an unlicensed adult to assist a youth hunter during a special season or special hunt established under this section.

History: 1997 c 226 s 30

97B.115 COMPUTER-ASSISTED REMOTE HUNTING PROHIBITION.

(a) No person shall operate, provide, sell, use or offer to operate, provide, sell or use any computer software or service that allows a person, not physically present at the site, to remotely control a weapon that could be used to take any wild animal by remote operation, including, but not limited to, weapons or devices set up to fire through the use of the Internet or through a remote control device.

(b) A person who violates this section is guilty of a misdemeanor.

History: 2005 c 146 s 31

BIG GAME

97B.201 NO OPEN SEASON FOR CARIBOU OR ANTELOPE.

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

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

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

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

History: 1986 c 386 art 2 s 24

97B.211 HUNTING BIG GAME BY ARCHERY.

Subdivision 1. **Possession of firearms prohibited.** Except when hunting bear, a person may not take big game by archery while in possession of a firearm.

Subd. 2. **Arrowhead requirements.** Arrowheads used for taking big game must be sharp, have a minimum of two metal cutting edges, be of a barbless broadhead design, and must have a diameter of at least seven-eighths inch. The commissioner may allow retractable broadhead arrowheads that meet the other requirements of this subdivision.

History: 1986 c 386 art 2 s 25; 1987 c 183 s 1; 1993 c 269 s 15; 1994 c 623 art 1 s 32; 1997 c 226 s 31

97B.22 COLLECTING ANTLER SHEDS.

(a) A person may take and possess naturally shed antlers without a license.

(b) A person may not place, arrange, or set equipment in a manner that is likely to artificially pull, sever, or otherwise cause antlers of live deer, moose, elk, or caribou to be shed or removed.

History: 2006 c 281 art 2 s 37

DEER

97B.301 DEER LICENSES AND LIMITS.

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

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

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

Subd. 4. **Taking more than one deer.** (a) The commissioner may, by rule, allow a person to take more than one deer. The commissioner shall prescribe the conditions for taking the additional deer including:

- (1) taking by firearm or archery;
- (2) obtaining additional licenses; and
- (3) payment of a fee not more than the fee for a firearms deer license; and
- (4) the total number of deer that an individual may take.

(b) In Kittson, Lake of the Woods, Marshall, Pennington, and Roseau Counties, a person may obtain one firearms deer license and one archery deer license in the same license year, and may take one deer under each license. The commissioner may limit the use of this provision in certain years to protect the deer population in the area.

Subd. 5. [Repealed, 1995 c 220 s 141; 1Sp1995 c 1 s 48]

Subd. 6. **Residents under age 18 may take deer of either sex.** A resident under the age of 18 may take a deer of either sex except in those antlerless permit areas and seasons where no antlerless permits are offered. In antlerless permit areas where no antlerless permits are offered, the commissioner may provide a limited number of youth either sex permits to residents under age 18, under the procedures provided in section 97B.305, and may give preference to residents under the age of 18 that have not previously been selected. This subdivision does not authorize the taking of an antlerless deer by another member of a party under subdivision 3.

Subd. 7. **All season deer license.** (a) A resident may obtain an all season deer license that authorizes the resident to hunt during the archery, regular firearms, and muzzle-loader seasons. The all season license is valid for taking three deer, no more than one of which may be a legal buck.

(b) The all season deer license is valid for taking antlerless deer as follows:

(1) up to two antlerless deer may be taken during the archery or muzzle-loader seasons in any open area or during the regular firearms season in managed or intensive deer areas; and

(2) one antlerless deer may be taken during the regular firearms season in a lottery deer area, only with an either-sex permit or statutory exemption from an either-sex permit.

(c) The commissioner shall issue three tags when issuing a license under this subdivision.

History: 1986 c 386 art 2 s 26; 1987 c 35 s 1; 1989 c 335 art 1 s 125; 1991 c 259 s 23; 1993 c 269 s 16,17; 1993 c 310 s 6; 1994 c 465 art 3 s 67; 1995 c 32 s 1; 1997 c 226 s 32; 2000 c 341 s 10; 2000 c 473 s 11; 2000 c 495 s 39; 2002 c 351 s 17; 2004 c 215 s 21,22; 2006 c 281 art 2 s 38

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

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

History: 1986 c 386 art 2 s 27; 1991 c 259 s 23

97B.311 DEER SEASONS AND RESTRICTIONS.

