

## CHAPTER 29

## FISH AND GAME

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**29.01 General definitions.** The following terms, wherever used in this chapter, shall be construed to apply as follows:

(1) **WILD ANIMAL.** "Wild animal" means any mammal, bird, fish, or other creature of a wild nature endowed with sensation and the power of voluntary motion.

(2) **CARCASS.** "Carcass" means the dead

body of any wild animal to which it refers, including the head, hair, skin, plumage, skeleton, or any other part thereof.

(3) **GAME; GAME FISH; ROUGH FISH; GAME ANIMALS; FUR BEARING ANIMALS; GAME BIRDS.**

(a) **Game.** "Game" includes all varieties of wild mammals or birds; "game fish" includes all varieties of fish except rough fish and

minnows; "rough fish" includes chubs in inland waters only, dace, suckers, carp, goldfish, redbreast, sheepshead, lawyers or eelpout, dogfish, garfish, buffalo fish, and turtles, in all waters; "minnows" includes creek chubs, shiners, suckers, dace, stone rollers, mud minnows, redbreast, bluntnose, fathead, and other small fish which have only one dorsal fin and are commonly used for bait.

(b) *Game animals*. "Game animals" includes deer, moose, elk, bear, rabbits, squirrels, fox and raccoon.

(c) *Fur bearing animals*. "Fur bearing animals" includes otter, beaver, mink, muskrat, marten, fisher, skunk, raccoon, fox, weasel, opossum, badger, wolf, coyote, wildcat and lynx.

(d) *Game birds*. "Game birds" includes the following aquatic birds: Wild geese, brant, wild ducks, wild swan, rails, coots, gallinules, jacksnipe, woodcock, plovers and sandpipers; the following upland birds: ruffed grouse (partridge), pinnated grouse (prairie chicken), sharp-tailed grouse, pheasants, Hungarian partridge, Chukar partridge, bobwhite, quail, California quail and wild turkey; and the following columbine birds: mourning doves.

(4) **WATERS CLASSIFIED**. All waters within the jurisdiction of the state are classified as follows: Lakes Superior and Michigan, Green Bay, Sturgeon Bay, Sawyer's harbor, and the Fox river from its mouth up to the dam at De Pere are "outlying waters." All other waters, including the bays, bayous and sloughs of the Mississippi river bottoms, are "inland waters."

(5) **HUNTING**. "Hunt" or "hunting" includes shooting, shooting at, pursuing, taking, catching, or killing of any wild animal or animals.

(6) **FISHING**. "Fishing" includes taking, capturing, killing, or fishing for fish of any variety in any manner. When the word "fish" is used as a verb, it shall have the same meaning as the word "fishing" as defined herein.

(7) **TRAPPING**. "Trapping" includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or contraption that is designed, built or made to close upon, hold fast, or otherwise capture a wild animal or animals. When the word "trap" is used as a verb, it shall have the same meaning as the word "trapping" as defined herein.

(8) **RESIDENT**. "Resident" means any person who has maintained his place of permanent abode in this state for a period of 6

months immediately preceding his application for license.

(9) **COMMISSION**. "Commission" when used in this chapter without other words of description or qualification means the state conservation commission.

**Cross reference:** See definitions in 24.01.

**History:** 1967 c. 10, 26.

**29.015 Bays bounded.** (1) Whenever the hereinafter named bays and harbors are mentioned in this chapter, the following description for the same shall apply:

(a) That body of water known as Moonlight bay lying north and west of a line commencing at the most northeast point in section 15, township 30 north, range 28 east, and running in a straight line northeasterly to the most southerly point in section 14, same township and range.

(b) That body of water known as Jackson harbor lying south and west of a line commencing at the most northerly point in section 27, township 34 north, range 30 east, and running in a straight line northwesterly to the most easterly point in the northeast quarter of section 28, same township and range.

(c) That body of water known as Bailey's harbor lying north of a line commencing at the most southerly point in section 21, township 30 north, range 28 east, and running in a straight line westerly to the south line of section 20, same township and range.

(d) That body of water known as Washington harbor lying south of a line commencing at the water's edge on the north line of section 26, township 34 north, range 29 east, and running in a straight line easterly to the water's edge on the north line of section 25, same township and range.

(e) That body of water known as Eagle harbor lying south and east of a line drawn from the most northeast point in section 9, township 31 north, range 27 east, easterly to the water's edge on the north line of section 12, same township and range.

(f) That body of water known as Egg harbor lying south of a line commencing at the most northeast point in section 26, township 30 north, range 26 east, and running in a straight line east to the north line of section 25, same township and range.

(g) That body of water known as North bay lying north of a line commencing at the most northeast point in section 35, township 31 north, range 28 east, and running in a straight line to the west line of section 25, same township and range.

(h) That body of water known as Fish Creek harbor lying south and east of a line commencing at the most northerly point in the southwest quarter of section 29, township 31 north, range 27 east, and running northeasterly in a straight line to the water's edge on north line of said section, township and range.

(i) That body of water known as Detroit harbor lying north of a line commencing at the most southerly point in section 14, township 33 north, range 29 east, and running in a straight line to the most southerly point in section 18, township 33 north, range 30 east.

(j) That body of water known as Sturgeon bay lying south and east of a line commencing at the most northly point of section 23, township 28 north, range 25 east, and running in a northeasterly direction to the water's edge on north line of section 13, same township and range.

(k) That body of water known as Little Sturgeon bay lying south of a line commencing at the most northeast point in section 35, township 28 north, range 24 east, and running in a northeasterly direction to the most northerly point in section 36, same township and range.

(l) That body of water known as Rowley's bay lying north of a line commencing at the water's edge on south line of section 26, township 32 north, range 28 east, and running east to the most southerly point in section 32, same township and range.

(m) That body of water known as Riley's bay lying south of a line commencing at the most northerly point in section 36, township 28 north, range 24 east, and running in a northeasterly direction to the most northerly point in section 30, township 28 north, range 25 east.

(n) That body of water known as Allouez bay lying south of a line commencing at the most northerly point in section 29, township 49 north, range 13 west, and running due east in a straight line to the water's edge on north line of section 28, same township and range.

(o) All that body of water known as Superior bay lying south and east between Minnesota point and the main land of Douglas county extending from a line drawn from the most southerly point in section 20, township 49 north, range 13 west, to the most northerly point in section 29, same township and range.

(p) All that body of water known as St. Louis bay lying between a line commencing

at the most northerly point of section 10, township 49 north, range 14 west, running due north to the Minnesota boundary, and the north line of sections 20 and 21, running due west to the Minnesota boundary.

(q) All that body of water known as West Harbor and adjoining water in sections 2, 10 and 11, township 33 north, range 29 east, lying east of a line starting at the most northwesterly point of land in section 10 of township 33 north, range 29 east, and running in a northerly direction to the most northwesterly point of land in section 2, township 33 north, range 29 east.

**29.02 Title to wild animals.** (1) The legal title to, and the custody and protection of, all wild animals within this state is vested in the state for the purposes of regulating the enjoyment, use, disposition, and conservation thereof.

(2) The legal title to any such wild animal, or carcass or part thereof, taken or reduced to possession in violation of this chapter, remains in the state; and the title to any such wild animal, or carcass or part thereof, lawfully acquired, is subject to the condition that upon the violation of this chapter relating to the possession, use, giving, sale, barter, or transportation of such wild animal, or carcass or part thereof, by the holder of such title, the same shall revert, ipso facto, to the state. In either case, any such wild animal, or carcass or part thereof, may be seized forthwith, wherever found, by the commission or its deputies.

**History:** 1967 [13.93 (1) (e)]; 1967 c. 26 s. 94.

**29.03 Public nuisances.** The following are declared public nuisances:

(1) Any unlicensed net of any kind, or other unlicensed device, trap, or contrivance for fishing; or any licensed net or other device, trap or contrivance for fishing set, placed, or found in any waters where the same is prohibited to be used, or in a manner prohibited by law.

(2) Any unlicensed set line, cable, rope, or line, with more than one fish line attached thereto; or any licensed set line set, placed, or found in any waters where the same is prohibited to be used, or in a manner prohibited by law; or any fish line left in the water unattended, whether having one or more hooks attached.

(2m) Any long tunnel pound net or similar entrapping net other than the legal fyke net, drop net, submarine trap net and the short tunnel pound net whenever found in outlying

waters or on any vessel, dock, pier, wharf or in any building or vehicle on or adjacent to such waters. Any such contraband nets so found shall be deemed sufficient evidence of the use of such nets by the owner thereof.

(3) Any screen set in public waters to prevent the free passage of fish, or set in any stream which has been stocked by state authorities unless authorized by the commission.

(4) Any building, inclosure, structure, or shelter placed, occupied, or used on the ice of any waters in violation of this chapter.

(5) Any unlicensed trap, snare, spring gun, set gun, net or other device or contrivance which might entrap, ensnare, or kill game; or any trap without a metal tag attached as required by law.

(6) Any boat, together with its machinery, sails, tackle and equipment, or any lamp, light, gun, pivot gun, swivel gun, or other firearm used in violation of this chapter; or any boat, floating raft, box, or blind set in open water and used in hunting game birds.

(7) Any decoys left in the water unattended.

(8) Any dog found running deer at any time, or used in violation of this chapter.

(9) Any ferret, rat, weasel, or guinea pig in possession or used while hunting.

History: 1961 c. 218; 1967 c. 26 s. 94; 1967 c. 132.

**29.04 Abandoned dams.** (1) The commission may remove or cause to be removed, in such manner as they deem fit, old and abandoned dams in streams in this state, upon giving 60 days' notice in writing to the owner thereof, if he can be found. If the owner of the dam is unknown or cannot, by due diligence, be found, the commission shall publish a class 3 notice, under ch. 985, in the county in which the dam is situated.

(2) Whenever the commission shall determine that the conservation of any species or variety of wild animals will be promoted thereby, the commission may maintain and repair any dam located wholly upon lands the title to which is in the state either as proprietor or in trust for the people; subject, however, to the powers of the public service commission to fix the level and regulate the flow of the public waters.

History: 1965 c. 252; 1967 [13.93 (1) (g), (h), (1)]; 1967 c. 26 s. 94.

**29.05 Police powers; searches; seizures.**

(1) **WARRANTS, ARRESTS.** The commission and its deputies may execute and serve warrants and processes issued under any law relating to wild animals and ss. 29.221, 30.12, 30.125, 30.18, 30.195, 30.50 to 30.80, 346.19,

346.94 (6) and (6m), 940.24, 941.20, 941.22, 947.03 and 947.047 in the same manner as any constable may serve and execute such process; and to arrest, with or without a warrant, any person detected in the actual violation, or whom such officer has reasonable cause to believe guilty of a violation under this chapter or ss. 30.12, 30.18, 30.195, 30.50 to 30.80, 346.19, 346.94 (6) and (6m), 940.24, 941.20, 941.22, 947.03 and 947.047, and to take such person before any court in the county where the offense was committed and make proper complaint. For the purpose of enforcing ss. 30.50 to 30.80, any such officer may stop and board any boat, if he has reasonable cause to believe there is a violation of such sections.

(2) **INVESTIGATIONS.** Such officers shall, upon receiving notice or information that this chapter or ss. 30.12, 30.18, 30.195, 346.19, 346.94 (6) and (6m), 940.24, 941.20, 941.22 and 947.03 has been violated, as soon as possible make a thorough investigation thereof, and cause proceedings to be instituted if the proofs at hand warrant it. In any case where the alleged violator holds and claims to be acting under a permit from the public service commission, before instituting any proceeding charging a violation of s. 30.12, 30.18 or 30.195, such officer shall obtain the written consent of the public service commission to the institution of such proceeding.

(4) **OPENING PACKAGES.** The commission and its deputies may examine and open any package in the possession of a common carrier which they suspect or have reason to believe contains contraband wild animals, or carcasses or parts thereof, or is falsely labeled in violation of this chapter; and every such common carrier, and every agent, servant, or employe thereof, shall permit any such officer to examine and open any such package. Any package so opened shall be restored to its original condition.

