

GAME AND FISH

CHAPTER 135

H. B. No. 59—(Starck)

FUR BEARING ANIMALS, OPEN SEASON

An Act to amend and re-enact Sub-sections 1, 3, 4 and 5 of Section 32 of Chapter 148 of the Session Laws of North Dakota for the year 1931, providing for an open season of mink, weasel, badger, skunk, raccoon and muskrat, describing the manner of taking.

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

§ 1. AMENDMENT.] That Sub-section 1 of Section 32 of Chapter 148 of the Session Laws of North Dakota for the year 1931 be amended and re-enacted to read as follows:

§ 32. FUR BEARING ANIMALS.]

(1) No person shall hunt, shoot, or trap or take in any manner, except during the open season or lawful season as established by this act, any fur bearing animals; provided it shall be lawful to take at any time or in any manner any wild fur bearing animal not specifically protected by this act, and, provided further, that animals may be taken for breeding or domestication as hereinbefore authorized; except that muskrats may be taken during the open season therefore by shooting with a rifle whose muzzle velocity shall not be greater than that of the 22 long rifle.

§ 2. AMENDMENT.] That Sub-section 3 of Section 32 of Chapter 148 of the Session Laws of North Dakota for the year 1931 be amended and re-enacted to read as follows:

(3) SKUNK, BADGER.] It shall be lawful to trap or take for commercial purposes the skunk or badger between the first day of November and the 28th day of February, both inclusive; provided that the badger shall not be caught or killed by pouring or running water into the burrow or retreat. It shall also be unlawful for any person trapping or taking skunk or badger, to destroy, damage or injure the personal or real property of another.

§ 3. AMENDMENT.] That Sub-section 4 of Section 32 of Chapter 148 of the Session Laws of North Dakota for the year 1931 be amended and re-enacted to read as follows:

(4) MINK, WEASEL AND RACCOON.] It shall be lawful to trap or take for commercial purposes the mink and weasel between the 15th day of November and the 15th day of February, both inclusive.

It shall be lawful to take or trap for commercial purposes, the raccoon between the first day of November and the 15th day of February, both inclusive. It shall, however, be unlawful to in any way molest or destroy the natural burrow, den, or retreat of the raccoon. It shall also be unlawful for any person trapping or taking mink, or weasel, or raccoon, to destroy, damage or injure the personal or real property of another.

§ 4. AMENDMENT.] That Sub-section 5 of Section 32 of Chapter 148 of the Session Laws of North Dakota for the year 1931 be amended and re-enacted to read as follows:

(5) MUSKRAT.] No person shall molest, destroy or injure any muskrat's burrow, den or other abiding place of the same except by special permit of the Game and Fish Commissioner when any of these animals are injurious to any property, in which case the Commissioner may cause these animals to be removed or destroyed or may permit killing of these animals; provided these provisions shall not be construed to prevent the trapping of muskrats in their houses when houses are opened by means of removing a wedged shaped portion from the side of the house not to exceed one square foot in size by either a saw or hay knife, for the purpose of inserting or taking out traps. The portion of the house which is removed must be replaced and sealed into place except during the time when the trap is being inserted or taken out. Traps shall not be placed under the ice near the muskrat's house or in channels or runways used by the muskrat. The Commissioner may, under proper and suitable recommendations, permit the taking of muskrats in shallow ponds or sloughs in case no deep water is found at any time when it may be shown that the muskrats are in immediate danger of destruction by freezing or starvation. The opening and closing date of the muskrat season for the taking of muskrats for fur shall be left to the discretion of the Game and Fish Commissioner.

Approved March 4, 1943.

CHAPTER 136

S. B. No. 53—(Committee on Game and Fish)

GAME AND FISH LAW AMENDMENT

An Act to Amend and Re-enact Chapter 118 of the Session Laws of 1933 as Amended by Chapter 158 of the Session Laws of 1941, relative to limitations on hunting and fishing and the possession of game and fish, providing a penalty, and declaring an emergency.

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

Chapter 118 of the Session Laws of 1933 as amended by Section 2 of Chapter 158 of the Session Laws of 1941 is hereby amended and re-enacted to read as follows:

§ 1. AMENDMENT.]