(a) The commissioner may, by rule, prescribe restrictions and designate areas where deer may be taken, including hunter selection criteria for special hunts established under section 97A.401, subdivision 4. The commissioner may, by rule, prescribe the open seasons for deer within the following periods:

(1) taking with firearms, other than muzzle-loading firearms, between November 1 and December 15;

(2) taking with muzzle-loading firearms between September 1 and December 31; and

(3) taking by archery between September 1 and December 31.

(b) Notwithstanding paragraph (a), the commissioner may establish special seasons within designated areas at any time of year.

(c) Smokeless gunpowder may not be used in a muzzle-loader during the muzzle-loader season.

History: 1986 c 386 art 2 s 28; 1991 c 259 s 23; 1993 c 269 s 18; 1996 c 410 s 40; 2003 c 128 art 1 s 77; 2004 c 215 s 23; 2004 c 255 s 51; 2006 c 281 art 2 s 39

97B.312 [Repealed, 2000 c 495 s 53]

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

97B.318 ARMS USE AREAS AND RESTRICTIONS; REGULAR FIREARMS SEASON.

Subdivision 1. **Shotgun use area.** During the regular firearms season in the shotgun use area, only legal shotguns loaded with single-slug shotgun shells, legal muzzle-loading long guns, and legal handguns may be used for taking deer. Legal shotguns include those with rifled barrels. The shotgun use area is that portion of the state lying within the following described boundary: Beginning on the west boundary of the state at U.S. Highway 10; thence along U.S. Highway 10 to State Trunk Highway (STH) 32; thence along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94 (I-94); thence along I-94 to County State-Aid Highway (CSAH) 40, Douglas County; thence along CSAH 40 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas County; thence along CSAH 22 to CSAH 6, Douglas County; thence along CSAH 6 to CSAH 14, Douglas County; thence along CSAH 14 to STH 29; thence along STH 29 to CSAH 46, Otter Tail County; thence along CSAH 46, Otter Tail County, to CSAH 22, Todd County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71 to STH 27; thence along STH 27 to the Mississippi River; thence along the east bank of the Mississippi River to STH 23; thence along STH 23 to STH 95; thence along STH 95 to U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence along the east, south, and west boundaries of the state to the point of beginning.

Subd. 2. **All legal firearms use area.** The all legal firearms use area is that part of the state lying outside of the shotgun use area.

History: 2006 c 281 art 2 s 40

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

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

History: 1986 c 386 art 2 s 30

97B.325 DEER STAND RESTRICTIONS.

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

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

97B.326 STANDS AND BLINDS ON PUBLIC LANDS.

Any unoccupied permanent stand or blind on public land is public and not the property of the person who constructed it.

History: 2005 c 146 s 32

97B.327 REPORT; DEER OTHER THAN WHITE-TAILED OR MULE.

A hunter legally taking a deer that is not a white-tailed or mule deer must report the type of deer taken to the commissioner of natural resources within seven days of taking. Violation of this section shall not result in a penalty and is not subject to section 97A.301.

History: 2006 c 281 art 2 s 41

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

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

History: 1986 c 386 art 2 s 32

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

The commissioner may limit the number of persons that may hunt bear in an area, if it is necessary to prevent an overharvest or improve the distribution of hunters. The commission-

er may establish, by rule, a method, including a drawing, to impartially select the hunters for an area. The commissioner shall give preference to hunters that have previously applied and have not been selected.

History: 1986 c 386 art 2 s 33; 1991 c 259 s 23

97B.411 BEAR SEASON AND RESTRICTIONS.

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

History: 1986 c 386 art 2 s 34; 1991 c 259 s 23

97B.415 TAKING BEAR TO PROTECT PROPERTY.

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

History: 1986 c 386 art 2 s 35

97B.421 PERMIT REQUIRED TO SNARE BEARS.

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

History: 1986 c 386 art 2 s 36

97B.425 BAITING BEARS.

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

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

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

(3) bones of mammals;

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

(5) materials that are not readily biodegradable; or

(6) any part of a swine, except cured pork.

History: 1986 c 386 art 2 s 37; 1988 c 531 s 1; 1988 c 677 s 1; 1993 c 231 s 38

97B.431 BEAR HUNTING GUIDES.

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

History: 1986 c 386 art 2 s 38

MOOSE

97B.501 MOOSE LICENSE REQUIRED.

A person may not take moose without a moose license.

History: 1986 c 386 art 2 s 39

97B.505 MOOSE SEASON AND RESTRICTIONS.