(5) **ACCESS TO STORAGE PLACES.** They shall be permitted by the owner or occupant of any cold storage warehouse or building used for the storage or retention of wild animals, or carcasses or parts thereof, to enter and examine said premises; and the said owner or occupant, or his agent, servant, or employe, shall deliver to any such officer any wild animal, or carcass or part thereof, in his possession during the close season therefor, whether taken within or without the state.

(6) **SEIZURE AND CONFISCATION OF GAME, OR GAME FISH.** They shall seize and confiscate in the name of the state any wild animal, or carcass or part thereof, caught, killed, taken,

had in possession or under control, sold or transported in violation of this chapter; and any such officer may, with or without warrant, open, enter and examine all buildings, camps, vessels or boats in inland or outlying waters, wagons, automobiles or other vehicles, cars, stages, tents, suit cases, valises, packages, and other receptacles and places where he has reason to believe that wild animals, taken or held in violation of this chapter, are to be found; but no dwelling house or sealed railroad cars shall be searched for the above purposes without a warrant.

(7) **SALE OF CONFISCATED PROPERTY.** They shall seize and hold subject to the order of the court or judge located in the county in which the alleged offense was committed, any apparatus, appliance, or any vehicle or device, declared by this chapter to be a public nuisance, or which they have reason to believe is being used in violation of this chapter or ss. 346.94 (6) and (6m), 940.24, 941.20, 941.22 and 947.047, and if it is proven that the same is, or has been within 6 months previous to such seizure, used in violation of this chapter or ss. 346.94 (6) and (6m), 940.24, 941.20, 941.22 and 947.047, the same shall be confiscated if the court so directs in its order for judgment. Any seizure of perishable property made by the commission or its wardens may be sold at the highest available price, and the proceeds of such sale turned into court to await disposition of such proceeds as the court directs. It is lawful for any conservation warden or other ministerial officers charged with the enforcement of the laws dealing with the conservation of the natural resources of the state, to destroy any dog found running, worrying, or killing any deer, or destroying game birds, their eggs or nests, wherein they deem it advisable and necessary.

(8) **ENTIRE SHIPMENT AFFECTED.** Confiscation of any part of a shipment under this section shall include the entire shipment.

(9) **EXEMPTION FROM LIABILITY.** Each commissioner and each deputy conservation warden, in the performance of his official duties, shall be exempt from any and all liability to any person for acts done or permitted or property destroyed by authority of law. In any action brought against the commissioner or warden involving any official action the district attorney of the county in which the action is commenced shall represent such commissioner or warden. No taxable costs or attorney fees shall be allowed to either party in said action.

**History:** 1961 c. 384, 621; 1965 c. 200; 1967 [13.93 (1) (e), (h)]; 1967 c. 26 s. 94; 1967 c. 29, 185.

**29.06 Sale of confiscated game and apparatus.** (1) All confiscated wild animals, or carcasses or parts thereof, and all confiscated apparatus, appliances or devices shall, if not destroyed as authorized by law, be sold at the highest price obtainable, by the commission or its deputies, or by an agent on commission under the written authority and supervision of the commission or its deputies. The net proceeds of such sales, after deducting the expense of seizure and sale and any such commissions, shall be promptly remitted by the warden by whom or under whose authority and supervision the sales are made, to the commission; the remittance to be accompanied by a complete and certified report of such sales, supported by proper vouchers covering all deductions made for expenses and commissions, to be filed in the office of the commission. Of the remittance from such sales of confiscated apparatus, appliances or devices, 18% shall be paid into the conservation fund to reimburse it for expenses incurred in seizure and sale, and the remaining 82% shall be paid into the common school fund. In the case of the proceeds from the sale of a confiscated motor vehicle if the holder of a security interest perfected by filing with such motor vehicle as security, satisfies (and the burden of proof shall be upon him) the court, or after judgment of confiscation, the commission, that the violation that led to such confiscation was not with his knowledge, consent or connivance or with that of some person employed or trusted by him, there shall also be deducted the amount due under the security agreement from the proceeds of such sale and the amount due shall be paid to the one entitled; in case a sufficient amount does not remain for such purpose after the other deductions then the amount remaining shall be paid. The commission shall make a reasonable effort within 10 days after seizure to ascertain if a security interest in the seized motor vehicle exists, and shall within 10 days after obtaining actual or constructive notice of such security interest give the secured party notice of the time and place when there is to be any proceeding before the court or the judge pertaining to such confiscation and shall also give such secured party at least 10 days' notice of the time and place of sale. Constructive notice shall be limited to security interests perfected by filing. In all such cases the time of sale of the confiscated motor vehicle shall be within 20 days after judgment of confiscation provided in s. 29.05 (7).

(2) On any such sales of wild animals, or carcasses or parts thereof, the warden or agent selling them shall issue to each purchaser a certificate, on forms to be prepared and furnished by the commission, covering such sales. The animals, or carcasses or parts thereof, so purchased shall be consumed or otherwise disposed of by the purchaser within a period to be set by the commission, but shall not be resold, bartered, or exchanged, in whole or in part, to any other person, except as provided in sub. (3).

(3) Confiscated fish or game sold to the keeper, manager, or steward of any restaurant, club, hotel, or boarding house may be served to the guests thereof; but in such case the certificate covering the purchase shall be hung in public view in the place where the fish or game is served, and such fish or game shall at the time of sale be tagged by the warden or agent selling it, such tag to show the date of sale and be returned to said warden or agent within 5 days thereafter.

**History:** 1963 c. 75, 429; 1965 c. 334; 1967 c. 26 s. 94.

**29.07 Assistance of police officers.** All sheriffs, deputy sheriffs, coroners, and other police officers are ex officio deputy conservation wardens, and shall assist the commission and its deputies in the enforcement of this chapter whenever notice of a violation thereof is given to either of them by the commission or its deputies.

**History:** 1967 c. 26 s. 94.

**29.08 Interstate comity.** (1) Whenever and so long as any other state confers upon the officers of this state reciprocal powers, any officer of such other state, who is by the laws of said state authorized or directed to enforce the laws of said state relating to the protection of wild animals, is hereby designated an agent of said state within this state. It shall be lawful for said officer to follow any wild animal, or carcass or part thereof unlawfully shipped or taken from his state into this state, seize and convey the same back to his own state; and so far as concerns any such wild animal, or carcass or part thereof, the laws of the state from which the same was brought into this state are hereby adopted as the laws of this state. Transportation companies shall deliver to such officer, upon submission of proper proof of his official capacity, any wild animal, or carcass or part thereof, so demanded or seized by him. Said officer may dispose of any such wild animal, or carcass or part thereof, within this state, in accordance with the laws of

the state from which the same was taken or shipped, under the supervision of any conservation commissioner or deputy conservation warden of this state, whose expenses for his assistance shall be a lien upon such wild animal or carcass or part thereof, or the proceeds thereof.

(2) Except as provided in sub. (1), the commission or its deputies shall seize, hold and dispose, according to the laws of this state, of any wild animal, or carcass or part thereof, brought or shipped into or through this state, or attempted to be carried through this state, in violation of the laws of any other state.

(3) The state game warden of every other state, and his deputies and all other officers therein charged with the enforcement of the laws relating to wild animals are hereby designated agents of this state for the taking possession, seizing, holding and disposing, within such state, of any wild animal, or carcass or part thereof, protected by the laws of this state.

(4) Whenever and so long as any other state confers upon the officers of this state reciprocal powers, the commission may appoint persons who shall have been appointed game wardens or deputy game wardens of such other state to act as and have all the powers of deputy conservation wardens of this state, but without compensation from this state.

**History:** 1967 [13.93 (1) (h)]; 1967 c. 26 s. 94.

**29.085 Commission to regulate hunting and fishing in interstate waters.** The commission may regulate hunting and fishing on and in all interstate boundary waters, and outlying waters specified in s. 29.01 (4). Any act of the commission in so regulating the hunting and fishing on and in such interstate boundary waters and outlying waters shall be valid, all other provisions of the statutes notwithstanding, provided such powers shall be exercised pursuant to and in accordance with ss. 23.09 (7) and 29.174.

**History:** 1967 [13.93 (1) (h)]; 1967 c. 26 s. 94.

**29.09 Hunting, trapping and fishing licenses.** (1) HUNTING, TRAPPING OR FISHING WITHOUT A LICENSE PROHIBITED. Except as expressly provided, no person shall: (a) hunt any wild animal, or (b) trap any game, or (c) take, catch or kill fish or fish for fish in inland water of this state unless a license therefor has been duly issued to him which shall be carried with him at all times while hunting, trapping or fishing as the case may be and which shall be exhibited to the commis-

sion or its deputies on demand. Such licenses shall be issued to and obtained by only natural persons lawfully entitled thereto, and in case of resident hunting, trapping or fishing licenses, shall be issued only to persons who present to the county clerk or issuing agent definite proof of his identity, and that he is a legal resident of this state. No more than one of the same series shall be issued to the same person in any year. No person shall transfer his license or tag or permit the use thereof by any other persons, nor shall any person while hunting, trapping or fishing use or carry any license, tag or badge, issued to another. No hunting, fishing or trapping license, or tag shall be obtained by any person for another. No hunting license shall be issued to any person under the age of 12 years. Any person between the ages of 12 and 16 years may hunt only when accompanied by a parent or guardian, or by a person over 21 years of age designated by the parent or guardian. Indians hunting, fishing or trapping off Indian reservation lands are subject to this chapter.

(2) FORM OF APPLICATION. The application for such license shall bear the applicant's signature and shall state the residence and post-office address of the applicant, a description of his person, that he has complied with all of the laws regulating the issuance and purchase of the license applied for, and such other facts, showing him to be entitled to the license for which he applies, as may be required by the commission, and no license shall be issued until the foregoing provisions have been complied with by the applicant. Verified application shall be required for settlers' hunting licenses, fur dealer's license and wholesale fish markets license.

(3) FORM OF LICENSE. Each license shall state for what year the same is issued and the date of expiration, and except as otherwise provided shall be effective only from September 1 until the next succeeding August 31, subject to the conditions, limitations and restrictions prescribed in this chapter. Resident hook and line fishing licenses shall be effective from the date of issuance to the succeeding December 31. Each license issued shall further state the name and residence of the licensee, a description of his person, and such other matter as may be determined by the commissioners; shall bear upon its face a true signature of the licensee and the date of issuance; and shall be signed by the issuing agent. All licenses shall be issued in the English language with ink only.

(4) DUPLICATES. Whenever any such license is lost the person to whom the same was issued may present to the authority from whom he purchased the license an affidavit proving such loss, together with a fee of 50 cents, whereupon a duplicate license shall be issued to such person. After application furnished him by the county clerk or commission has been properly filled out and sworn to, such application and fee shall then be forwarded to the commission at the time of making the next regular monthly report and remittance.

(4a) DUPLICATE DEER TAG. Whenever any deer tag is lost the person to whom the same was issued may present to the county clerk of his county an affidavit proving such loss, together with a fee of 50 cents, whereupon such county clerk shall issue a duplicate deer tag to such person.

(5) SUPPLY OF BLANKS. The commission shall prepare, procure the printing of, and supply all necessary blanks for such licenses and applications. The licenses shall be numbered consecutively, at the time of printing, in a separate series for each kind of license; and each license blank shall be provided with a corresponding stub numbered with the serial number of the license. Each requisition for the printing of such license blanks shall specify the serial numbers thereof.

(6) LICENSES ISSUED BY COUNTY CLERK. Of each license issued by a county clerk he shall retain the stub for record in his office. Such stubs shall be filed in alphabetical order by the county clerk immediately after licenses are issued. The commission or its deputies may at any time examine such records.

