

GAME AND FISH

CHAPTER 145

S. B. No. 175—(Blank, Thatcher, Morrison and Brant)

MUSKRAT FARMS, LICENSE REQUIRED, REGULATIONS GOVERNING

An act providing for the establishment of, license fee for, and setting up regulations to govern muskrat propagation in the State of North Dakota.

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

§ 1. RIGHTS OF OWNERS AND LESSEE.] The owner or lessee of any lands within the State of North Dakota, suitable for the breeding and propagating of muskrats shall have the right upon complying with the provisions of this act, to establish, operate and maintain on such lands a muskrat farm, for the purpose of breeding, propagating, trapping and dealing in muskrats.

§ 2. DECLARATION TO BE FILED.] Such owner or lessee desiring to establish, operate and maintain a muskrat farm in conformity with this act, shall file with the State Game and Fish Department a verified declaration describing the lands which such applicant for a license desires to use for the purpose of breeding and propagating muskrats, and setting forth also the title and leasehold of the applicant and the number of acres embraced in said tract.

§ 3. INVESTIGATION BY COMMISSION.] Upon the filing of such declaration the Game and Fish Department shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. If upon such examination it shall appear that the applicant is the owner or lessee of said lands, and that the applicant intends in good faith to establish, operate and maintain, a muskrat farm, the commissioner shall issue a license to the applicant describing such lands, and certifying that the licensee is lawfully entitled to use the same for the breeding propagating, trapping and dealing in of muskrats thereon.

§ 4. ACQUISITION OF MUSKRATS ON AREA.] Thereupon the commissioner shall appoint one man, the applicant one man, and these two shall select a third man to act as a board to go upon the lands embraced within the license, and determine as near as possible the number of muskrats thereon, at the time of the granting of the license. The necessary expenses of all of the members of such board shall be paid by the licensee. Within ten days after the date of such determination, the licensee shall pay to the State Game and

Fish Department fifty cents (50¢) for each muskrat so found on such lands. When such payment has been made the licensee shall become the owner of all the muskrats on said lands and of all of their offspring remaining thereon, subject to the regulations herein set forth.

§ 5. COST OF LICENSE.] The holder of any such license shall pay an annual fee of two dollars and fifty cents (\$2.50) for any such farm of ten acres or under, and an additional fee for any additional land actually devoted to muskrat farming as follows: Fifteen cents (15¢) per acre for the next thirty acres; ten cents per acre for the next forty acres, and five cents per acre for any additional land so used.

§ 6. FENCING, COST OF NOTICE.] Within thirty days after the date of issuance of any such license, the licensee shall erect posts or stakes at intervals of not more than four rods along the boundary of the land embraced in said license, wherever the same are not already inclosed, and shall post and maintain upon said posts, or stakes or other enclosures at intervals of not more than four rods notices furnished by the Game and Fish Department proclaiming the establishment of a muskrat farm. For such notices the licensee shall pay the Game and Fish Department the sum of twelve cents (12¢) each.

§ 7. RIGHTS OF LICENSEE IN COURT.] Such license shall be prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named, his or its successors or assigns, for the term of the license to establish and operate a muskrat farm upon said premises, and shall entitle the licensee therein named, successors or assigns, to the exclusive right for and during the said term to breed and propagate muskrats thereon, and to the exclusive and sole ownership of any property in all muskrats caught or taken therefrom. Such license shall expire on the 31st day of December of each year, but may be renewed from year to year upon payment by the licensee of annual license fee.

§ 8. TRESPASS.] Any person other than the licensee or his agents who shall hunt or trap muskrats upon any lands described in any such license, shall be liable to the licensee in the sum of twenty-five dollars, in addition to all damage which he may do to said farm or the rats and property thereon, but all actions for such trespass shall be brought by such licensee.

§ 9. REPORT REQUIRED.] On or about the 1st day of March of each year, the licensee shall make a report, verified by affidavit, to the State Game and Fish Department, stating the number of his license and the total number and value of muskrats killed, transported or sold from said muskrat farm, and such other information as the department may require. This report shall cover the period

from the first day of January to the 31st day of December of the previous year, and be made upon blanks furnished by the State Game and Fish Department.

§ 10. RIGHT OF PUBLIC.] Nothing in this section shall be construed to affect any public right of hunting, trapping, fishing or navigation, except as herein expressly provided.

§ 11. TRAPPING RESTRICTIONS, PROVIDING TAGS.] Any person operating a muskrat farm under licenses granted by the provisions of this act, shall not trap any animals for pelting purposes during the closed season provided by law, except on a permit granted by and under the supervision of the State Game and Fish Department; and all skins of such animals so taken during the closed season shall be tagged with tags furnished by the State Game and Fish Department at a cost of five cents per seal. Such seal to bear a serial number and the inscription, "N. D. Muskrat." It is specifically provided that no muskrat killed under the provisions of this section shall be taken by means of shooting or spearing.

REPEALING CLAUSE.] All acts or parts of acts in conflict herewith hereby repealed.

Approved March 15, 1939.

CHAPTER 146

H. B. No. 65—(Hultstrand)

WILDLIFE-RESTORATION PROJECTS—APPROVAL

An act assenting to the provisions of the act of Congress entitled "an act to provide that the United States shall aid the States in wildlife-restoration projects and for other purposes," approved September 2, 1937.

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

§ 1. The State of North Dakota hereby assents to the provisions of the act of Congress entitled "An act to provide that the United States shall aid the States in wildlife-restoration projects and for other purposes" approved Sept 2, 1937 (Public No. 415, 75th Congress, 1st session) and the State Game and Fish Department is hereby authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife-restoration projects as defined in said act of Congress, in compliance with said act and rules and regulations promulgated by the Secretary of Agriculture thereunder; and no monies accruing to the State of North Dakota from the license fees

paid by hunters shall be diverted for any other purpose than the administration of the State Game and Fish Department.

Approved March 1, 1939.

GAS AND OIL

CHAPTER 147

H. B. No. 70—(Jensen, Semerad and Lange)

LICENSING PURCHASERS AND SELLERS OF GASOLINE

An act permitting the purchase of gasoline to be used solely for agricultural and industrial purposes without the payment of a gasoline tax on the purchase price thereof; licensing purchasers and sellers; providing penalties; repealing Chapter 189 of the Session Laws of North Dakota for 1931.

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

§ 1. DEFINITIONS.] When used in this act unless otherwise defined by the context:

(1) Persons or companies shall include very individual, partnership, society, incorporated association, joint stock company, corporations, trustees, executors, and administrators.

(2) Tax exempt gasoline shall mean such gasoline sold in this State to be used solely for agricultural and industrial purposes without the payment of a tax, except such tax as may be required by a general sales tax law.

§ 2. LICENSED DEALERS.] Gasoline may be sold for agricultural or industrial purposes in the State of North Dakota by licensed dealers as herein prescribed without the payment of the gasoline tax.

§ 3. LICENSE, HOW PROCURED.] Any person desiring to purchase tax exempt gasoline may procure a license so to do by applying to the State Auditor and by paying a fee fifty cents (50¢).

The applicant shall state in his application for license, which shall be filed in the office of the State Auditor, his name, occupation, residence and post office address; a description of the machinery or implement wherein the tax exempt gasoline is to be used; the rated horse-power, if an engine or tractor; the year purchased and the total probable amount of tax exempt gasoline to be used during the year together with the legal description of the land owned or operated by the applicant; the make and year of manufacture and rated