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

History: 1986 c 386 art 2 s 40; 1991 c 259 s 23

97B.511 MOOSE STAND RESTRICTIONS.

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

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

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

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

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

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

History: 1987 c 373 s 13; 1991 c 259 s 23

97B.516 ELK MANAGEMENT PLAN.

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

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

History: 1987 c 373 s 14

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

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

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

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

Subd. 3a. **Nonresidents; trapping small game.** A nonresident may take small game by trapping only on land owned by the nonresident, if the nonresident possesses a trapping license and a small game license.

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

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

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

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

(e) A person may take a turkey or a prairie chicken without a small game license.

History: 1986 c 386 art 2 s 42; 1987 c 149 art 1 s 47; 1991 c 254 art 2 s 34; 2002 c 351 s 18; 2004 c 215 s 24,25; 1Sp2005 c 1 art 2 s 109

97B.603 TAKING SMALL GAME AS A PARTY.

While two or more persons are taking small game as a party and maintaining unaided visual and vocal contact, a member of the party may take and possess more than one limit of small game, but the total number of small game taken and possessed by the party may not exceed the limit of the number of persons in the party that may take and possess small game. This section does not apply to the hunting of migratory game birds or turkeys, except that a licensed turkey hunter may assist another licensed turkey hunter for the same zone and time period as long as the hunter does not shoot or tag a turkey for the other hunter.

History: 1989 c 153 s 2; 1990 c 605 s 6; 1996 c 364 s 5; 2001 c 206 s 2

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

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

History: 1986 c 386 art 2 s 43; 1987 c 149 art 1 s 48; 1Sp2005 c 1 art 2 s 110

97B.611 SQUIRRELS.

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

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

History: 1986 c 386 art 2 s 44

97B.615 RABBIT AND HARE SEASON.

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

History: 1986 c 386 art 2 s 45

97B.621 RACCOONS.

Subdivision 1. **Season.** The statewide open season for raccoon may be set by the commissioner.

Subd. 2. **Period for treeing raccoons.** Notwithstanding subdivision 1 and section 97B.005, subdivision 1, a person may use dogs to pursue and tree raccoons without killing or capturing the raccoons during the closed season and a license is not required.

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

- (1) must be on foot;
- (2) may use an artificial light only if hunting with dogs;
- (3) may not use a rifle other than one of a .22 inch caliber with .22 short, long, or long rifle, rimfire ammunition; and

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

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

- (1) in a den or hollow tree;
- (2) by cutting down a tree occupied by raccoon; or
- (3) by setting fire to a tree or using smoke.

History: 1986 c 386 art 2 s 46; 1987 c 81 s 1; 1993 c 51 s 1; 1993 c 269 s 19; 2005 c 146 s 33

97B.625 BOBCAT.

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

Subd. 2. **Use of a snare.** A person may use a snare to take bobcat, as prescribed by the commissioner, without a permit.

History: 1986 c 386 art 2 s 47; 2005 c 146 s 34; 1Sp2005 c 1 art 2 s 111

97B.631 FOX.

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

Subd. 2. **Use of a snare.** A person may use a snare to take fox, as prescribed by the commissioner, without a permit.

History: 1986 c 386 art 2 s 48; 2005 c 146 s 35

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

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

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

97B.641 COUGAR, LYNX, AND WOLVERINE.

There is no open season for cougar, lynx, or wolverine.

History: 1986 c 386 art 2 s 50; 1Sp2005 c 1 art 2 s 112

97B.645 GRAY WOLVES.

Subdivision 1. **Use of dogs and horses prohibited; use of guard animals.** Except as provided in this subdivision, a person may not use a dog or horse to take a gray wolf. A person may use a guard animal to harass, repel, or destroy wolves to protect a person's livestock, domestic animals, or pets. A person whose guard animal destroys a gray wolf under this subdivision must protect all evidence and report the taking to a conservation officer as soon as practicable but no later than 48 hours after the gray wolf is destroyed.

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

Subd. 3. **Destroying gray wolves in defense of human life.** A person may, at any time and without a permit, take a gray wolf in defense of the person's own life or the life of another. A person who destroys a gray wolf under this subdivision must protect all evidence and report the taking to a conservation officer as soon as practicable but no later than 48 hours after the gray wolf is destroyed.