(7) RETURN OF FEES BY COUNTY CLERK. Of the fees paid to the county clerk, he may retain the following amounts for his services: For each resident hunting license, both small and big game, 15 cents; for each resident archer hunting license, 15 cents; for each deer hunting party permit, 15 cents; for each nonresident general hunting license, 25 cents; for each nonresident limited hunting license, 25 cents; for each nonresident archer (bow and arrow) hunting license, 30 cents; for each nonresident shooting preserve license, 10 cents; for each resident fishing license, 15 cents; for each nonresident fishing license, 30 cents; for each nonresident combination fishing license, 30 cents; for each fish shipping coupon, 10 cents; for each trapping license, 15 cents; for each trap tag, one cent; for each sportsmen's license, 35 cents; for each set line license, 10 cents; for each set or bank pole license, 10 cents; and for each slat net

license, 50 cents. The remainder he shall remit to the commission by the 20th of each month, with a report of the number of licenses issued by him and his deputies during the preceding month and the amount of money remitted. For failure to so remit, he shall be fined under s. 29.63 (1) (d). All unused license blanks shall be returned by the county clerk to the commission at the close of the year for which supplied. The commission shall determine the disposition of license stubs by county clerks at the close of the year for which they are issued.

(7m) COUNTY CLERK LICENSE ACCOUNTS.

(a) Each county clerk, to whom all or part of the compensation enumerated in sub. (7) is reserved in accordance with s. 59.15 (1), shall establish in a bank a checking account to be used exclusively for the deposit of collections from license sales and such other collections as hereinafter indicated. Such collections shall be deposited by the county clerk in the account within one week after receipt thereof. Payment to the commission of the monthly remittance specified in sub. (7) shall be made by check drawn against such account. The account shall be subject to ch. 34 and s. 66.042 (6). Other collections made by the county clerk and due the county may also be deposited in this checking account. When the account includes other collections than licenses, the county clerk's record of the balance in the account must show separately the exact amounts of license and other collections.

(b) In case a county retains all compensation allowed under sub. (7) for the issuance of conservation licenses and tags and the county board requires the county clerk to deposit license collections with the county treasurer, the county clerk shall deposit such license collections with the county treasurer within one week after receipt thereof. Payment to the commission of the monthly remittance specified in sub. (7) shall then be made by the county treasurer upon written order of the county clerk. If the county board does not require license collections to be deposited with the county treasurer, the county clerk shall make deposits and remittances of such license collections, pursuant to par. (a).

(c) The commission shall prescribe a minimum standard for accounting records which shall be maintained by each county clerk for license transactions.

(8) RECORD OF LICENSES ISSUED. A complete record of all licenses issued shall be kept by the commission, which shall also be accountable for all unused license blanks.

(9) SPECIAL PERMISSION. After proper application and presentation of a current hunting license duly issued to the applicant, the conservation director may, after due investigation and without cost, grant a special permit to any person who is unable to walk because of any affliction whatsoever, to shoot or hunt from a standing automobile or to leave decoys in the water in front of his own property, unattended, notwithstanding any other provision of this chapter to the contrary.

(10) ADDITIONAL CHARGE PROHIBITED. No county clerk, issuing agent or other person authorized to issue any license prescribed in this chapter shall make any charge, or accept any additional fee, for his services in issuing such licenses.

(11) BOND REQUIRED. The commission shall provide and pay the cost of a blanket surety bond covering the several county clerks performing duties under this chapter. The bond shall be conditioned, among other things, upon the faithful performance of such duties according to law and shall provide for the payment to the parties entitled to the same, such damages, not exceeding the amount provided in the bond, as may be suffered by them in consequence of a failure on the part of any such clerk so to discharge such duties. The amount of the bond shall be determined by the commission, but shall not exceed \$25,000 for each county clerk covered.

(12) ARMED FORCES; STUDENTS. (a) Fishing licenses, small game hunting licenses and deer hunting licenses shall be issued at resident fees by the commission and by the county clerks to any student or to any member of the armed forces of the United States applying therefor, who exhibits proof that he is in active service with such armed forces and that he is stationed in Wisconsin or that he is a registered full-time undergraduate student in residence of a college or university, public or private, located in this state and offering a bachelor's degree or is a citizen of a foreign country temporarily residing in this state while attending a Wisconsin high school or an agricultural short course at the university of Wisconsin.

(b) Fishing licenses and small game hunting licenses shall be issued without charge by the commission and by the county clerks to any member of the armed forces of the United States applying therefor who exhibits proof that he is in active service with such armed forces and that he is a Wisconsin resident on furlough or leave.

History: 1961 c. 389; 1965 c. 170, 208, 244, 245, 433, 628; 1967 [13.93 (1) (e)]; 1967 c. 26 s. 94.



Menominee Indians when hunting on land formerly part of their reservation are subject to state conservation laws. *State v. Sanapaw*, 21 W (2d) 377, 124 NW (2d) 41.

Wisconsin hunting and fishing laws apply to Menominee county and to the Menominee tribe in the same manner and extent as they apply to any other person and area in the state. 51 Atty. Gen. 103.

State has no jurisdiction to apply hunting, fishing, and trapping regulations to Indians residing on non-patented lands and hunting, fishing, or trapping thereon. Menominee reservation having assumed the status of a county is under the jurisdiction of the state. 56 Atty. Gen. 11.

**29.10 Resident small game hunting licenses, fees; public hunting and fishing grounds.** Resident small game hunting licenses shall be issued subject to s. 29.09, by designated permanent civil service employes of the commission and by the county clerks upon blanks supplied by the commission, to residents duly applying therefor. The fee for each license is \$4. Such license does not permit the hunting of deer. The commission shall spend for the acquisition, leasing, development and maintenance of public hunting and fishing grounds, and the adjustment and payment of damages arising from the operation of the same, not less than one-fourth of the net cash receipts derived from the sale of resident small game hunting licenses.

**History:** 1961 c. 443; 1967 c. 10.

**29.104 Resident archer hunting license; fees.** (1) Resident archer hunting licenses shall be issued subject to s. 29.09 by designated permanent civil service employes of the commission or by the county clerks, on blanks furnished by the commission, to any resident applying therefor. The fee for each such license issued to a resident 18 years of age or under is \$1 and to a resident over 18 years of age is \$5.

(2) Such license shall be accompanied by a deer tag and a back tag numbered to correspond with the license number and to be supplied without additional fee.

(3) Such licenses authorize the hunting of all game with bow and arrow only, during the open seasons for hunting such game with bow and arrow established by the commission.

**History:** 1965 c. 245; 1967 c. 26 s. 94.

**29.105 Resident deer hunting license fees.** (1) Resident deer hunting licenses shall be issued subject to s. 29.09 by designated permanent civil service employes of the commission or by the county clerks, on blanks furnished by the commission, to any resident applying therefor. The fee for each license is \$5. Such licenses authorize the hunting of deer with firearms only.

(2) Such license shall be accompanied by a deer tag and a back tag numbered to cor-

respond with the license number and to be supplied without additional fee.

(3) Duly issued resident deer hunting licenses shall also include the hunting of bear during the periods when the open seasons for hunting deer and bear with firearms are concurrent.

(5) Deer hunting licenses shall be issued either before or after the opening of the season at resident fees to any member of the armed forces of the United States applying therefor who exhibits proof that he is in active service with such armed forces and that he is stationed in Wisconsin or that he is a Wisconsin resident on furlough or leave.

**History:** 1961 c. 443; 1965 c. 245; 1967 c. 10.

**29.107 Deer hunting party permits.** Deer hunting party permits may be issued by the commission, subject to s. 29.09, to deer hunting parties of 4 or more persons, as designated by the commission, all duly applying therefor each of whom is in possession of a valid deer hunting license of current issue. The fee for each such permit is \$5 and shall be paid at the time the application is made. The issuance of such permits, the areas in which they are effective and the minimum number of persons comprising a deer hunting party in any area is discretionary with the commission. The commission may limit the number of deer hunting party permits in any area. Such permit shall be issued only in those years and for such seasons that the commission finds that the population of deer is such that additional harvest of deer is reasonably necessary to properly manage the deer herd in the state in balance with the available deer range and natural food supply. Such findings shall be made by the commission as rules pursuant to s. 29.174 and subject to ch. 227.

**History:** 1961 c. 91, 103.

**29.12 Nonresident hunting licenses.** (1) Nonresident hunting licenses shall be either general, limited, archer (bow and arrow) hunting, or shooting preserve hunting, and shall be issued by the commission or by the county clerk, subject to s. 29.09, to persons duly applying therefor who are not residents of this state. The fee for each general license is \$50, for each limited license \$25, for each archer hunting license \$15, and for each shooting preserve hunting license \$5.

(2) Each general license shall extend to the hunting of wild animals during the open season and shall be accompanied by a deer tag, and a back tag numbered to correspond with

the license and supplied without additional fee.

(3) Each limited license shall extend to the hunting of wild animals during the open season except deer. The holder of a limited license may at any time before its expiration surrender the same for cancellation, and in lieu thereof, upon payment of an additional fee of \$25, he shall receive a general license.

(3a) Each archer hunting license shall extend to the hunting of deer only and shall be accompanied by a deer tag and a back tag numbered to correspond with the license and supplied without additional fee. Hunting with a crossbow is prohibited.

(4) Each shooting preserve hunting license shall extend to:

(a) Hunting pheasants only during the open season upon shooting preserves licensed under s. 29.573; and,

(b) Hunting at any time within the boundaries of a licensed deer farm unprotected game, for which such deer farm has been licensed under s. 29.574 or 29.578.

**History:** 1963 c. 377; 1965 c. 244; 1967 c. 80.

**29.125 Reports of hunters.** Each person to whom a hunting or trapping license has been issued under this chapter shall, when requested to do so by the commission, report to the commission, on forms furnished by it, the number of his license, the number and kind of each animal taken by the licensee and such other information as the commission requires.

**History:** 1967 c. 26 s. 94; 1967 c. 132.

**29.13 Trapping licenses.** (1) Trapping licenses, which authorize the use of traps for trapping fur-bearing animals, shall be issued by the commission, and by the county clerks of the several counties on blanks supplied by the commission, subject to s. 29.09, to residents duly applying therefor. The fee for each such license is \$2. If a trapper employs any person in trapping, a license is required for each person so employed. Each trap used under a trapping license shall be tagged with a metal tag stamped with the year for which the license is issued. Such tags shall be furnished by the commission and sold by the commission or the county clerk upon payment of 10 cents for each tag; the county clerk is allowed one-half cent per tag for the sale of such tags. All untagged traps shall be seized and confiscated, and the owner or person using or attending such untagged traps shall be punished as provided in s. 29.63 (1) (d) and (3).

(2) All shipments of hides must be marked showing the number and kind of hides in the package, the name and address of the shipper, and the number of his trapping license.

(3) On or before June 1 of each year, such licensee shall report to the commission, by affidavit, on blanks furnished by the commission, the number of his license, the number and value of each variety of animals taken during the previous 12 months ending May 1, and such other information as may be required on the blanks furnished.

(5) No person shall molest or appropriate any traps, or take or appropriate the animal or contents of any trap, when such trap shall have been lawfully set out and shall be duly tagged in compliance with this section.

**History:** 1967 [13.93 (1) (e)]; 1967 c. 10, 26 s. 94; 1967 c. 132.

**29.134 Fur dealers regulated.** (1) For the purpose of carrying out this section the following definitions for the expressions used are:

(a) "Raw fur" means the undressed skins or pelts of any fur-bearing animal.

(b) "Dressed fur" means the dressed or tanned skins of any fur-bearing animal, but does not include fur in the manufactured article.

(c) "Resident fur dealer, Class A" means persons having an established post or place of business in the state where they carry on the business of buying, bartering, trading and otherwise obtaining raw or dressed furs, to the amount of \$2,000 or more each year.

(d) "Resident fur dealer, Class B" means persons having an established post or place of business in the state where they carry on the business of buying, bartering, trading and otherwise obtaining raw or dressed furs, to the amount of less than \$2,000 each year.

