

GAME, FISH, AND PREDATORS

CHAPTER 166

S. B. No. 45

(Legislative Research Committee)

LAND MANAGEMENT IN HEART BUTTE RESERVOIR

AN ACT

To amend and reenact section 20-0125 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to the management of lands in the Heart Butte area and the expenditure of revenue derived therefrom.

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

§ 1. **Amendment.)** Section 20-0125 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0125. Land Management In Heart Butte Reservoir; Expenditure of Revenue.) The game and fish commissioner, with the approval of the governor, shall have authority to enter into agreements with the bureau of reclamation for the management of lands in the Heart Butte area acquired for the construction of dams on lakes or streams by the bureau. Any revenues derived from the management of such lands or received from any federal agency for expenditure upon such lands shall not be commingled with other game and fish funds, but shall be deposited by the commissioner in a separate account and such funds are hereby appropriated for expenditure for such purposes as may be agreed upon by the bureau of reclamation, the federal fish and wildlife service, the national park service, and the game and fish commissioner, providing the authority herein granted shall be effective only until such time as the lands are resold to the former land owners by the bureau of reclamation.

Approved March 3, 1955.

CHAPTER 167

S. B. No. 46

(Legislative Research Committee)

GARRISON DAM RESERVOIR—PLANTING PROGRAM

AN ACT

Authorizing the game and fish commissioner to cooperate with the army corps of engineers in planting replacement cover along the Garrison Dam reservoir, and declaring an emergency.

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

§ 1.) The game and fish commissioner is hereby authorized to cooperate with the army corps of engineers in the planting of shrubs, trees, and other wildlife habitat upon selected sites along the Garrison Dam reservoir. The commissioner shall be authorized to supervise and carry on such a planting program by using department funds upon a reimbursable basis, and all funds received from the army corps of engineers for the furtherance of such project, to the extent of two hundred seventy-five thousand dollars, are hereby appropriated to the game and fish department for reimbursement of other department funds expended and for expenditure in such planting program in accordance with the authorization contained in this Act.

§ 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 5, 1955.

CHAPTER 168

H. B. No. 676

(Saugstad, Magnuson, Power and Berntson)

GAME AND FISH LICENSES

AN ACT

To amend and reenact section 20-0302 of the 1953 Supplement to the North Dakota Revised Code of 1943 and section 20-0310 of the North Dakota Revised Code of 1943, relating to game and fish licenses.

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

§ 1. **Amendment.**) Section 20-0302 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0302. Licenses To Hunt, Fish, or Trap Not Required of Residents; When; Exceptions.) Subject to the other provisions of this title:

1. Any resident of this state, or any member of his family residing customarily with him, may hunt, fish, or trap during the open season without a license upon land owned or leased by such resident. No such person, however, shall trap, take or kill beaver, nor hunt, take or kill deer without first having procured a limited license to take beaver, or a big game hunting license, as the case may be, as prescribed in this title, but upon the execution and filing of an affidavit by any person owning or leasing land within a district opened for the hunting of deer, such person shall receive a license to hunt deer upon such land described in said affidavit without charge therefor, and such license so issued without charge shall have endorsed on it the description of such land and it may be used to hunt deer only upon such land; and
2. Any resident of this state under the age of sixteen years or sixty-five years of age or over may fish without first having obtained a resident fishing license as prescribed in this chapter.

Provided further that deer hides may be sold when legally taken and properly tagged.

§ 2. **Amendment.**) Section 20-0310 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0310. License To Hunt Big Game Required; Penalty.) No person shall hunt, kill, take, or attempt to take in this state any big game without having a big game hunting license as prescribed in this chapter. No big game hunting license shall be sold to any person or purchased for any person under the age of fourteen years, but the age limitation herein prescribed shall not apply to applicants for big game licenses for hunting big game by bow and arrow during any open bow and arrow season. Any person violating the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than twenty days nor more than thirty days, or by both such fine and imprisonment. Each violation of this section shall be a distinct and separate offense.