I. LIMITATION ON HUNTING AND POSSESSION.] Except as herein provided, it shall be unlawful for any person to take, kill or wound or attempt to take, kill or wound any protected game bird or game animal except during the open season, or to have in possession, or under control any such bird, animals or protected fish, either alive, or dead or any part thereof, except such as are lawfully taken during the open season. It shall be presumed that any game, or any part thereof, found in possession of any person after the close of the open season except when held under permit as herein provided, was taken illegally.

§ 2. AIDING CONCEALMENT UNLAWFUL.] It shall be unlawful for any person to knowingly aid or assist in the concealment of any game unlawfully killed or possessed.

§ 3. EXTENDING POSSESSION DATE.] That the State Game and Fish Commissioner shall issue a permit to keep a possession limit of game after the close of the season thereon until May 1, following the close of the season. Such permit, however, shall not extend the time for lawful possession of any game covered by the Federal Laws, beyond the Federal limit in which the same may be possessed lawfully. Any game so held after the close of the open season under permit must be properly tagged to identify the holder's permit.

§ 4. PENALTY.] The possession, transportation or control of any protected fish, game bird or game animal or any part thereof, contrary to the provisions of this law shall constitute a misdemeanor and shall be punishable by the same penalty as that provided for the illegal killing, catching, taking or hunting thereof.

§ 2. EMERGENCY.] This act is hereby declared to be an emerg-

ency measure and shall be in full force and effect from and after its passage and approval.

Approved March 11, 1943.

CHAPTER 137

S. B. No. 55—(Committee on Game and Fish)

GAME AND FISH, REGULATION BY GOVERNOR'S PROCLAMATION

An Act to Amend and Re-enact Section 57 of Chapter 148 of the Session Laws of 1931, as Amended by Chapter 154 of the Session Laws of 1941 giving the Governor certain powers relative to game and fish, limiting such power and authorizing the Governor to declare foxes predatory animals in certain areas, and dispensing with licenses relative to foxes when declared predatory, and declaring an emergency.

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

§ 1. AMENDMENT.] Section 57 of Chapter 148 of the Session Laws of 1931 as amended by Chapter 154 of the Session Laws of 1941 is hereby amended and re-enacted to read as follows:

§ 57. ADDITIONAL PROTECTION.] Governor's orders.

1. GAME, DANGER OF DEPLETION, ADMINISTRATION OF GOVERNOR.] Whenever the Governor after investigation and recommendation by the Game and Fish Commissioner finds that any species of game birds, fish or game animals for which an open season is provided are in danger of depletion or extinction, or when necessary for proper protection during the propagating period, he may by an order provide protection for such species, additional to that provided by law, and to that end may prescribe in what manner, in what number, in what places and at what times the same may be taken and possessed.

2. GAME, SURPLUS, ADMINISTRATION OF GOVERNOR.] Whenever the Governor after investigation and recommendation by the Game and Fish Commissioner finds that any species of game birds, fish or animals has become sufficient in numbers to warrant an open season, or to be detrimental, or a nuisance to the farmers of any part of the state, he may by order declare an open season thereon, or extend the already open season as now provided by law, and to that end may prescribe in what manner, in what number, in what places and at what times the same may be taken and possessed.

Provided that the bag limit shall not exceed fifteen (15) birds of all upland species combined, nor be less than the Federal bag limits on migratory waterfowl; and the possession limit shall not exceed a two days' bag limit, nor shall the open season on game birds begin before September 15 of any year nor end later than March 1st the following year.

3. FUR ANIMALS.] The season shall not be opened on protected animals valuable for fur during the period from April 30 to October 15 of any one year.

4. The Governor, by such an order upon recommendation by said commissioner, may declare all varieties of foxes predatory in any given area, for any given period of time during any part of the year when in his judgment foxes have become too numerous or destructive in such area and when and where so declared predatory, no license shall be required to pursue, take or trap foxes.

5. Any order issued by the Governor pursuant to this section shall have the force of law and the appropriate penalties now prescribed by law for the unlawful killing of game shall follow and be applicable to violations of any such order. Each order so made shall not be valid after the closing of the regular session of the legislature next succeeding its issuance.