(f) "Fur dresser or dyer" means a person engaged in the business of dressing, dyeing, tanning and otherwise preparing furs to be made into manufactured articles.

(g) "Itinerant fur buyers" means persons other than resident fur dealers who engage in the business of buying, bartering, trading or otherwise obtaining raw furs from trappers or from fur buyers or fur dealers in retail lots for purposes of resale, except those buying furs at a nationally advertised public auction conducted by a regularly licensed fur auctioneer.

(h) "Fur auctioneer" means a person duly licensed to sell furs of wild-fur-bearing animals of this or other states or foreign countries. The commission or its representatives

may sell confiscated or other furs in its possession by auction or otherwise.

(2) No person shall engage in the business of buying, bartering, bargaining, trading or otherwise obtaining raw furs until they shall have first secured a license therefor issued under this section.

(3) Licenses shall be issued by the commission upon application. The form of application and license shall be prescribed by the commission.

(4) The fees for such licenses shall be as follows: Resident fur dealer, Class A, \$25; resident fur dealer, Class B, \$10; fur dresser or dyer, \$25; itinerant fur buyer, \$200; fur auctioneer, \$250.

(5) Persons who have not had a place of business in the state for at least one year immediately preceding the date of application for such license shall be issued itinerant fur buyers' licenses only.

(6) Each license shall bear upon its face the date of issuance, and all licenses shall expire on September 30 following such date. Every such license shall be shown to the commission or its deputies upon request.

(6m) (a) Every person licensed under this section shall keep a correct and complete book record in the English language of all transactions in the buying, selling, dressing, dyeing or tanning of raw furs carried on by him. This record shall show the name and post-office address of each person from whom furs were purchased and to whom sold, together with the date of receipt and shipment, and a detailed account as to the number and kinds of raw furs in each shipment received or sold. This record shall be open to the inspection of the commission and its agents and deputies at all reasonable hours. The records shall be kept intact for a period of 2 years after the expiration of any license issued under this section, as to all transactions carried on while such license was effective.

(b) Not less than 10 days before conducting a fur auction the fur auctioneer shall file with the commission evidence of national advertising showing the date and place of such auction.

(c) Within 10 days after conducting any fur auction the fur auctioneer shall file with the commission on forms furnished by it a report of such auction containing the date and place of the auction, the names and addresses of all persons buying furs taken from wild fur-bearing animals, the quantities and kinds of such furs bought, and the amounts paid for such furs by each buyer.

(7) All packages of raw furs shipped or transported by any person shall have plainly marked on the outside of the package or shipment the kinds and number of furs therein, the license number, and the name of the consignor and the consignee.

(8) No person on his behalf or as an agent for a person, firm or corporation, express company or other common carrier, shall at any time or in any manner receive for shipment or cause to be received for shipment out of or in the state, any package of fur or furs unless the same is plainly marked on the outside of the package as to the number and kinds of fur contained therein, the license number, and the address of the consignor and consignee.

(9) All beaver and otter skins shipped into this state from Canada and other states must, upon arrival, be shown to the commission or its deputies, and such commission or its deputies shall stamp or mark said furs with a stamp or tag furnished by said commission to show such furs are legally held and possessed.

(10) Nothing in this section shall prohibit persons from buying raw or dressed furs for the purpose of making themselves garments or robes of any kind, but such persons shall apply to the commission or its deputies for permits to buy such furs.

(11) Any person who violates this section shall be fined not more than \$1,000, or imprisoned not more than one year, or both, except that any person violating sub. (6m) shall be fined not less than \$10 nor more than \$100 or imprisoned not less than 30 days nor more than 6 months or both.

**History:** 1967 [13.93 (1) (e)]; 1967 c. 26 s. 94; 1967 c. 29.

**29.135 Wholesale fish dealer's license. (1)**

As used in this section unless the content otherwise requires:

(a) "Fish" means any and all varieties of fresh fish, fast-frozen, salted, filleted, packaged, pickled and smoked fish, frogs, frog legs and all other forms of sea food except rough fish produced and sold by the state or by any person under a contract with the state and minnows produced and sold or purchased for bait.

(b) "Sea food" means those types of food sold fresh or frozen and commonly known as oysters, shrimp, lobsters, lobster tails, crabs, scallops, clams and other types of shell fish which are or can be lawfully taken for commercial purposes, but not any canned fish or such fish known as lutfish.

(c) "Canned fish" means fish and sea food products prepared for human consumption commercially, sterilized by heat and preserved in hermetically sealed containers.

(d) "Wholesale fish dealer" means any person who buys, barter, sells or solicits fish in any manner for himself or any other person for sale to anyone other than a consumer; but no established retail store or locker plant is deemed a "wholesale fish dealer" solely as the result of the sale of fish to a restaurant, hotel or tavern at no reduction in the retail price charged other retail customers. A producer, except as otherwise hereinafter provided, who sells fish directly to retailers is a wholesale fish dealer. Hotels, meat markets, grocery stores, restaurants and taverns are retailers, except when they sell fish for resale, in which case they are wholesale fish dealers.

(e) A "producer of fish" means any person who fishes with or without a crew. No producer who holds a commercial fishing license or contract pursuant to this chapter shall be required to obtain a license to sell the fish he produces.

(2) No person shall engage in business as a wholesale fish dealer until a license therefor has been obtained from the commission issued pursuant to this section and s. 29.09.

(3) Wholesale fish dealers' licenses shall be issued by the commission to persons duly applying therefor. Every wholesale fish dealer shall pay a license fee of \$25 for each calendar year. Every license shall expire on December 31.

(4) No person, licensed under sub. (2), shall transport or cause to be transported, or deliver or receive for transportation, any package or parcel containing any fish or carcass or part thereof unless it is labeled legibly in English on its address side so as to disclose the name and address of the consignor which shall be identical to that on the license, the name and address of the consignee and the number of pounds of each kind of fish contained in such package or parcel and the number of his license.

(5) Such licensee may sell, buy or barter, or offer to sell, buy or barter, or have in his possession, or under his control, for sale or barter, any commercial fish (except sturgeon) which was lawfully taken either in this or in another state. He shall keep a separate record of the purchase of such fish in the form required by the commission, and such record shall at all times be open to its inspection and that of its deputies.

(6) Any person who violates this section or who has illegal fish in his possession shall be fined not less than \$75 nor more than \$200 or imprisoned not less than 30 days nor more than 6 months or both.

**History:** 1967 c. 26 s. 94.

**29.136 Taxidermists, license required. (1)**

No person shall engage in the business of a taxidermist, as the term is generally understood, nor, for a consideration, mount, preserve, or prepare the dead body of any bird, animal, or fish, or any part thereof unless he shall first have secured a taxidermist's license from the commission. Such license shall be renewed annually and shall expire on September 30 of each year. The fee therefor shall be \$5.

(2) Every taxidermist shall keep a record and make an annual report to the commission, on forms which it shall supply, of all articles received in his business as a taxidermist, the kind and number of each, by whom owned, the residence of the owner; and of all shipments of such articles, by and to whom and where shipped, and the owner's address. All such records of taxidermists shall be subject to inspection by the commission at any time.

(3) Any person who violates this section shall be fined not less than \$50 nor more than \$100, or be imprisoned not less than 10 nor more than 60 days.

**History:** 1967 [13.93 (1) (e), (1)]; 1967 c. 26 s. 94.

**29.137 Bait dealer's license. (1)** Bait dealers' licenses may be issued by the commission to any resident of this state duly applying therefor who, in its judgment, has complied with the rules prescribed by it, governing the taking, handling and storing of bait, specifications of equipment, and the filing of reports.

(2) As used in this section unless the context requires otherwise:

(a) "Bait" means any species of frog, crayfish or minnow used for fishing purposes.

(b) "Bait dealer, Class 'A'" means any person who buys for resale, barter, gives or sells bait to the amount of \$2,000 or more each year.

(c) "Bait dealer, Class 'B'" means any person who buys or gives for resale, barter, or sells bait to the amount of less than \$2,000 each year.

(3) No person shall engage in the business of bait dealer without obtaining a license therefor from the commission issued pursuant to this section, except that resident children under 16 years of age, without license or per-

mit, may barter or sell bait to consumers and shall be allowed to have a possession limit of 5,000 of each species of bait, but no such resident child shall make bait sales totaling more than \$500 annually.

(4) The fee for such licenses shall be as follows:

(a) Bait dealer, Class "A," \$25.

(b) Bait dealer, Class "B," \$5.

(c) Every such license shall expire on December 31 in the year in which issued.

(5) In accordance with the public policy declared in s. 29.174 (1), the commission may establish rules pursuant to s. 29.174, governing the methods of taking, handling and storing bait, specification of equipment used, and making of reports.

(5m) Each licensee shall keep a correct and complete book record in the English language of all transactions in the production, buying and selling of bait carried on by him, except that retail sales to consumers need not be recorded. This record shall show the name and post-office address from whom bait was purchased and to whom sold, together with the date of each transaction and the value of such bait. This record shall be open to the inspection of the commission and its agents and deputies at all reasonable hours. The record shall be kept intact for a period of 2 years after the expiration of any license issued under this section, as to all transactions carried on while such license was effective.

(6) All licensees under this section shall file such reports on their operations as bait dealers as are required by the commission.

(7) The commission may issue permits for the taking of bait from specified waters and restrict the number of permits that may be issued for any designated body of water. Such permits shall be issued in the order of application up to the limit established by the commission.

(8) This section does not apply to bait produced in a private fish hatchery licensed under s. 29.52.

(9) Any person who molests, damages, destroys or takes the bait traps of another may be fined not more than \$100.

**History:** 1961 c. 360; 1967 [13.93 (1) (h)]; 1967 c. 26 s. 94.

**29.14 Nonresident fishing licenses; exception.** (1) Any nonresident under the age of 16 years, may without a license take, catch or kill with hook and line or rod and reel fish of any variety, subject to all other conditions, limitations and restrictions prescribed in this chapter.

(2) Any nonresident over the age of 16 years shall have the right to take, catch or kill fish, or fish for fish with hook and line or with rod and reel in the waters of this state, except in outlying waters, only if a license has been duly issued to him, subject to s. 29.09, by the commission and by the county clerk. The fee for each such license entitling the holder to take, catch or kill fish is \$6 and all such licenses shall be effective only from January 1 until the next succeeding December 31. A combination fishing license may be issued to a nonresident husband and wife, to be effective for a period of 15 days, for the sum of \$7. The commission may cause such licenses to be issued through agents for a compensation of 30 cents for each such license; but no such compensation shall be paid to any of its regular deputies or other employees.

(3) Any nonresident in possession of a duly issued nonresident fishing license of current issue is permitted to take minnows for bait under the same conditions and rules governing residents. Smelt may be taken without a license by any nonresident under the same conditions and rules governing residents. However, no such minnows or smelt taken by nonresidents shall be sold, traded or bartered in any manner.

**History:** 1963 c. 159; 1965 c. 170, 433; 1967 c. 26 s. 94; 1967 c. 265.

**29.145 Resident fishing licenses; exception.**

(1) Any resident under the age of 16 years or over the age of 65 years and any physically or mentally handicapped individual committed to the north, south or central colony and training school, during the period of their commitment may without license take, catch or kill fish subject to all other provisions of law; but no other resident between the ages of 16 and 65 years shall take, catch or kill fish, or fish for fish with hook and line or with rod and reel in any of the inland waters of this state unless a resident fishing license has been duly issued to him, subject to all other provisions of law, but no license shall be required of any person to set, place or use in any waters in this state any landing net, dip net, minnow seine or minnow dip net for fish other than game fish.

(1a) The commission is directed upon application therefor to issue a permanent fishing license without fee or charge to any resident over the age of 65 years and such license shall not expire, but shall be effective so long as the licensee is a resident of this state. If the issuance of such license by some agency other than the commission is authorized such agency

shall not be entitled to any fee or charge for such services.