Approved March 2, 1955.

CHAPTER 169

H. B. No. 576

(Leet and Hegge)

(at the request of the)

(Game and Fish Department)

FISH REGULATIONS

AN ACT

To provide for the regulation of propagation, taking, catching, destroying, and disposing of fish in this state; to provide for the regulation of bait vendors; to provide for the regulation of construction and maintenance of fishways; providing a penalty; and to repeal sections 20-0316, 20-0317, 20-0601, 20-0602, 20-0603, 20-0606, 20-0607, 20-0608, 20-0609, 20-0610, 20-0612, 20-0613, 20-0614, and 20-0615 of the North Dakota Revised Code of 1943, and to repeal sections 20-0314, 20-0315, 20-0604, 20-0605, 20-0611, and 20-0616 of the 1953 Supplement to the North Dakota Revised Code of 1943.

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

§ 1. Fishing Seasons.) No person, except as provided by section 6 of this Act shall take, attempt to take, catch or kill any species of fish except during the open and lawful season for the taking thereof as provided in the governor's order or proclamation.

§ 2. Exchange or Propagation of Fish.) No individual, club, society, or person shall take any fish from any of the waters

of this state for exchange, propagation or scientific purposes except under the supervision of the commissioner.

§ 3. Legal Size Fish.) No person at any time, shall take, catch, kill, have in his possession or under his control any fish whose size is less than that prescribed and made legal by the governor's order and proclamation. Any person catching any fish that is under the legal size limit, immediately shall return the same to the water from which it was taken, with as little harm as possible to such fish.

§ 4. Method of Taking Fish.) No person, except as otherwise provided in section 6 of this Act or by governor's order or proclamation, shall take, catch, kill, or destroy any fish in any waters in this state in any manner other than provided by governor's proclamation.

§ 5. Possession of Seines, Set Lines, Fish Traps.) No person, other than those authorized by the commissioner, except as otherwise provided in sections 6 and 7 of this Act, shall set, use or have in his possession, or transport other than by public carrier, any set nets, seines, set lines or fish traps. Any person found setting, using, in possession of or transporting other than by public carrier, any set net, set line, seine or fish trap, except as provided in sections 6 and 7 of this Act, shall be deemed to be in possession of a public nuisance, and the commissioner or any bonded game warden or any peace officer shall, without warrant or process, seize the same and hold subject to the order of a court of competent jurisdiction.

§ 6. Removing Undesirable Fish.) The commissioner or any person authorized by him or with him contracting for that purpose, may kill or take from any waters of this state, any fish in any manner prescribed by the commissioner when in his judgment, it is in the best interest of public fishing. All fish so killed or taken shall be disposed of at the discretion of the commissioner and the money derived from the disposal thereof, may be used to defray the costs of such removal operation. Any money so derived and in excess of the cost of the removal program is hereby appropriated into the game and fish fund. All money received and expended shall be itemized and written records thereof shall be kept in the office of the commissioner. Any person desiring to contract with the commissioner for the taking of such fish as may be determined by the commissioner from the Missouri or Yellowstone Rivers, by means of not more than five hoop-nets or traps, or not more than five set-lines of ten hooks or not more than one hundred feet of seine, shall be awarded such contract upon the payment of five dollars for each hoop-net or trap, one dollar for each set-line and five dollars for each seine of fifty feet or any

fraction thereof. Such contracts shall not specify the disposition of the fish.

§ 7. Illegal Methods For Taking Fish.) No person except as provided in section 6 of this Act shall lay, set or use any drug, poison, lime, medicated bait, fish berries, dynamite or other lethal or injurious substance whatever; or lay, stretch or place any tip-up snare, trap, set or trot line, wire string, rope or cable of any sort in any of the waters of this state for the purpose of catching, taking, killing or destroying any fish. A minnow seine not more than twenty-five feet in length may be used, however, by those holding a bait vendor's license for the taking of minnows for bait. Dip nets may only be used as an aid in landing fish which have been legally taken by hook and line. One minnow trap per license holder, other than those holding bait vendor's license, may be used for the purpose of taking bait minnows. Such trap shall not be larger than specified in the governor's proclamation and shall be emptied at least once in every forty-eight hour period.