Subd. 4. **Harassment of gray wolves.** To discourage gray wolves from contact or association with people and domestic animals, a person may, at any time and without a permit, harass a gray wolf that is within 500 yards of people, buildings, dogs, livestock, or other domestic pets and animals. A gray wolf may not be purposely attracted, tracked, or searched out for the purpose of harassment. Harassment that results in physical injury to a gray wolf is prohibited.

Subd. 5. **Destroying gray wolves threatening livestock, guard animals, or domestic animals.** An owner of livestock, guard animals, or domestic animals, and the owner's agents may, at any time and without a permit, shoot or destroy a gray wolf when the gray wolf is posing an immediate threat to livestock, a guard animal, or a domestic animal located on property owned, leased, or occupied by the owner of the livestock, guard animal, or domestic animal. A person who destroys a gray wolf under this subdivision must protect all evidence and report the taking to a conservation officer as soon as practicable but no later than 48 hours after the gray wolf is destroyed.

Subd. 6. **Destroying gray wolves threatening domestic pets.** An owner of a domestic pet may, at any time and without a permit, shoot or destroy a gray wolf when the gray wolf is posing an immediate threat to a domestic pet under the supervision of the owner. A person who destroys a gray wolf under this subdivision must protect all evidence and report the tak-

ing to a conservation officer as soon as practicable but no later than 48 hours after the gray wolf is destroyed.

Subd. 7. Investigation of reported gray wolf takings. (a) In response to a reported gray wolf taking under subdivision 3, 5, or 6, the commissioner shall:

- (1) investigate the reported taking;
- (2) collect appropriate written and photographic documentation of the circumstances and site of the taking, including, but not limited to, documentation of animal husbandry practices;
- (3) confiscate salvageable remains of the gray wolf killed; and
- (4) dispose of any salvageable gray wolf remains confiscated under this subdivision by sale or donation for educational purposes.

(b) The commissioner shall produce monthly reports of activities under this subdivision.

(c) In response to a reported gray wolf taking under subdivision 5, the commissioner must notify the county extension agent. The county extension agent must recommend what, if any, cost-conscious livestock best management practices and nonlethal wolf depredation controls are needed to prevent future wolf depredation. Any best management practices recommended by the county extension agent must be consistent with the best management practices developed by the commissioner of agriculture under section 3.737, subdivision 5.

Subd. 8. Shooting or trapping gray wolves to protect livestock, domestic animals, or pets in zone B. (a) Notwithstanding the provisions of subdivisions 1 and 4 to 7, and season and time of day restrictions in the game and fish laws, but subject to the remaining provisions of the game and fish laws, in zone B, a person may:

(1) shoot a gray wolf on land owned, leased, or managed by the person at any time to protect the person's livestock, domestic animals, or pets; or

(2) employ a predator controller certified under section 97B.671 to trap a gray wolf on land owned, leased, or managed by the person or on land within one mile of the land owned, leased, or managed by the person to protect the person's livestock, domestic animals, or pets.

(b) The person must report the gray wolf shot or trapped under this subdivision to a conservation officer as soon as practicable but no later than 48 hours after the gray wolf was shot or trapped. The gray wolf must be disposed of as prescribed by the commissioner.

Subd. 9. Open season. There shall be no open season for gray wolves for five years after the gray wolf is delisted under the federal Endangered Species Act of 1973. After that time, the commissioner may prescribe open seasons and restrictions for taking gray wolves but must provide opportunity for public comment.

Subd. 10. Release of wolf-dog hybrids and captive gray wolves. A person may not release a wolf-dog hybrid. A person may not release a captive gray wolf without a permit from the commissioner.

Subd. 11. Federal law. Notwithstanding the provisions of this section, a person may not take, harass, buy, sell, possess, transport, or ship gray wolves in violation of federal law.

Subd. 12. Definitions. (a) For purposes of this section, the terms used have the meanings given.

(b) "Guard animal" means a donkey, llama, dog, or other domestic animal specifically bred, trained, and used to protect livestock, domestic animals, or pets from gray wolf depredation.

(c) "Immediate threat" means the observed behavior of a gray wolf in the act of stalking, attacking, or killing livestock, a guard animal, or a domestic pet under the supervision of the owner. If a gray wolf is not observed stalking or attacking, the presence of a gray wolf feeding on an already dead animal whose death was not caused by gray wolves is not an immediate threat.