(1b) The commission shall issue fishing licenses without fee to inmates of county hospitals, state or federal mental hospitals, state correctional institutions and the Wisconsin child center and to patients or inmates resident at nonprofit institutions sponsored by religious organizations and located in this state for rehabilitation purposes upon request of the superintendent of the institution.

(1c) The commission shall upon application therefor issue a permanent fishing license without fee or charge to any resident who produces a certificate from a licensed physician or optometrist stating that his sight is impaired to the degree that he cannot read ordinary newspaper print with or without corrective glasses, and such license shall not expire, but shall be effective so long as the licensee is a resident of this state and his handicap continues.

(2) Resident fishing licenses shall be issued subject to s. 29.09 by the commission or by county clerks of the several counties to residents of the state duly applying therefor. The fee for each such license is \$3.

**History:** 1961 c. 286, 443, 558; 1963 c. 90, 312; 1965 c. 414; 1967 c. 10, 26 s. 94; 1967 c. 226.

#### 29.146 Husband and wife fishing licenses.

A combined husband and wife resident fishing license shall be issued subject to s. 29.09 by the commission to residents of the state duly applying therefor. Such license shall grant to both husband and wife the privileges of resident fishing licenses issued under s. 29.145. The fee for such license is \$5.

**History:** 1967 c. 305.

#### 29.147 Sportmen's licenses; fees; application.

(1) Sportmen's licenses shall be issued by the commission or its authorized agents or by the county clerks to any resident of this state who is over the age of 12 years, a citizen of the United States, and who applies therefor and pays the prescribed license fee. The minimum fee for each such sportmen's license is \$11, but any applicant, at his option, may pay an additional or greater fee therefor. Licenses shall be issued as of August 31 in each year and expire one year from the date of issuance.

(2) The application for such license shall state the residence and post-office address of the applicant, a description of his person, and such other facts, showing him to be entitled to such license, as the commission may require. Application blanks shall be furnished by the commission and, except as herein stated, shall be in such form as the commission may prescribe.

(3) Each license shall state the year for which the same is issued, the name and residence of the licensee, a description of his person, and such other matter as is determined by the commission, and shall bear upon its face a true signature of the licensee, and the seal of the commission or the signature of its duly authorized agent issuing it. Such license shall be carried on the person of the licensee at all times when he is engaged in hunting, trapping or fishing and shall be exhibited to the commission or its deputies on demand. Such license shall be in lieu of, and confer upon the licensee all the combined rights and privileges conferred by, a resident small game hunting license, resident fishing license, resident deer hunting license and trapping license, subject, however, to all the duties, conditions, limitations and restrictions prescribed in this chapter, and by commission order.

(4) The commission or its duly authorized agents issuing any such license shall furnish to the applicant a deer tag during years of open season for such animals.

**History:** 1961 c. 318; 1965 c. 170; 1967 c. 26 s. 94.

#### 29.148 Sturgeon spearing licenses.

(1) Sturgeon spearing licenses shall be issued subject to s. 29.09 by designated civil service employees of the commission or by the county clerks, for a fee of \$2.50, on blanks furnished by the commission, to any person duly applying therefor who:

(a) Is 14 or 15 years of age;

(b) Is at least 14 years of age and holds a sportsmen's license issued under s. 29.147; or

(c) Holds a resident fishing license issued under s. 29.145, or a nonresident fishing license issued under s. 29.14.

(2) Such license shall be accompanied by sturgeon tags in such quantity to correspond with the season bag limit for spearing rock or lake sturgeon established by the commission. The serial numbers of such tags shall be entered on the license by the issuing agent.

(3) Such license applies to the spearing of rock or lake sturgeon only during the open season for spearing such sturgeon established by the commission and it is unlawful for a person to fish for sturgeon by means of a spear unless a sturgeon spearing license has first been issued to him as provided in this section. Such license shall be carried on the person of the licensee at all times while fishing for sturgeon by means of a spear.

(4) Any person having taken a rock or lake sturgeon by means of a spear shall immediately attach and lock, and leave attached and locked to the tail of such sturgeon, a sturgeon

tag issued to him with his sturgeon spearing license and it is unlawful for any person to have in his possession or under his control or have in storage or as a common carrier any such sturgeon or part thereof without such tag attached and locked thereto.

**History:** 1967 c. 336.

**29.16 Interstate license privileges.** Whenever and so long as the states of Michigan, Minnesota or Iowa confer upon the licensees of this state reciprocal rights, privileges and immunities, any hook and line or other fishing license, or clamming license issued by such other state shall entitle the licensee to all the rights, privileges and immunities, in and upon the boundary waters between such state and this state, enjoyed by the holders of equivalent licenses issued by this state; subject, however, to the duties, responsibilities and liabilities imposed on its own licensees by the laws of this state.

**29.165 Guide licenses.** (1) No person shall engage, or be employed for any compensation or reward, to guide, direct or assist any other person in hunting, fishing or trapping unless a guide license has been duly issued to him by the commission subject to s. 29.09. No such license shall be issued to or obtained by any person who is not a resident of this state. No guide license shall be issued to any person under the age of 18 years. The fee for such license shall be \$5 and all such licenses shall be effective from January 1 until the next succeeding December 31. The applicant shall deliver to the commission an oath of office that he shall well and faithfully perform the duties and responsibilities of his office as a guide licensed by the commission and observe and comply with all the requirements of ch. 29 and the rules of the commission.

(2) Any person, licensed as a guide, violating this section shall be fined not less than \$10 nor more than \$100 or imprisoned not less than 30 days or more than 6 months or both; and upon such conviction his guide license shall be revoked for one year.

**History:** 1967 [13.93 (1) (e)]; 1967 c. 26 s. 94.

**29.17 Scientific collectors permits.** (1) The commission may issue scientific collectors permits to qualified natural persons as provided in this section. Such permit authorizes the permittee to collect for scientific purposes only, the eggs, nest and wild animals specified in the permit subject to the conditions and limitations specified in the permit and the rules of the commission. The permittee may

use the specimens for the scientific purposes collected and may transport them or cause them to be transported by common carrier. Possession of such specimens shall not be transferred to any other person, except such specimens may be exchanged for other specimens for scientific purposes.

(2) Application for such permits shall be made to the commission on blanks furnished by it. No fee shall be required.

(3) Upon receipt of such application the commission shall investigate the same. When satisfied that the applicant is engaged in a bona fide research program leading to increased, useful scientific knowledge the commission may issue a scientific collectors permit to the applicant. Such permit shall state the name and address of the permittee, the date of issue, the purposes for which it is issued, the type, species and number of specimens authorized to be collected, the area and period of time in which the specimens may be collected, the place the specimens shall be kept and such other conditions and limitations as the commission deems reasonable. Each such permit shall expire on December 31 following the date of issue and shall not be transferable.

(4) The commission may make rules regulating all operations and activities conducted under the authority of such permits.

(5) Any person convicted of a violation of this chapter or of any rule of the commission shall forfeit his permit and such permit is thereby revoked, in addition to all other penalties. Any person so convicted shall not be eligible for a permit under this section for the period of one year following the date of such conviction.

**History:** 1965 c. 332; 1967 c. 26 s. 94.

**29.174 Conservation of fish and game; powers of commission.**

(1) There shall be established and maintained, as hereinafter provided, such open and close seasons for the several species of fish and game, and such bag limits, size limits, rest days and conditions governing the taking of fish and game as will conserve the fish and game supply and insure the citizens of this state continued opportunities for good fishing, hunting and trapping. Except for the Apostle Islands other than Madeline Island and except for deer hunting licenses issued under s. 29.105 (5), no deer hunting license shall be valid in a designated area if dated on or after the opening date for the gun deer season for such area unless the open season in an area overlaps the open season in another area in which case deer hunt-

ing licenses dated before the opening date in any area shall be valid in any other area during the period such seasons overlap.

(2) (a) The commission shall establish open and closed seasons, bag limits, size limits, rest days and other conditions governing the taking of fish or game, in accordance with the public policy declared in sub. (1), but all fishing seasons on inland waters shall open on a Saturday. Such authority may be exercised either with reference to the state as a whole, or for any specified county or part of a county, or for any lake or stream or part thereof.

(b) The commission may regulate and limit the number of hunters and the maximum harvest of wild turkeys in any area.

(3) The commission may exercise the authority conferred upon it in sub. (2) by adopting rules either on its own motion or on petition from any group of citizens. Provided, that upon petition of not less than 1,000 citizens in case of a contemplated rule affecting the entire state or a part thereof larger than 2 counties, or of not less than 50 citizens residing in the county if but a single county or part thereof is affected, or of not less than 100 citizens residing in the 2 counties if not more than 2 counties or parts thereof are affected, the commission shall conduct one or more public hearings upon such proposed rule, at a place convenient to the petitioners. Notice of such hearing shall be published in the community affected as a class 3 notice, under ch. 985.

(4) The commission shall make such investigations relative to any petition or proceedings under this section as it deems necessary, and may organize advisory committees to advise it on any matter under consideration. Members of such committees shall receive no compensation but shall be reimbursed their actual and necessary expenses.

(4a) The conservation director may make emergency rules pursuant to s. 227.027.

(5) Rules promulgated, under authority of this section, are not effective until approved by the governor.

(6) All rules of the commission in conformity with law are prima facie reasonable and lawful.

(7) Every rule in conformity with law, made under authority of this section, shall in every prosecution for violation thereof be conclusively presumed to be just, reasonable and lawful, unless prior to the institution of prosecution for such violation the person charged with such violation shall have brought

an action to vacate and set aside such rule, as provided in this section.

(8) Any rule of the commission is subject to review in the manner provided in ch. 227, except that if the rule affects only the county in which the appellant resides, the appeal shall be to the circuit court of such county.

(9) The present statutes regulating open and close seasons, bag limits, size limits, rest days and other conditions governing the taking of fish or game shall continue in full force and effect until modified by rules of the commission, as provided in this section, or by subsequent acts of the legislature.

(12) Nothing in this section shall be construed to confer upon the commission the power to alter any provisions of the statutes relating to forfeitures, penalties, license fees or bounties.

(13) This state assents to the provisions of the acts 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 (Public No. 415, 75th Congress), and "An act to provide that the United States shall aid the states in fish restoration management projects, and for other purposes," approved August 9, 1950 (Public No. 681, 81st Congress), and the conservation department is authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of co-operative wildlife-restoration and co-operative fish restoration projects, as defined in said acts of congress, in compliance with said acts and with rules and regulations promulgated by the secretary of the interior thereunder; and no funds accruing to this state from license fees paid by hunters and from sport and recreation fishing license fees shall be diverted for any other purpose than those provided by the conservation department.

**History:** 1961 c. 9; 1965 c. 252, 400; 1967 [13.93 (1) (g), (h), (1)]; 1987 c. 26 s. 94.

**29.21 Publications.** The commission may issue pamphlets and bulletins, and may also issue a publication or magazine at such stated intervals as they may determine, all pertaining to fish and game, forests, parks and other kindred subjects of general information and may sell subscriptions thereto. Provided, however, that in case a publication or magazine is issued under the authority thereof, the same must be self-sustaining, and no moneys, except from the receipts therefrom, shall ever be used therefor; and provided further that in case said publication or magazine shall not be so



self-sustaining, or shall cease so to be, the same shall thereupon cease to be issued.

**History:** 1967 c. 26 s. 94; 1967 c. 29.

**29.22 General restrictions on hunting.** (1) **HUNTING RESTRICTED AREAS.** No person shall hunt within 1700 feet of any hospital, school grounds or sanatorium. The commission may furnish signs designating the restricted area. No conviction shall be had for a violation of this subsection unless the restricted area is designated by such signs.