§ 8. Fish Houses, License Thereof, Removal.) No person except as provided in section 6 of this Act shall erect, have or maintain on the ice in any waters of this state any fish house used or to be used to protect one while engaged in fishing through the ice, without first obtaining a separate license for each such unit placed in use. Licenses shall be issued by the commissioner, for the period between December fifteenth and March first, upon the payment of a license fee of one dollar for each unit, and shall be subject to such rules and regulations as the commissioner may adopt governing the construction, maintenance and use of such units. Each licensed unit shall have inscribed on the exterior thereof, in readily distinguishable characters at least six inches high, the license number and the name of the owner. Each unit shall be removed from the ice within fifteen days after the close of the period for which the license was issued. Failure to so remove such unit, shall be deemed an abandonment and the commissioner is authorized to remove or destroy such abandoned units.

§ 9. Deposit of Refuse In Fishing Waters.) No person except as provided in section 6 of this Act, shall deposit or cause to be deposited, any refuse or other matter which may prove harmful to fish or fish eggs, directly or indirectly, in any waters wherein the state or federal government has deposited, or may deposit any fish, fish eggs or fry, or in which any fish naturally abound, except as municipalities are authorized to dispose of sewage.

§ 10. Commercial Sales of Fish.) No sale, barter or trading of fish of a species abounding in any waters of this state, shall be legal except that:

1. Persons authorized by section 6 of this Act may sell fish as directed by the commissioner;
2. Any person, firm or corporation that peddles fish, may sell such fish only after procuring a license so to do, issued by the commissioner upon the payment of the required annual fee of one dollar. Such person, firm or corporation shall keep a full and complete record of the source of such fish as prescribed by the commissioner; and
3. Any person, firm or corporation operating a permanently located wholesale fish market, jobbing house or other place for the wholesale marketing of fish or grocery store or retail fish market may sell such fish from its permanent location without obtaining a license, but must keep records of purchases.

§ 11. Minnow Bait Wholesalers, License.) The commissioner shall adopt rules and regulations to control and supervise the operations of minnow or other live bait wholesalers. The commissioner shall issue a license to each such wholesaler whenever it appears that such wholesaler has complied with the rules and regulations of the commissioner and has paid the annual license fee of twenty-five dollars. No person shall sell minnows at wholesale without first obtaining such license. The commissioner shall also issue a minnow or other live bait retailer's license to any person upon the payment of a license fee of five dollars. No person shall retail minnows or other live bait without such license. The commissioner may require each retailer or wholesaler to submit such reports as the commissioner may deem necessary.

§ 12. Fishways At Dams.) Whenever deemed necessary by the commissioner, any person owning, erecting, managing or controlling any dam or other obstruction across any river, creek or stream within or forming the boundary of this state shall construct and keep in good repair, a durable and efficient fishway in such manner, shape and size as the commissioner may direct. Upon failure to construct or maintain such fishway as directed by the commissioner and after giving such person ten days' notice, the commissioner may construct or repair the fishway and recover the costs thereof from the person owning, erecting, managing or controlling the dam or obstruction. No person shall construct any fishway without the approval of the commissioner.

§ 13. Penalty.) Any person, firm or organization found violating any provision of this Act shall be deemed guilty of a misdemeanor and subject to punishment by fine of not

more than one hundred dollars or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment.

§ 14. Repeal.) Sections 20-0316, 20-0317, 20-0601, 20-0602, 20-0603, 20-0606, 20-0607, 20-0608, 20-0609, 20-0610, 20-0612, 20-0613, 20-0614, and 20-0615 of the North Dakota Revised Code of 1943 and sections 20-0314, 20-0315, 20-0604, 20-0605, 20-0611, and 20-0616 of the 1953 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 8, 1955.