6. PUBLICATION OF ORDERS.] All orders, rules and regulations affecting the entire State as provided for herein shall be published once in the official newspaper in each county affected by such orders. No order, rule or regulation shall take effect until after such publication.

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

Approved March 11, 1943.

CHAPTER 138

S. B. No. 40—(Senators Morgan of Richland and Braun)

GAME PROPAGATION AND DOMESTICATION

An Act to Amend and Re-enact Sub-section 3 of Section 1 of Chapter 114 of the Session Laws of 1933 relating to the Propagation and Domestication of game birds and animals, and declaring an emergency.

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

§ 1. AMENDMENT.] That Sub-section 3 of Section 1 of Chapter 114 of the Session Laws of 1933 relating to the propagation and domestication of game birds and animals be and the same is, hereby amended and re-enacted to read as follows:

§ 1. PROPAGATING AND DOMESTICATING GAME BIRDS AND ANIMALS.] Upon application the Game and Fish Commissioner may issue permits to residents of this state to propagate and domesticate protected game birds and animals. Such applications shall be made upon forms furnished by the Commissioner and shall contain:

1. The name and address of the applicant.
2. A description of the premises upon which the applicant will keep such domesticated birds or animals.
3. The number and kind of birds or animals in possession at the time of making application, and whether they are wild or domesticated, and such other information as the Commissioner may require.

The Game and Fish Commissioner shall keep a record of all persons holding such permits. The fee for such a permit shall be One Dollar (\$1.00), and all permits shall expire on December 31st of the year when issued. Every person holding such permits shall annually, on or before December 31st, report to the Game and Fish Commissioner any increase or decrease in the number of game birds or animals held under permit during that year. Game birds or animals held under such a permit may be sold or transported alive for propagation purposes, and the eggs of such protected game birds may be sold or transported during such seasons as the Commissioner shall prescribe. All such sales and shipment shall be with the written permission of the Commissioner. Provided that protected game birds or animals raised in North Dakota under a propagation permit may be disposed of with the written permission of the Game and Fish Commissioner at such times of the year as may be prescribed by him for use in the arts and crafts within the State of North Dakota. The carcasses of such birds or animals may be disposed of as food when properly identified by a suitable tag or seal furnished by

the Game and Fish Commissioner. In no case shall the carcasses of protected game birds or animals, nor any part thereof, killed under the above regulations, be shipped or carried outside of the State of North Dakota except in a finished product of the arts and crafts. The Game and Fish Commissioner and his bonded deputies shall have the right to inspect all premises used for the purposes of 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 the date of its passage and approval.

Approved February 16, 1943.

CHAPTER 139

H. B. No. 44—(Johnson of Richland, Collette, Fitch and Crockett)

HUNTING DOGS

An Act to Amend and Re-enact Section 10322a27 of the 1925 Supplement to the Compiled Laws of North Dakota of 1918, as amended by Chapter 117 of the Session Laws of North Dakota for 1933, relative to the Use of Hunting Dogs.

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

§ 1. AMENDMENT.] That Section 10322a27 of the 1925 Supplement to the Compiled Laws of North Dakota of 1913, as amended by Chapter 117 of the Session Laws of North Dakota for 1933 be, and the same is, hereby amended and re-enacted to read as follows:

§ 10322a27. No person shall hunt, pursue, catch, take or kill deer, antelope, moose or elk with any dog or dogs. No person shall train or run any dog or dogs known as "bird dogs" including pointers, setters, or droppers, or allow the same to run loose in fields or upon land in which game birds may be found, or are apt to be frequented by game birds, between the first day of April and the first day of August (both inclusive) following of each year.

Provided, however, that this section shall not be construed as prohibiting the use of dogs for retrieving water birds including any or all of the several species of ducks and geese, which it is lawful to hunt and kill.

Provided, further, that nothing in this section shall be construed as prohibiting the use of retrievers or spaniels for the pur-

pose of retrieving dead or wounded upland game birds during the open season thereon.

Approved March 9, 1943.