(2) **COLOR OF CLOTHING.** In the areas in which there is a season for the hunting of deer with firearms, no person shall hunt any game except waterfowl during such season unless at least 50% of the visible portion of his hunting cap and at least 50% of his jacket, excluding the sleeves, shall be red, orange or bright yellow or covered with a handkerchief or cloth of red, orange or bright yellow color. Any person violating this subsection shall upon conviction be fined \$10.

(3) **BACK TAG, DISPLAY.** No person shall hunt deer unless he has attached to the center of his coat, shirt, jacket or similar outermost garment the back tag issued to him with the license authorizing the hunting of deer.

**History:** 1961 c. 144; 1967 c. 26 s. 94.

**29.221 Duties on accidental shooting.** (1) Any person who, while hunting any wild animal or bird, discharges a firearm or arrow, and thereby injures or kills another person, shall forthwith give his name and address to such person if injured and render such assistance to him as may be necessary and obtain immediate medical or hospital care, and shall immediately thereafter report such injury or death to the sheriff or police of the locality in which such shooting took place.

(2) Any person failing to comply with sub. (1) shall be fined not less than \$5 nor more than \$5,000, or imprisoned in the county jail not less than 10 days nor to exceed one year, or both.

**29.222 Hunting accident; failure to report.**

(1) Every person who shall have caused or been involved in an accident in which a human being has been injured by gunfire or by bow and arrow while hunting or trapping, or shall have inflicted an injury upon himself with firearm or with a bow and arrow while hunting or trapping, shall render a report to the commission at any of its field offices within 10 days after such injury unless such person be physically incapable of making the required report in which event the person or persons involved in the accident shall designate an

agent to file the report within the specified time.

(2) Any person who shall have been involved in an accident with firearm or bow and arrow while hunting or trapping, and who shall fail to submit the report required by this section shall be fined not more than \$50 or imprisoned not to exceed 3 months, or both, and in addition the court may revoke any license issued to him under ch. 29 and may further provide that no license shall be issued to him under ch. 29 for such fixed period of time that the court may deem just.

**History:** 1967 c. 26 s. 94.

**29.225 Safe use of firearms, instructions in using.** (1) **RULES AND REGULATIONS.** The commission shall publish rules and regulations establishing a state-wide program of instruction in the safe use of firearms. Such regulations shall provide for courses of instruction in every municipality or school district in this state by the commission in co-operation with qualified individuals, organizations, groups, associations and any private or public corporations or political subdivisions of the state, the United States or any federal agency. The courses shall instruct the youth of the state in the commonly accepted principles of safety in hunting and in the handling of all types of common hunting firearms.

(2) **CERTIFICATE OF ACCOMPLISHMENT.** The commission, conservation director or any authorized agent or deputy of the commission shall issue a certificate of satisfactory completion of the courses of instruction required herein to any person entitled thereto. The form and content of the certificate shall be as prescribed by the commission.

(3) **ADMINISTRATION, SUPERVISION AND ENFORCEMENT.** The chief officer of the law enforcement division of the commission shall be the commission's authorized agent to administer, supervise, and enforce this section. The commission shall appoint a qualified person from the law enforcement division, under the classified service, as supervisor of hunting safety and shall prescribe his duties and responsibilities. The commission shall provide the law enforcement agency with such assistance and clerical help as the commission determines necessary. The commission may appoint one or more county directors of hunting safety in each county of the state. Such county director shall be responsible to the division of law enforcement, and shall serve on a voluntary basis without compensation. The supervisor of the law enforcement division may appoint such instructors as may be nec-

essary to carry out the purposes hereof.

(4) **USE OF FIREARMS IN TAKING WILD ANIMALS; WHEN FORBIDDEN.** Except as herein-after provided, it is unlawful for any person under the age of 16, unless accompanied by a parent or guardian, to have in his possession or under his control any firearm of any kind for hunting or target practice or any other purpose. Any person between the ages of 14 and 16 years who has a certificate herein provided for is exempted from this section and from the age limitations of s. 29.09 (1). No certificate shall be issued to a person under 12 years of age.

(5) **FEEES.** For the purpose of defraying the expenses of the program within the state, the division of law enforcement of the commission shall collect a sum not to exceed \$2.50 from each person who has received the courses of instruction herein provided, and shall deposit the money with the state treasurer, who shall credit the same to the law enforcement agency budget. Counties are authorized to defray expenses for materials and supplies necessary to carry out the firearm safety program from moneys previously deposited with the county treasurers for this purpose, as long as such funds exist, and thereafter the division of law enforcement shall supply materials necessary for the volunteer instructors and directors to carry out the program.

(6) **INSURANCE PROTECTION.** The commission shall procure insurance against all liability incurred by it or any of its members, officers, directors, supervisors, agents or employes or by any such county supervisors, county directors and instructors, by reason of any claim for bodily injury, death or property damage made against the commission or any of its members, officers, directors, supervisors, agents, employes or against such county directors, county supervisors and instructors, by reason of the performance of their duties in connection with carrying out this section. Such policy of insurance shall contain a waiver of governmental immunity, and such immunity shall not be raised as a defense by the insured, the state, the city, the school district or the county.

**History:** 1965 c. 456; 1967 c. 26 s. 94.

**29.24 Hunting by landowners.** The owner or occupant of any land, and any member of his family may without license hunt thereon foxes, raccoons, woodchucks, rabbits and squirrels at any time, except during the period of 5 days prior to the opening date for deer hunting in those counties or parts of counties where an open season for hunting deer with

firearms has been established, and may take rabbits, raccoons and squirrels thereon at any time by means of live trapping with box traps in cities or villages or other areas where the firing of a gun is unlawful.

**History:** 1967 c. 37.

**29.255 Training of hunting dogs and rules for dog trials.** The commission may adopt, pursuant to s. 23.09, such rules governing the training of hunting dogs and the conduct of dog trials as in its opinion are necessary to encourage the use of hunting dogs and to safeguard wild life in the state, but such rules shall not be made for the use of dogs for general hunting of small game during general hunting seasons.

**29.256 Taking homing pigeons.** Any person who shall take, catch, kill, impede in its progress or otherwise interfere with any homing pigeon shall be fined not less than \$10 nor more than \$50, or imprisoned not more than 3 months.

**History:** 1967 [13.93 (1) (1)].

**29.283 Fishing shanties on ice, regulation.** (1) The commission shall establish rules and regulations governing the use of buildings, vehicles, tents, fish shanties and similar shelters for fishing through the ice in any waters of the state.

(3) Any building, vehicle, tent, fish shanty or similar shelter used or left remaining on the ice in violation of any commission order is a public nuisance. The commission may seize all such nuisances whereupon the owner must be notified; if after the expiration of 10 days after notice given the owner does not claim such nuisance, the commission may destroy or sell the same in the name of the state; the commission and its deputies shall be exempt from all liability to the owner for such seizure and destruction or sale.

**History:** 1967 c. 26 s. 94.

**29.286 Possession of fishing equipment.** (1) No person shall have in his possession or under his control at any time any trammel, gill, or hoop net, or any other kind of net, nets, or fish trap that might take, catch or kill fish in the counties of: Adams, Barron, Burnett, Calumet, Chippewa, Clark, Columbia, Dane, Dodge, Dunn, Eau Claire, Florence, Fond du Lac, Forest, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Lafayette, Langlade, Lincoln, Marathon, Marquette, Monroe, Oneida, Outagamie, Polk, Portage, Price, Richland, Rock, Rusk, Sauk, Sawyer, Shawano, Taylor, Vilas, Walworth,

Washburn, Washington, Waukesha, Waupaca, Waushara, Winnebago and Wood except minnow nets and minnow traps, whitefish and cisco nets, dip nets, crab traps and turtle traps as provided in this chapter or by commission order.

(2) Nothing in this section shall prohibit the commission or its agents from having in possession, using, or causing the use of any kind of nets as provided under other sections in the statutes, nor prohibit the possession or use of nets by contract fishermen who are operating under the supervision of the commission.

**History:** 1967 [13.93 (1) (e)]; 1967 c. 26 s. 94.

**29.288 Throwing refuse in waters; abandoning automobiles.** Whoever deposits, places or throws into any waters within the jurisdiction of the state, or leaves upon the ice or in the water thereof, any cans, bottles, debris, refuse or other solid waste material, and whoever abandons any automobile or other vehicle in such waters, may be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both. Any automobile or other vehicle not removed from such waters within 30 days shall be deemed to be abandoned.

**History:** 1965 c. 302; 1967 c. 224.

**Cross Reference:** See 947.047 for prohibition of throwing metal or glass cans or bottles in or on the shore of any body of water.

**29.29 Noxious substances.** (1) **EXPLOSIVES; STUPEFACTIVES.** No person shall take, capture or kill fish of any variety in any waters of this state by means of dynamite or other explosives or poisonous or stupefying substances or devices; or place in any waters of this state explosives which might cause the destruction of fish, except for the purpose of raising dead bodies whenever ordered by the public authorities, or for the purpose of clearing a channel or breaking a log jam; or have in his possession or under his control, upon any inland waters, any dynamite or other explosives or poisonous or stupefying substances or devices for the purpose of taking, catching or killing fish. Violations of this subsection shall be punished by a fine of not less than \$200 nor more than \$500, or by imprisonment in the county jail not less than 9 months nor more than one year, or by both such fine and imprisonment.

(2) **POISON BAIT.** No person shall use, set, lay or prepare in any of the waters of this state any lime, poison, fish berries, or any other substance deleterious to fish life.

(3) **DELETERIOUS SUBSTANCES.** No person shall cast, deposit, or throw overboard from any boat, vessel or other craft into any waters within the jurisdiction of the state, or deposit or leave upon the ice thereof until it melts, any fish offal; or throw or deposit, or permit to be thrown or deposited, into any waters within the jurisdiction of the state any lime, tanbark, ship ballast, stone, sand, except where permitted by s. 30.12 (2) (b), slabs, decayed wood, sawdust, sawmill refuse, planing mill shavings, or any acids or chemicals or waste or refuse arising from the manufacture of any article of commerce, or any other substance deleterious to game or fish life other than authorized drainage and sewage from municipalities and industrial or other wastes discharged from mines or commercial or industrial or ore processing plants or operations, through treatment and disposal facilities installed and operated in accordance with plans submitted to and approved by the department of resource development under ch. 144, or in compliance with orders of that department. Any such order shall be subject to modification by subsequent orders. Any person violating any provision of this subsection may be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both.

(4) **TOXIC INSECTICIDES.** No person shall cast, deposit, throw overboard, dust, spray, diffuse or otherwise disperse any toxic insecticide in any form either by hand or from any apparatus, airplane, boat, vessel, craft, automobile or other equipment in forest and noncrop areas in amounts sufficient to be of possible danger to the health of persons or wild animals. The amounts of the various types of insecticides which may be dangerous shall be established by rules and regulations issued jointly by the conservation commission, the department of resource development, and the Wisconsin department of agriculture. The conservation commission, upon recommendation of the department of agriculture and the department of resource development, is authorized to issue permits for use of larger amounts where it is established that no serious hazards are involved or for experimental purposes.

**History:** 1965 c. 614 s. 57 (1) and (2); 1967 c. 224.

**29.30 Fishing with nets and set lines.** (1) **LICENSE REQUIRED.** Nets and set lines may be used for the purpose of taking, catching, or killing rough fish and game fish, subject to the conditions, limitations and restrictions prescribed in this chapter; but no person shall

set, place or use in any waters of this state any net, trap, snare, set hook, or set line, which is intended to or might take, catch or kill fish of any variety, other than a landing net, dip net, minnow seine or minnow dip net, unless a license therefor has been duly issued to such person.

(2) RESTRICTIONS ON THE USE OF LICENSED NETS AND SET LINES. The use of licensed nets and set lines is subject, further, to the following conditions:

(a) No apron or other device shall be used in any pound net, which might present the escape of small fish through the meshes of the net when it is set or raised.

(b) No net of any kind shall be set so as to shut off more than one-half of any channel or passageway of any stream, or set within 1,000 feet of any other net in said stream.