(d) "Zone B" means all that part of Minnesota south and west of a line beginning on state Trunk Highway No. 48 at the eastern boundary of the state; thence westerly along state Trunk

Highway No. 48 to Interstate Highway No. 35; thence northerly on Interstate Highway No. 35 to state Highway No. 23; thence west one-half mile on state Highway No. 23 to state Trunk Highway No. 18; thence westerly along state Trunk Highway No. 18 to state Trunk Highway No. 65; thence northerly on state Trunk Highway No. 65 to state Trunk Highway No. 210; thence westerly along state Trunk Highway No. 210 to state Trunk Highway No. 6; thence northerly on state Trunk Highway No. 6 to Emily; thence westerly along County State-Aid Highway No. 1, Crow Wing County, to County State-Aid Highway No. 2, Cass County; thence westerly along County State-Aid Highway No. 2 to Pine River; thence northwesterly along state Trunk Highway No. 371 to Backus; thence westerly along state Trunk Highway No. 87 to U.S. Highway No. 71; thence northerly along U.S. Highway No. 71 to state Trunk Highway No. 200; thence northwesterly along state Trunk Highway No. 200 to County State-Aid Highway No. 2, Clearwater County; thence northerly along County State-Aid Highway No. 2 to Shevlin; thence along U.S. Highway No. 2 to Bagley; thence northerly along state Trunk Highway No. 92 to Gully; thence northerly along County State-Aid Highway No. 2, Polk County, to County State-Aid Highway No. 27, Pennington County; thence along County State-Aid Highway No. 27 to state Trunk Highway No. 1; thence easterly along state Trunk Highway No. 1 to County State-Aid Highway No. 28, Pennington County; thence northerly along County State-Aid Highway No. 28 to County State-Aid Highway No. 54, Marshall County; thence northerly along County State-Aid Highway No. 54 to Grygla; thence west and northerly along state Highway No. 89 to Roseau; thence northerly along state Trunk Highway No. 310 to the Canadian border.

History: 1986 c 386 art 2 s 51; 2000 c 463 s 15

97B.646 GRAY WOLF MANAGEMENT PLAN.

The commissioner, in consultation with the commissioner of agriculture, shall adopt a gray wolf management plan that includes goals to ensure the long-term survival of the gray wolf in Minnesota, to reduce conflicts between gray wolves and humans, to minimize depredation of livestock and domestic pets, and to manage the ecological impact of wolves on prey species and other predators.

History: 2000 c 463 s 16

97B.651 UNPROTECTED MAMMALS AND BIRDS.

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

History: 1986 c 386 art 2 s 52; 2002 c 323 s 11

97B.655 TAKING ANIMALS CAUSING DAMAGE.

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

Subd. 2. Special permit for taking protected wild animals. The commissioner may issue special permits under section 97A.401, subdivision 5, to take protected wild animals that are damaging property or to remove or destroy their dens, nests, houses, or dams.

History: 1986 c 386 art 2 s 53; 1987 c 149 art 1 s 50; 1989 c 287 s 5; 1997 c 226 s 33; 2002 c 323 s 12; 2005 c 146 s 36; 1Sp2005 c 1 art 2 s 113

97B.661 REMOVAL OF BEAVER FROM STATE LANDS.

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

History: 1986 c 386 art 2 s 54

97B.665 IMPAIRMENT OF DRAINAGE BY BEAVER DAMS.

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

- (1) the county board unanimously consents;
- (2) the landowner approves;
- (3) the commissioner agrees; and
- (4) the action is financially feasible.

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

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

History: 1986 c 386 art 2 s 55

97B.667 REMOVAL OF BEAVER DAMS AND LODGES BY ROAD AUTHORITIES.

When a drainage watercourse is impaired by a beaver dam and the water damages or threatens to damage a public road, the road authority, as defined in section 160.02, subdivision 25, may remove the impairment and any associated beaver lodge within 300 feet of the road.

History: 1994 c 623 art 1 s 33; 1997 c 216 s 84

97B.671 PREDATOR CONTROL PROGRAM.

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

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

(b) The commissioner may revoke a certification if the predator controller violates a provision of sections 97B.601 to 97B.671 or 97B.901 to 97B.945 or a rule of the commissioner relating to fur-bearing animals.

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

Subd. 4. **Gray wolf control.** (a) The commissioner shall provide a gray wolf control training program for certified predator controllers participating in gray wolf control.

