

97A.015 DEFINITIONS.

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

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

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

Subd. 3a. **Bonus permit.** "Bonus permit" means a license to take and tag deer by archery or firearms, in addition to deer authorized to be taken under regular firearms or archery licenses, or a license issued under section 97A.441, subdivision 7.

Subd. 3b. **Bow fishing.** "Bow fishing" means taking rough fish by archery where the arrows are tethered or controlled by an attached line.

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

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

Subd. 5a. **Certifiable diseases.** "Certifiable diseases" has the meaning given it in section 17.4982.

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

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

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

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

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

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

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

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

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

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

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

Subd. 14a. **Deer.** "Deer" means white-tailed or mule deer.

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

Subd. 16. **Director.** "Director" means the director of any or all of the Divisions of Enforcement, Fisheries, Wildlife, and Ecological Services unless a specific division is identified.

Subd. 17. **Division.** "Division" means any or all of the Divisions of Enforcement, Fisheries, Wildlife, and Ecological Services unless a specific division is identified.

Subd. 18. **Enforcement officer.** "Enforcement officer" means the commissioner, the director of the Enforcement Division, or a conservation officer.

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

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

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

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

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

Subd. 24. **Game birds.** "Game birds" means migratory waterfowl, ring-necked pheasant, ruffed grouse, sharp-tailed grouse, Canada spruce grouse, prairie chickens, gray partridge, bobwhite quail, wild turkeys, coots, gallinules, sora and Virginia rails, mourning dove, sandhill crane, American woodcock, and common snipe.

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

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

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

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

Subd. 26b. [Repealed, 1Sp2011 c 2 art 5 s 70]

Subd. 26c. **Immediately released or immediately returned to the water.** "Immediately released" or "immediately returned to the water" means that a fish must not be retained longer than is needed at the site of capture to unhook, identify, measure, or photograph the fish. Placing a fish on a stringer, in a live well, or in a cooler, bucket, or other container is not "immediately released" or "immediately returned to the water."

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

Subd. 27a. **License identification number.** "License identification number" means a verification number issued under the authority of the commissioner in conjunction with the electronic purchase of a license or stamp and valid until the license is received by the purchaser.

Subd. 27b. [Repealed, 1Sp2011 c 2 art 5 s 70]

Subd. 27c. [Repealed, 1Sp2011 c 2 art 5 s 70]

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

Subd. 29. **Minnows.** "Minnows" means: (1) members of the minnow family, Cyprinidae, except carp and goldfish; (2) members of the mudminnow family, Umbridae; (3) members of the sucker family, Catostomidae, not over 12 inches in length; (4) bullheads, ciscoes, lake whitefish, goldeyes, and mooneyes, not over seven inches long; (5) leeches; and (6) tadpole madtoms (willow cats) and stonecats.

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

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

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

Subd. 32a. **Muzzleloader season.** "Muzzleloader season" means the deer season open only for legal muzzle-loading firearms, as prescribed by the commissioner.

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

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

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

Subd. 35a. **Portable shelter.** "Portable shelter" means a fish house, dark house, or other shelter that is set on the ice of state waters to provide shelter and that collapses, folds, or is disassembled for transportation.

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

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

Subd. 37a. **Processing.** "Processing" means rendering a species of aquatic life for food, bait, or other purposes so that it is no longer alive.

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

Subd. 39. **Protected wild animals.** "Protected wild animals" means big game, small game, game fish, rough fish, minnows, leeches, alewives, ciscoes, chubs, lake whitefish and the subfamily Coregoninae, rainbow smelt, frogs, turtles, clams, mussels, wolf, mourning doves, bats, snakes, salamanders, lizards, any animal species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter 6134, and wild animals that are protected by a restriction in the time or manner of taking, other than a restriction in the use of artificial lights, poison, or motor vehicles.

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

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

Subd. 41a. **Regular firearms season.** "Regular firearms season" means any of the firearms deer seasons prescribed by the commissioner that begin in November, exclusive of the muzzleloader season.

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

Subd. 42a. **Restitution value of the wild animals.** "Restitution value of the wild animals" means the total value of the wild animals taken in a violation based on:

(1) the values established under section 97A.345; or

(2) the values determined by the court under section 97A.341, subdivision 4, if the values are not established under section 97A.345.

Subd. 43. **Rough fish.** "Rough fish" means carp, buffalo, sucker, sheepshead, bowfin, burbot, cisco, gar, goldeye, and bullhead, except for any fish species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter 6134.

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

Subd. 44a. **Shelter.** "Shelter" means any structure, other than a self-propelled motor vehicle, that is set on the ice of state waters to provide shelter.

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

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

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

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

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

- (1) a bird, including ducks, with a fully feathered wing intact; or
- (2) a pheasant, Hungarian partridge, or wild turkey with one leg and foot intact.

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

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

Subd. 52. **Unprotected birds.** "Unprotected birds" means English sparrow, starling, cormorant, common pigeon, Eurasian collared dove, chukar partridge, quail other than bobwhite quail, and mute swan.

Subd. 53. **Unprotected wild animals.** "Unprotected wild animals" means wild animals that are not protected wild animals including coyote, plains pocket gopher, porcupine, striped skunk, and unprotected birds, except any animal species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter 6134.

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

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

History: 1986 c 386 art 1 s 2; 1987 c 149 art 1 s 2-6; 1988 c 588 s 1; 1990 c 391 art 8 s 21; 1991 c 254 art 2 s 25; 1992 c 462 s 4,5; 1993 c 269 s 4,5; 1994 c 623 art 1 s 20,21; 1Sp1995 c 1 s 15-17; 1996 c 410 s 22,23; 1997 c 216 s 77; 1997 c 226 s 12-14; 2000 c 463 s 22; 2002 c 270 s 1; 2002 c 323 s 2,3; 2004 c 215 s 1; 2005 c 104 s 1; 2005 c 146 s 6,7; 2006 c 214 s 20; 2006 c 281 art 1 s 20; art 2 s 10-16; 2007 c 131 art 1 s 19,20; 2008 c 307 s 11; 2008 c 368 art 2 s 8-10; 2009 c 176 art 2 s 10; 1Sp2011 c 2 art 5 s 15-19; 2012 c 277 art 1 s 19,20,90; 1Sp2015 c 4 art 5 s 9; 2017 c 93 art 2 s 62-67