(c) No licensee shall join his net to that of any other licensee.

(d) All nets or set hooks when set or placed in any waters shall be marked with a number corresponding to the license number authorizing the use of such nets or set hooks. The method of marking such nets, in outlying waters, shall be as follows: On drop nets, submarine trap nets and fyke nets, when set below the surface of the water, there shall be a buoy attached to the pot rope, on all gill nets and set hooks there shall be a buoy on each end of the gang, such buoys shall have a staff extending at least 2 feet above the surface of the water, upon such staff there shall be a flag at least 16 inches square. Upon the bowl of such buoys there shall be maintained in plain figures the license number authorizing the use of such nets or set hooks. On pound nets and stake fyke nets there shall be maintained at least 3 feet above the surface of the water, or the surface of the ice, when set through the ice, a board or similar material, which shall bear the license number authorizing the use of such nets. On gill nets or set hooks when set through the ice there shall be maintained on each end of the gang a board or similar material which shall bear the license number authorizing the use of such nets or set hooks.

(e) The licensees of licensed nets or set lines used in outlying waters while engaged in the regular process of lifting nets or set lines shall, on their boats, carry the commission, or its deputies, to and from their nets or set lines when set and, on demand of such officer, shall raise the same for his inspection; and any such officer may, in the presence or absence of the licensees, at any time, raise any set line or

nets, in any waters, with as little damage as may be, for inspection. If any such licensee shall refuse to carry any such officer as herein provided his license shall be revoked and canceled.

(f) No license net shall be drawn or lifted at any time between one hour after sunset and sunrise of the following morning, in any waters other than Lake Superior, Lake Michigan, Green Bay, the Fox river beyond a distance of 500 feet below the dam at De Pere, Sturgeon Bay and any waters referred to in s. 29.35.

(g) No fish of any kind shall be taken or retained in any net, when drawn or lifted, other than the kind or kinds expressly authorized to be taken or retained in such net, as provided in this chapter; and except as provided by commission order any such other kind or kinds of fish coming into or taken in such nets shall be immediately returned, carefully and with as little injury as possible, to the waters from which they were taken.

(h) All carp, garfish, goldfish, dogfish, smelt, lamprey, eels, lawyers, or eelpout taken in nets or on set lines in inland waters shall be brought to shore and buried, sold or otherwise lawfully disposed of, but no fish shall be returned to any inland waters.

History: 1967 [13.93 (1) (h)]; 1967 c. 26 s. 94.

**29.33 Net and set hook fishing in outlying waters.** (1) LICENSE AUTHORIZED. Any person desiring to conduct commercial fishing operations on any of the outlying waters shall first obtain a commercial fishing license. The commission may limit the number of such licenses to be issued and designate the areas in the outlying waters of Lake Superior under the jurisdiction of this state where such licensees may conduct commercial fishing operations. These determinations shall be based on the available harvestable population of fish and in the wise use and conservation of such fish so as to prevent overexploitation. The commission may adopt rules defining the qualifications of licensees in the reasonable exercise of this authority, giving due consideration to residency, past record, fishing and navigation ability and quantity and quality of equipment possessed. The application for such license shall be made to the commission on a blank provided for that purpose, accompanied by the fee specified in sub. (2). Such application shall state the name and residence of the applicant, the manner in which he proposes to fish, the name or number, over-all length, gross tonnage and value of his boat, the name of the port from which the boat will

operate, and the number and kind of nets and hooks or other gear he intends to use, the value of his real estate used in connection with commercial fishing and such other information as is required for statistical purposes. "Over-all length" means the minimum distance between the extreme outside end of the bow and the stern using the nearest whole number of feet. The license fee shall be based on the over-all length of the boat if a boat is used. Such license shall be issued in accordance with s. 29.09.

(2) FEES. (a) *Resident*. The fees for commercial fishing licenses for residents of this state shall be:

1. For fishing with set hook lines or nets, with or without a boat not exceeding 16 feet in over-all length, \$16 per year. Any person using more than a single crew consisting of not to exceed 4 men in fishing nets or hooks under the ice shall secure a license for each such crew. The conservation director, upon proper application therefor, shall issue with each license to fish with nets or set hook lines under the ice 4 identification cards bearing the number of the license and the year for which issued. Each member of a single crew engaged in the setting, lifting or pulling of nets, set hook lines or other devices set under the ice under authority of said license shall carry such card on his person while so engaged and upon demand of any conservation officer shall exhibit such card. Minnow seines and dip nets used for taking smelt and minnows are exempt from this subdivision.

2. For each boat used in catching, killing, taking or transporting fish caught with nets or set hook lines, \$1 per foot over-all length and \$1 per ton additional for each ton over 10 gross tons. No license is required for a scow used only in transporting nets. Each license for a boat propelled by sail, steam, gas or other mechanical power shall entitle the licensee to operate a rowboat not exceeding 16 feet in over-all length without additional license. Each such rowboat shall bear the same identification as the boat for which the license is issued and shall be used only while attending said boat. No resident shall pay less than \$16 or more than \$75 per year on any boat.

(b) *Nonresident*. The following fees shall be required from nonresidents:

1. Boats 16 feet or less, \$48; boats over 16 feet and up to and including 10 tons gross tonnage, \$3 per foot (over-all length); boats more than 10 tons gross tonnage, \$3 per foot (over-all length) and \$3 per ton in addition for each ton over 10 gross tons. No license

is required for a scow used only in transporting nets. No nonresident person shall pay less than \$48 or more than \$225 per year on any boat.

2. Fishing without a boat or with gear set under the ice, \$200.

(c) *Nonresident defined*. For the purpose of this section, the term "nonresident" shall include any individual who is not a resident under s. 29.01 (8), any individual applying for a license for use of nets on a boat registered or of record at a port outside of the state, or any partnership, association or corporation any of whose stock, boats, nets and fishing equipment has been owned by a nonresident at any time during the 2 years immediately prior to the application for a license.

(d) *Transfer of license*. The commission may upon application permit the transfer of a license to any similar boat during the time a licensed boat is disabled or undergoing repairs or upon the sale of a licensed boat. The fee for transfer of such license is \$5.

(e) *Effective date of licenses*. Each such license shall be effective from July 1 until June 30 of the succeeding year.

(f) *Registered boats*. Any registered boat used by a resident licensee shall be from a port of record in this state and its hailing port shall be a port in this state.

(3) MEANING OF BOAT. In this section the term "boat" includes all types of watercraft.

History: 1961 c. 30, 621; 1967 c. 26 s. 94; 1967 c. 63.

**29.336 Description of nets; use of.** (1) ENTRAPPING NETS. (a) *Fyke net*. A fyke net is a composite net consisting of the following parts:

1. One net of a general hoop or circular-like structure commonly called a crib or pot with numbers of hoops holding, encasing or enclosing net webbing.

2. One or more small funnel-shaped nets commonly called tunnels with a large opening at one end and a small opening or throat at the other end through which the fish can pass from the outer part of the net into the crib or pot. This tunnel or these tunnels are attached to the inside of the crib or pot.

3. Two fence-like nets called wings or hearts attached to and extending obliquely outward from each side of the mouth of the net proper.

4. One fence-like net called a leader running from the center of the tunnel outward between the wings in a straight or angular line away from the net proper.

(b) *Drop net.* A drop net is a composite net consisting of the following parts:

1. One net of a general hoop or circular-like structure called a crib or pot with numbers of hoops holding, encasing or inclosing net webbing.

2. One or more small funnel-shaped nets commonly called tunnels with a large opening at one end and a small opening or throat at the other through which the fish can pass from the outer part of the net into the crib or pot. This tunnel or these tunnels are attached to the inside of the crib or pot.

3. One funnel- or hood-shaped net called a tunnel sloping upward and outward from the pot or crib.

4. Two fence-like nets called wings or hearts attached to and extending obliquely outward from each end of the tunnel.

5. One fence-like net called a leader running from the center of the tunnel outward between the wings in a straight or angular line away from the net proper.

(c) *Short tunnel pound net.* A short tunnel pound net is a composite net consisting of the following parts:

1. One box-like receptacle closed at the bottom and sides and open at the top in which the fish are finally caught or impounded and variously known as a pound, pot or crib, but generally and commonly known in Wisconsin as a pot.

2. Two fence-like nets called hearts set one on each side of the tunnel mouth and used to form a preliminary inclosure resembling a heart in shape with no cover on the top or bottom.

3. One or more funnel-shaped nets commonly called a tunnel or tunnels with a large opening at one end and a small opening or throat at the other through which the fish can pass from the hearts into the pot.

4. One fence-like net called a leader running from the opening in the hearts in a straight or angular line away from the net proper.

5. All pound nets licensed or operated under this section must have their tunnels located and fastened entirely on the inside of the pot of the same, forming a net that is commonly known and called a short tunnel pound net.

(2) **ENTANGLING NETS.** (a) *Trammel net.* A trammel net is made of 3 sheets of net webbing, one of them of comparatively small mesh and of fine twine being hung between 2 sheets of net webbing of much larger mesh and heavier twine. This net is equipped at the top and bottom with lead or maitre cord,

line, or rope to which at the top are attached floats and at the bottom, sinkers. The inner web of this net is of considerably greater fullness than the outside web.

(b) *Gill net.* A gill net is a net designed to entangle fish and made of a single web of fine thread hung and fitted at the top and bottom with lead or maitre cord, line, or rope to which are attached at the top, floats, and at the bottom, sinkers.

(3) **DRAG NETS; SEINE.** A seine is a net made of a circular, square or long webbing of coarse twine hung very full and fitted at the top and bottom with lead or maitre cord, line or rope. To such lines at the top are attached floats, and at the bottom, sinkers. This net is hung with such fullness that it creates or forms a kind of a bag near the center of the net which holds or entraps the fish while the net is being drawn through the waters.

(4) **USE OF NETS.** (a) *Fyke net.* It shall be lawful for any person using licensed fyke nets to set, place or operate any number of these nets or the pots or cribs of the same in group or other formation while fastened together by means of leader or similar net webbing.

(b) *Drop net.* It shall be lawful for any person using licensed drop nets to set, place or operate any number of these nets or the pots or cribs of the same in group or other formation while fastened together by means of leader or similar net webbing, but no such net or nets shall be in any instance equipped with an outside tunnel of a length greater than 15 feet.

**History:** 1961 c. 218; 1967 c. 29.

**29.34 Net licenses, Mississippi and St. Croix rivers.** (1) Licenses which authorize the use of nets in the Mississippi river as limited herein and in that part of the St. Croix river downstream from the dam at St. Croix Falls shall be issued subject to s. 29.09 by the commission to any resident applying therefor. This subsection as applicable to the St. Croix river shall not become effective until Minnesota has enacted similar legislation.

(2) Each such license shall expire on April 15 next succeeding the date of its issue, and shall authorize the use of one or more of the following nets only: Seines, gill nets, bait nets to be used without leads, buffalo nets and frame nets.

(3) The fee for each such license is: For seines, \$20 for the first 500 lineal feet, \$10 for the second 500 lineal feet, \$2 for each additional 100 lineal feet; for gill nets, \$10 for the first 2,000 lineal feet, \$1 for each addi-

tional 100 lineal feet; for bait nets, \$20 for license; for buffalo and frame nets \$10 for license and 50 cents for each tag.

(4) No such licensed net shall be used until it is equipped with metal tags stamped to designate the kind of net and number of the license covering it. One tag shall be securely fastened to each 500 lineal feet, or fraction thereof, of seine; one to each 2,000 lineal feet, or fraction thereof, of gill net, except when lifting or setting; and one to each bait, buffalo or frame net. Such tags shall be furnished by the commission to the licensee at the time of issuing the license, on payment of a fee of 25 cents for each tag other than for a buffalo or frame net and 50 cents for each tag on a buffalo or frame net.

(5) Each such licensee shall keep a strict record and account as to each variety of fish and the number of pounds thereof taken by him in his licensed gear and such other information as the commission requires; and shall report thereon to the commission on or before the 10th day of each month during the license period.