(b) After the gray wolf is delisted under the federal Endangered Species Act of 1973, in zone B, as defined under section 97B.645, subdivision 12, if the commissioner, after considering recommendations from an extension agent or conservation officer, has verified that livestock, domestic animals, or pets were destroyed by a gray wolf within the previous five years, and if the livestock, domestic animal, or pet owner requests gray wolf control, the commissioner shall open a predator control area for gray wolves.

(c) After the gray wolf is delisted under the federal Endangered Species Act of 1973, in zone A, as defined under paragraph (g), if the commissioner, after considering recommendations from an extension agent or conservation officer, verifies that livestock, domestic animals, or pets were destroyed by a gray wolf, and if the livestock, domestic animal, or pet owner requests gray wolf control, the commissioner shall open a predator control area for gray wolves for up to 60 days.

(d) A predator control area opened for gray wolves may not exceed a one-mile radius surrounding the damage site.

(e) The commissioner shall pay a certified gray wolf predator controller \$150 for each wolf taken. The certified gray wolf predator controller must dispose of unsalvageable remains as directed by the commissioner. All salvageable gray wolf remains must be surrendered to the commissioner.

(f) The commissioner may, in consultation with the commissioner of agriculture, develop a cooperative agreement for gray wolf control activities with the United States Department of Agriculture. The cooperative agreement activities may include, but not be limited to, gray wolf control, training for state predator controllers, and control monitoring and record keeping.

(g) For the purposes of this subdivision, "zone A" means that portion of the state lying outside of zone B, as defined under section 97B.645, subdivision 12.

History: 1986 c 386 art 2 s 56; 1993 c 231 s 39,40; 2000 c 463 s 17,18

BIRDS

97B.701 PROTECTED BIRDS.

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

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

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

Subd. 3. **Recapture of released bob-white quail.** Released bob-white quail may be recaptured without a license. In Houston, Fillmore, and Winona Counties, this subdivision applies only to birds that are banded or otherwise marked.

Subd. 4. **Great horned owl.** A person who is authorized to take a great horned owl under a federal permit does not need a state permit to take a great horned owl.

History: 1986 c 386 art 2 s 57; 1987 c 149 art 1 s 51; 1994 c 623 art 1 s 34; 2005 c 104 s 2

97B.705 RESTRICTIONS ON TRAPPING BIRDS.

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

(b) A person that has a permit to take great horned owls issued under United States Code, title 16, section 704, may trap great horned owls from April 1 to October 15 if the person has a game farm license or is the owner or operator of a poultry farm. The trap must be a padded jaw trap mounted at a height so that the trapped owl may rest on the ground. The trap must be tended at least twice daily. Uninjured birds shall be released alive and injured birds shall receive appropriate veterinary treatment.

History: 1986 c 386 art 2 s 58; 1995 c 188 s 1

97B.711 GAME BIRDS.

Subdivision 1. **Seasons for certain upland game birds.** (a) The commissioner may, by rule, prescribe an open season in designated areas between September 16 and January 3 for:

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

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

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

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

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

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

Subd. 3. **Restrictions.** The commissioner may by rule prescribe methods and other restrictions for the taking of game birds.

History: 1986 c 386 art 2 s 59; 1991 c 259 s 23; 1993 c 231 s 41,42; 1994 c 623 art 1 s 35,36; 2005 c 146 s 37

97B.715 PHEASANTS.

Subdivision 1. **Stamp required.** (a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person required to possess a small game license may not hunt pheasants without:

- (1) a pheasant stamp in possession; and
- (2) a pheasant stamp validation on the small game license when issued electronically.

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

- (1) residents under age 18 or over age 65;
- (2) persons hunting on licensed commercial shooting preserves; and
- (3) resident disabled veterans with a license issued under section 97A.441, subdivision 6a.

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

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

History: 1986 c 386 art 2 s 60; 1988 c 588 s 7; 1991 c 259 s 23; 1997 c 216 s 85; 2002 c 323 s 13

97B.716 PRAIRIE CHICKENS.

Subdivision 1. **License required.** A person may not take a prairie chicken without a prairie chicken license.

Subd. 2. **Tagging and registration.** The commissioner may by rule prescribe requirements for the tagging and registration of prairie chickens.

Subd. 3. **Limited number of prairie chicken hunters.** The commissioner may establish a method, including a drawing, to impartially select persons eligible to take prairie chickens in an area. Preference must be given to persons who have previously applied in the general selection but have not been selected.

History: 2002 c 351 s 19

97B.721 LICENSE AND STAMP VALIDATION REQUIRED TO TAKE TURKEY; TAGGING AND REGISTRATION REQUIREMENTS.