CHAPTER 140

H. B. No. 58—(Starck)

HUNTING WITH SPOT LIGHT

An Act to Amend and Re-enact Chapter 156 of the Session Laws of 1941, making it a misdemeanor for any person to hunt and pursue any wild life with the aid of a spot light or any other kind of artificial light, except under certain conditions.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 156, laws of 1941, be amended and re-enacted to read as follows:

§ 1. Any person who shall shoot and pursue any wild life between sunset of one day and sunrise of the next, with the aid of a spot light or any other artificial light of any kind, shall be guilty of a misdemeanor, provided, that nothing in this act shall be construed to prevent and make it unlawful for any person to use a lantern, spot-light or other artificial light to assist him in pursuing and shooting on his premises any coyote, fox, skunk, mink, racoon, weasel, owl, rabbit, or other predatory animal or bird, attacking and attempting to destroy such person's poultry, livestock, or other property.

Approved February 20, 1943.

CHAPTER 141

H. B. No. 54—(Game and Fish Committee)

PERMITS FOR DOMESTICATION OF BIRDS AND ANIMALS

An Act to Amend and Re-enact Section 26 of Chapter 148 of the Session Laws of 1931 as Amended by Chapter 157 of the Session Laws of 1941 providing for permits and fees.

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

§ 1. AMENDMENT.] Section 26 of Chapter 148 of the Session Laws of 1931 as amended by Chapter 157 of the Session Laws of 1941, is hereby amended and re-enacted to read as follows:

§ 26. PERMITS.] The Game and Fish Commissioner may issue permits to breed or domesticate any protected birds or animals; permits to any resident or non-resident hunting licensees to ship, not to exceed in any one season, twenty-five (25) protected game birds to points other than his home within the state, or to points outside of the state; permits to make collections of protected birds or animals for scientific purposes. The Game and Fish Commissioner may also issue permits for shipment within or without the state of any live protected birds or animals, provided the permit is attached to the shipment. A fee of twenty-five cents (25¢) shall be charged for each such permit. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor.

Approved February 12, 1943.

CHAPTER 142

H. B. No. 47—(Bymers, Fraser, Morland, Halvorson, Moe and Severson)

WOLF, FOX AND COYOTE BOUNTY

An Act to Amend and Re-enact Chapter 7 of the Session Laws of 1935, as amended by Chapter 20 of the Session Laws of 1941, relating to Wolf, Coyote and Fox Bounty and declaring an emergency.

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

§ 1. AMENDMENT.] That Chapter 7 of the Session Laws of 1935, as amended by Chapter 20 of the Session Laws of 1941, be amended and re-enacted to read as follows:

2645. STATE BOUNTY FOR WOLVES, COYOTES AND FOXES.] For

the purpose of encouraging the destruction of wolves, coyotes and foxes, a bounty shall be paid by the State of North Dakota for each Wolf, Coyote and Fox killed, as follows:

That there shall be paid for each mature wolf and mature coyote killed between the first day of April and the first day of October of each year, the sum of Two Dollars and fifty cents (\$2.50); there shall be paid for each mature fox killed between the first day of April and the first day of October of each year, the sum of One Dollar and fifty cents (\$1.50), and One Dollar (\$1.00) for each wolf or coyote pup, and Fifty Cents (50¢) for each fox pup killed between the first day of April and the first day of October of the year of the whelping of such wolf, coyote or fox pup, provided that no bounty shall be paid for wolves, coyotes or foxes killed between the first day of October and the first day of April of each year; provided further, that no bounty shall be paid on wolves, coyotes or foxes killed by the Extension Division of the North Dakota Agricultural College through the directors thereof cooperating with the Fish and Wildlife Service of the United States Department of the Interior.

§ 2. EMERGENCY.] An emergency is hereby declared to exist; and this Act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1943.

GAS AND OIL

CHAPTER 143

S. B. No. 210—(Delayed Bills Committee)

MOTOR VEHICLE FUELS, DEFINITION OF—AMENDMENT

An Act to amend and re-enact Sub-section (b) of Section 1 of the Initiated Measure adopted June 30, 1926 relating to the definition of "Motor Vehicle Fuels."

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

§ 1. That Sub-section (b) of Section 1 of the Initiated Measure adopted June 30, 1926 appearing in the Session Laws of 1927 at Page 547 is hereby amended and re-enacted to read as follows:

(b) "Motor Vehicle Fuels" means and includes all products