

GAME AND FISH

CHAPTER 143

H. B. No. 64—(Fedje)

BAG LIMITS, ETC., GAME BIRDS.

An Act to amend and re-enact Section 35 of Chapter 148 of the 1931 Session Laws, relating to the bag and possession limits on protected game birds, and prescribing a penalty for the violation of the provisions hereof.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 35 of Chapter 148 of the Session Laws of 1931 be, and the same is, hereby amended and re-enacted to read as follows:

§ 35. BAG LIMITS. POSSESSION LIMITS.] No person shall in any one day, take, catch, kill, or destroy more than five (5) in the aggregate of the following species of upland game birds, namely: Chinese pheasants, Hungarian partridge, pinnated grouse (prairie chicken), sharp-tailed grouse, and ruffed grouse (partridge). Provided, that a mixed bag of five (5) birds, consisting of the above mentioned species, may be taken in any one day; but, in no case shall more than four (4) birds of the grouse species be taken in any one day. For the purpose of this act, all grouse are to be considered as one species. It is further provided that our upland game bird season shall, in all cases, provide for the taking of Chinese ringneck pheasants and/ or Hungarian partridge in conjunction with our open seasons on grouse. No person shall in any one day take, catch, kill, or destroy more than four geese and brant, nor more than four geese and brant combined; nor more than ten ducks; nor more than ten Wilson's snipe (jack snipe); nor more than twelve coot (mud hens).

No person shall at any time have in possession, or under control, ship, transport, store, can or otherwise preserve more than two days' bag limit of any protected bird mentioned in this section.

PENALTY.] Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not less than ten (10) nor more than thirty (30) days, or by both such fine and imprisonment, for each and every bird taken, stored, transported, or possessed contrary to the provisions of this section.

Approved March 11, 1935.

CHAPTER 144

H. B. No. 323—(Peterson of Bottineau, by request)

HUNTING SEASON, DEER ETC., LICENSE—
TRESPASSING GAME RESERVES.

An Act to amend and re-enact Sub-section 1 of Section 20, and Section 40 of Chapter 148 of the Session Laws of 1931 relating to Game and Fish.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Sub-section 1 of Section 20, Chapter 148 of the Session Laws for 1931, relating to Game and Fish, the propagation and conservation thereof; regulating the hunting, taking and killing thereof, be and the same is hereby amended and re-enacted to read as follows:

§ 20. MOOSE: ELK: ANTELOPE: DEER: SEASON FOR KILLING DEER: LICENSE.]

1. No person shall hunt, pursue, take or attempt to take, transport, ship, or convey by common or private carrier, or sell, or otherwise barter or exchange, any moose, elk, antelope, or deer or any part thereof at any time. Provided that any person, having procured a big game hunting license, may take, kill and transport one antlered deer between the 16th day of November and the 25th day of November following, both days inclusive. Provided, however, that the hunting of deer in the counties hereinafter named shall be prohibited: Bowman, Slope, Billings, Golden Valley, McKenzie south of Township 150, Divide, Burke, Renville, Ward, Bottineau except east of Range 76, McHenry, Pierce, Benson, Ramsey, Towner, Cavalier, Nelson, Grand Forks, Walsh and Pembina. All deer hunters shall wear red caps.

Deer to be taken only in the daytime, with rifle fired from the shoulder, and any other device or instrumentalities used, or held with the intent to use, in the taking of deer, or as an aid or means in the hunting or taking of deer, is hereby specifically prohibited and declared to be unlawful. No dog or dogs, horses, mules or other animal shall be used in any manner in the hunting of deer or antelope. Deer shall not be shot from any artificial platform, scaffold, blind, or other artificial device. No artificial light, including automobile and motorcycle headlights and spotlights, shall be used to entrap or entice deer, or as an aid in the taking or hunting of deer; and the practice commonly known as shining for deer is hereby specifically prohibited, and any person or persons, who shall shine any area, plot or territory, commonly frequented by deer, with or by means of any artificial lights, between the hours of sunset and sunrise, shall be deemed to have violated the provisions of this section. Provided: That any person or persons found between sunset and sunrise in and about the territory frequented by deer and/ or antelope