(a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person may not take a turkey without possessing a turkey license and a turkey stamp validation.

(b) The requirement in paragraph (a) to have a turkey stamp validation does not apply to persons under age 18. An unlicensed adult age 18 or older may assist a licensed wild turkey hunter. The unlicensed adult may not shoot or possess a firearm or bow while assisting a hunter under this paragraph and may not charge a fee for the assistance.

(c) The commissioner may by rule prescribe requirements for the tagging and registration of turkeys.

History: 1986 c 386 art 2 s 61; 1991 c 254 art 2 s 35; 1993 c 231 s 43; 1996 c 364 s 6; 1997 c 216 s 86; 1Sp2001 c 2 s 118; 2004 c 215 s 26; 2004 c 255 s 38

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

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

History: 1989 c 29 s 1

97B.725 GUIDING HUNTERS.

A person may not guide turkey hunters for compensation.

History: 1986 c 386 art 2 s 62; 2005 c 146 s 38

97B.731 MIGRATORY BIRDS.

Subdivision 1. **Migratory game birds.** (a) Migratory game birds may be taken and possessed. A person may not take, buy, sell, possess, transport, or ship migratory game birds in violation of federal law.

(b) The commissioner shall prescribe seasons and limits for migratory birds in accordance with federal law.

Subd. 2. [Repealed, 2004 c 215 s 38]

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

History: 1986 c 386 art 2 s 63; 1988 c 588 s 8; 1991 c 259 s 20; 1Sp1995 c 1 s 30

MIGRATORY WATERFOWL

97B.801 MINNESOTA MIGRATORY WATERFOWL STAMP REQUIRED.

(a) Except as provided in this section or section 97A.405, subdivision 2, a person required to possess a small game license may not take migratory waterfowl without:

- (1) a Minnesota migratory waterfowl stamp in possession; and
- (2) a migratory waterfowl stamp validation on the small game license when issued electronically.

(b) Residents under age 18 or over age 65; resident disabled veterans with a license issued under section 97A.441, subdivision 6a; and persons hunting on their own property are not required to possess a stamp or a license validation under this section.

History: 1986 c 386 art 2 s 64; 1997 c 216 s 87; 2002 c 323 s 14

97B.802 SPECIAL CANADA GOOSE SEASON LICENSE REQUIRED.

Except as provided in this section, a person required to possess a small game license may not take Canada geese during a special season without a valid special season Canada goose license in possession. Residents under age 18 or over age 65 and persons hunting on their own property are not required to possess the license.

History: 1997 c 226 s 34

97B.803 MIGRATORY WATERFOWL SEASONS AND LIMITS.

(a) The commissioner shall prescribe seasons, limits, and areas for taking migratory waterfowl in accordance with federal law.

(b) The regular duck season may not open before the Saturday closest to October 1.

History: 1991 c 259 s 21; 2005 c 146 s 39

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

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

- (1) within a natural growth of vegetation sufficient to partially conceal the person or boat;
- (2) on a river or stream that is not more than 100 yards in width; or
- (3) pursuing or shooting wounded birds.

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

Subd. 2. **Restrictions on watercraft.** (a) A person using watercraft to take migratory waterfowl must comply with subdivision 1.

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

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

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

History: 1986 c 386 art 2 s 65; 2005 c 146 s 40

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

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

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

Subd. 3. **Restrictions on leaving decoys unattended.** During the open season for waterfowl, a person may not leave decoys in public waters between sunset and one hour before lawful shooting hours or leave decoys unattended during other times for more than four consecutive hours unless:

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

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

Subd. 4a. **Restrictions on certain motorized decoys.** From the opening day of the duck season through the Saturday nearest October 8, a person may not use a motorized decoy, or other motorized device designed to attract migratory waterfowl. During the remainder of the duck season, the commissioner may, by rule, designate all or any portion of a wetland or lake closed to the use of motorized decoys or motorized devices designed to attract migratory waterfowl. On water bodies and lands fully contained within wildlife management area boundaries, a person may not use motorized decoys or motorized devices designed to attract migratory waterfowl at any time during the duck season.

Subd. 5. **Rules governing blinds.** The commissioner may adopt rules for the use of blinds on public lands and public waters.

History: 1986 c 386 art 2 s 66; 1988 c 587 s 2; 1988 c 677 s 2; 1993 c 231 s 44; 2002 c 351 s 20; 2005 c 146 s 41,42

FUR-BEARING ANIMALS, TRAPPING

97B.901 REGISTRATION AND TAGGING OF FUR-BEARING ANIMALS.