or where such deer and/ or antelope are frequently and usually found, in possession of any rifles, shot guns, traps, snares, artificial lights or other implements or equipment usually and commonly used in the illegal taking or hunting of such deer and/ or antelope, shall be presumed to be possessed of said implements or equipment and to be in said territory unlawfully, and for the purpose of hunting or taking deer and/ or antelope contrary to the provisions of this act and upon conviction shall be subject to all the penalties imposed by this act for the unlawful taking, hunting or killing of such deer and/ or antelope.

§ 2. AMENDMENT.] That Section 40 of Chapter 148 of the Session Laws of 1931, relating to Game and Fish, be amended and re-enacted to read as follows:

§ 40. TRESPASSING GAME RESERVES.] All islands that have appeared or may appear in the waters of Devils Lake and the Missouri River are hereby reserved, appropriated and set aside as a bird and/ or game reserve and it shall be unlawful for any person to hunt, shoot, kill, wound, or injure any protected bird and/ or game, or to rob or destroy any protected bird nest or eggs on said reserve at any season of the year. It shall also be unlawful for any person to hunt or trap on the national game reserve in Sully's Hill National Park in Benson County near Devils Lake, or in any other national or state game reserve or game refuge that has been or may hereafter be established within the boundaries of the state.

Approved March 13, 1935.

CHAPTER 145

H. B. No. 169—(Fitzgerald, by request)

DISPOSITION MONEY COLLECTED BY GAME AND FISH COMMISSIONER—WATER CONSERVATION AND DAM CONSTRUCTION.

An Act to amend and re-enact Chapter 120, Session Laws of the State of North Dakota for 1933, relating to the disposition of money collected by the Game and Fish Commission; providing for the conservation of water, and the construction of dams within the State, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 11, Chapter 148, Session Laws of the State of North Dakota, 1933, be amended and re-enacted to read as follows:

§ 11. AMENDMENT.] All monies collected by the State Game and Fish Commissioner, or his deputies, or agents, upon licenses issued, by the sale of game seized and sold, and from all other sources, except fines, shall be paid to the Treasurer of the State of North

Dakota, to be credited to the Game and Fish Fund, to be used for the purpose of enforcing the provisions of this act and for the propagation of game and fish, and the conservation of water, and the construction of dams within the state, and the Commissioner is hereby required to set aside and spend not less than \$10,000.00 out of the appropriation for the maintenance of his department for the year 1935 and every year thereafter to be used in water conservation and the construction of dams within the state, provided that not more than \$1,000.00 shall be expended on any one dam and that the labor employed in construction shall be that of local help not to be employed outside of the county in which the dam is being constructed.

(a) It shall be the duty of the State Game and Fish Commissioner to appoint at least one State Game Warden who is versed in, and has a knowledge of water conservation and dam construction. It shall be the duty of such Game Warden, among other things, to collect and furnish information, data and facts concerning suitable location and sites within the state, to impound water, create lakes and ponds for fish and game and recreation, and for the preserving of the surface water of the state and to arouse public interest in such projects.

(b) The final selection of dam sites and the construction of dams for water conservation shall be under the control and direction of the State Game and Fish Commissioner, and he shall have full power to proceed in the construction of such dams and water conservation and construct such dams within the limitations of the monies herein appropriated for such purposes and he shall have full power to do all things necessary in the construction of such dams for water conservation.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 4, 1935.

GASOLINE

CHAPTER 146

S. B. No. 276—(Bonzer)

COLORING GASOLINE

An Act to amend and re-enact Section 2 of Chapter 177, Laws of North Dakota for 1927 as amended by Chapter 182, Laws of North Dakota for 1931, relating to the coloring of gasoline by the use of a harmless dye.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 2 of Chapter 177, Laws of