(a) The commissioner may, by rule, require persons taking, possessing, and transporting fur-bearing animals to tag the animals. The commissioner shall prescribe the manner of issuance and the type of tag, which must show the year of issuance. The commissioner shall issue the tag, without a fee, upon request.

(b) The pelt of each bobcat, fisher, pine marten, and otter must be presented, by the person taking it, to a state wildlife manager designee for registration before the pelt is sold and before the pelt is transported out of the state, but in no event more than 48 hours after the season closes for the species.

History: 1986 c 386 art 2 s 67; 1991 c 259 s 23; 1993 c 269 s 20; 2001 c 206 s 3; 2004 c 215 s 27

97B.905 FUR DEALER'S LICENSES.

Subdivision 1. **License requirement.** (a) A person may not buy or sell raw furs without a fur buying and selling license, except:

(1) a taxidermist licensed under section 97A.475, subdivision 19, and a fur manufacturer are not required to have a license to buy raw furs from a person with fur buying and selling licenses; and

(2) a person lawfully entitled to take fur-bearing animals is not required to have a license to sell raw furs to a person with a fur buying and selling license.

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

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

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

History: 1986 c 386 art 2 s 68; 1989 c 287 s 6; 1994 c 623 art 1 s 37

97B.911 MUSKRAT SEASONS.

The commissioner may establish open seasons and restrictions for taking muskrat.

History: 1986 c 386 art 2 s 69; 1993 c 269 s 21

97B.915 MINK SEASONS.

The commissioner may establish open seasons and restrictions for taking mink.

History: 1986 c 386 art 2 s 70; 1993 c 269 s 22

97B.921 OTTER SEASONS.

The commissioner may establish open seasons and restrictions for taking otter.

History: 1986 c 386 art 2 s 71; 1987 c 131 s 2; 1987 c 384 art 1 s 13; 1993 c 269 s 23

97B.925 BEAVER SEASONS.

The commissioner may establish open seasons and restrictions for taking beaver.

History: 1986 c 386 art 2 s 72; 1987 c 384 art 1 s 14; 1993 c 269 s 24

97B.926 PINE MARTEN AND FISHER ZONE.

Where a combined pine marten and fisher trapping zone exists, the commissioner must provide an option of a combined limit of fisher and marten.

History: 1997 c 226 s 35

97B.928 IDENTIFICATION OF TRAPS AND SNARES.

Subdivision 1. **Information required.** (a) A person may not set or place a trap or snare, other than on property owned or occupied by the person, unless the following information is affixed to the trap or snare in a manner that ensures that the information remains legible while the trap or snare is on the lands or waters:

- (1) the number and state of the person's driver's license;
- (2) the person's Minnesota identification card number; or
- (3) the person's name and mailing address.

(b) The commissioner may not prescribe additional requirements for identification of traps or snares.

Subd. 2. **Provisions not to apply.** From April 1 to August 31, the trap identification provisions of subdivision 1 do not apply to traps set for the taking of unprotected wild animals.

Subd. 3. **Penalty.** A person who violates subdivision 1, paragraph (a), is guilty of a petty misdemeanor.

History: 1993 c 231 s 45

97B.931 TENDING TRAPS.

Subdivision 1. **Restrictions.** A person may not tend a trap set for wild animals between 10:00 p.m. and 5:00 a.m. Between 5:00 a.m. and 10:00 p.m. a person on foot may use a portable artificial light to tend traps. While using a light in the field, the person may not possess or use a firearm other than a handgun of .22 caliber.

Subd. 2. **Body-gripping traps.** A body-gripping, conibear-type trap need not be tended more frequently than once every third calendar day.

History: 1986 c 386 art 2 s 73; 1987 c 131 s 3; 1994 c 623 art 1 s 38; 1Sp1995 c 1 s 31

97B.935 [Repealed, 2005 c 146 s 52]

97B.941 TAMPERING WITH TRAPS.

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

History: *1986 c 386 art 2 s 75*

97B.945 SETTING OF TRAPS NEAR WATER RESTRICTED.

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

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

97B.951 USE OF SNARES TO TAKE UNPROTECTED MAMMALS.

A snare set for an unprotected mammal may not be left in place after March 31 except as authorized by the commissioner for the predator control program under section 97B.671.

History: *1993 c 231 s 46*