**History:** 1967 [13.93 (1) (e)].

**29.343 Slat and trammel net fishing in the Mississippi.** (1) Licenses which shall authorize the use of slat nets in the Mississippi river over which this state has jurisdiction between the Minnesota-Iowa boundary line extended and the Wisconsin-Illinois boundary line extended shall be granted for the taking of commercial fish from May 1 to October 1 of each year. The license fee shall be \$20 and each licensee or crew may operate not to exceed 50 nets, but each net before use must have attached thereto a metal tag stamped to designate the kind of net and the number of the license. Tags shall be furnished to the licensee at the time of the issuing of the license on the payment of a fee of 50 cents for each tag. Tags must remain attached to the nets until replaced by renewal tags. No slat net shall be set within 100 feet of any muskrat or beaver house. Any slat net found in such waters after October 1 and any slat net found in such waters or on the Wisconsin banks or shores thereof without a tag and showing evidence of being used in the last 5 months shall be seized and confiscated as provided in s. 29.05.

(2) Except as herein provided slat net licenses shall be issued to any resident applying therefor and shall be subject to s. 29.09, except that they shall be issued by the county clerk of the counties bordering on such waters. A sufficient supply of slat net tags shall be

furnished such county clerks by the commission.

(3) The conservation department may issue annual licenses to residents authorizing the use of trammel nets in the Mississippi river over which this state has jurisdiction. The license fee shall be computed on the basis of \$20 per net not to exceed 300 feet and a tag furnished. The license shall be subject to the same provisions and conditions stated in sub. (1).

**History:** 1965 c. 327; 1967 c. 26 s. 94.

**29.35 Net licenses: whitefish and cisco in inland lakes.** (1) Licenses which authorize the use of dip nets and seines, for fishing whitefish or cisco in any of the inland waters of the state, subject to the conditions, limitations and restrictions prescribed in this chapter or by commission order, may be issued by the commission, subject to s. 29.09, to any resident applying therefor. The fee for each such license is \$1.

(3) No person shall operate a whitefish or cisco net of any kind unless he has first obtained a duly issued license to do so pursuant to sub. (1) and has securely attached to such net a metal tag stamped to designate the kind of net and the serial number of the license covering it. Such tags shall be furnished by the commission at the time of issuing the license.

**History:** 1967 [13.93 (1) (e)].

**29.36 Set or bank pole licenses.** (1) Set or bank pole licenses which shall authorize the use of not to exceed 5 set or bank poles for taking, catching or killing fish in the inland waters of the state where the use of set lines is permitted shall be issued, subject to s. 29.09, by the county clerk of the county where such set or bank poles are intended to be used, to any resident of the state applying therefor. The fee for such license shall be \$2.25 and it shall expire on December 31 following the date of its issue.

(2) No set or bank pole shall be used unless there is securely attached thereto a metal tag stamped with the number of the license covering the same. Tags shall be furnished by the commission to the county clerk, or agents of the same or of the commission and by such agency to the licensee at the time of issuing the license.

(3) For the purposes of this section a set or bank pole is defined as a pole equipped with one line and not to exceed 2 hooks of a size not smaller than 3-0 which pole is used for fishing from the banks of lakes or rivers and

may be operated in the same manner as a set line.

**History:** 1967 [13.93 (1) (e)]; 1967 c. 26 s. 94.

**29.37 Set line licenses; inland waters. (1)**

Set line licenses shall authorize the use of set lines and hooks in inland waters in such manner as shall be determined by the commission for taking, catching or killing fish, and shall be issued by the county clerk of the county bordering on the waters where such set lines are intended and permitted to be used, to any resident of the state duly applying therefor. Each such license shall expire on the December 31 next following the date of issue.

(2) The fee for each such license shall be \$1.

(3) No person shall operate any set line unless he has first obtained a duly issued license to do so pursuant to sub. (1) and has securely attached to a buoy or stake at one end of the set line, a metal tag stamped to designate the serial number of the license covering it so that it will be visible above the surface of the water. Such tag shall be furnished by the commission to the county clerk, and by the latter to the licensee at the time of issuing the license, on payment of a fee of 25 cents. All fees received by county clerks for such metal tags shall be returned and reported in the same manner as are license fees, as prescribed in s. 29.09, both without deduction.

(4) All fishermen licensed under this section shall file such reports on the amounts and kinds of fish taken as may be requested by the commission.

**History:** 1967 [13.93 (1) (e)]; 1967 c. 10, 26 s. 94.

**29.38 Clams and mussels.** No person shall take, catch or kill any mussel or clam during the close season therefor as established by the commission.

**History:** 1967 c. 26 s. 94.

**29.39 Possession during close season or in excess of bag limit.** Except as otherwise expressly provided it shall be unlawful for any person to have in his possession or under his control, or have in storage or retention for any person, any game or other wild animal or the carcass or part thereof, during the period beginning July 1 and extending to the last day of the close season therefor in each year, or any game fish at any time other than during the open season therefor and 10 days thereafter, or in excess of the bag or possession limit or below the minimum size for any game, game fish or other wild animal at any time. The open and close seasons and the bag, pos-

session and size limits of the state or province in which taken shall apply to game, game fish and other wild animals lawfully killed outside this state.

**29.395 Game, possession in open season.**

It shall be unlawful to have in possession or under control at any time the carcass or part of the carcass or skin of any protected wild animal showing that the same has been taken during the close season for such animal.

**29.40 Possession of deer; heads and skins.**

(1) **DEER TAGS.** Any person having killed a deer shall immediately attach and lock and leave attached and locked to the gambrel of either hind leg thereof, the deer tag corresponding to his license. No person shall have in his possession or under his control, or have in storage or as a common carrier, any deer carcass or part thereof unless it is tagged as required by law.

(2) **HOME CONSUMPTION.** Any person residing in this state, having lawfully killed a deer, may have in his possession and consume the meat thereof in his own family at any time, but must leave the tag attached thereto.

(3) **HEADS AND SKINS.** The head and skin of any deer lawfully killed, when severed from the rest of the carcass, are not subject to this chapter; but no person shall have in his possession or under his control the green head or green skin of a deer during the period beginning 30 days after the close of the open deer season and the opening of the succeeding season, or at any time a deer head in the velvet, or a deer skin in the red, blue or spotted coat.

(4) **ANTLERS REMOVED OR BROKEN.** Any deer taken during an open season for hunting antlered deer only or for hunting antlerless deer only from which the antlers have been removed, broken, shed or altered so as to make determination of the legality of the deer impossible is an illegal deer.

**History:** 1967 [13.93 (1) (e)].

**29.41 Skins of fur-bearing animals.** No person shall have in his possession or under his control the skin of any mink, muskrat, fisher, marten, beaver or otter, showing that the same has been shot or speared, nor the green skin of any fur-bearing animal from the 5th day after the beginning of the closed season for such animal until the end thereof. No person shall have the raw skin of any muskrat, mink, beaver, otter, fisher or marten in his possession at any time unless such person is the holder of a scientist's certificate, fur dealer's license or trapper's license of current



issue. No license shall be required of any person breeding, raising and producing domestic fur-bearing animals in captivity as defined in s. 29.579, nor of any person authorized to take muskrats on a cranberry marsh under a permit issued to him by the commission.

**History:** 1967 c. 26 s. 94.

**29.42 Possession of game birds.** (1)

**WITHOUT LICENSE.** No person, other than the holder of a hunting license or scientist's certificate duly issued to him and in force and carried by him on his person, shall have in his possession or under his control any game bird, or animal, or the carcass or any part thereof.

(2) **NESTS AND EGGS.** No person shall take or needlessly destroy, or have in his possession or under his control, except by virtue of a scientist's certificate, the nest or eggs of any wild bird for which a close season is prescribed in this chapter.

**29.43 Transportation; general provisions.**

(1) **DURING CLOSE SEASON.** Except as otherwise expressly provided, it shall be unlawful for any person to transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation, any game or game fish or carcass or part thereof at any time other than during the open season therefor and 3 days thereafter. Whenever any game or game fish or carcass or part thereof is offered to any person for transportation at any time other than during the open season therefor and 3 days thereafter, such person shall forthwith notify the commission or its deputy, stating full particulars of such offer and by whom made.

(2) **TRUNKS; VALISES.** No person shall carry with him or under his control in any trunk, valise, or other package or inclosure, at any time on any common carrier, any game or game fish, or carcass or part thereof.

(3) **TRANSPORTATION EMPLOYEES.** No employe of any railroad, express or other transportation company, and no steward, porter or other employe of any dining, parlor or sleeping car shall have in his personal possession or under his personal control, at any time while on duty, any game or game fish, or carcass or part thereof.

(4) **LABELING GAME SHIPMENTS.** No person shall transport or cause to be transported, or deliver or receive for transportation, any package or parcel containing any wild animal or carcass or part thereof, unless the same is labeled in plain letters on the address side of such package or parcel so as to disclose the name and address of the consignor, the name

and address of the consignee, and the number of pounds of each kind of fish or the number of each variety of other wild animals; or carcasses, or parts thereof, contained therein; and unless the consignor is the owner of such shipment and shall deliver to the common carrier therewith, either personally, or by agent, a writing signed by him personally, stating that he is the owner of the shipment.

**History:** 1967 c. 26 s. 94.

**29.44 Interstate transportation of game.**

No person shall transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation, into or through this state, any game or game fish or carcass or part thereof from any other state in violation of the laws of such state relating to the transportation thereof; nor any game or game fish or carcass or part thereof lawfully transported from any other state, nor have the same in his possession or under his control, during the close season or in excess of the limitations prescribed for such animal in this chapter, unless such person shall have in his possession a license to take such animal duly issued to him by the state in which taken; but any person who has lawfully killed a deer in this state may, on his license only, take such deer into any adjoining state, if the laws thereof permit, and ship the same from any point in that state to any point within this state.

**29.45 Transportation of deer.** (1) No common carrier shall receive for transportation or transport or attempt to transport any deer, or carcass or part thereof, otherwise than as provided in this section.

(2) Each holder of a resident hunting license, sportsmen's license, settlers' hunting license, resident archer hunting license, deer hunting party permit, nonresident general hunting license or nonresident archer's license, may, during the open season for deer and 3 days thereafter, transport or cause to be transported one deer legally taken; but must accompany the same from the point of shipment to the point of destination, whatever the type of transportation.

(3) The place of delivery of any such shipment, however transported, by a resident licensee shall be within the state, and by a nonresident licensee may be either within the state or at his residence without the state.

(4) No bona fide public zoo shall be subject to this section.

**History:** 1967 c. 10, 160.

**29.46 Transportation of game birds.** (1) **TRANSPORTATION.** No common carrier shall receive for transportation or transport or attempt to transport any game bird, or carcass or part thereof except as provided in this section.

(2) **RESIDENTS.** Any duly licensed resident may transport in his personal possession the legal daily bag limit or possession limit of any game birds for which an open season has been provided to any point within the state.

(3) **NONRESIDENTS.** Any duly licensed non-resident may transport in his personal possession the legal daily bag limit or possession limit of game birds for which an open season has been provided from any point within the state to any point within or without the state.

(4) **MIGRATORY BIRDS.** Not more than 2 days' bag limit of lawfully taken and lawfully possessed woodcocks and ducks (except American and redbreasted mergansers) and one day's bag limit of lawfully taken and lawfully possessed geese, coot, rails, gallinules, and wood ducks, may be transported in one calendar week out of the state. No person shall transport any migratory game birds or waterfowl from which the head, head plumage or feet have been removed or severed.

**29.47 Transportation of fish.** (2) **FROM INLAND WATERS.** No person shall transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation, any game fish taken from inland waters other than as follows:

(a) By common carrier: In each period of 7 days, one shipment only of not more than one package, containing not more than the bag limit for one day of game fish of any variety except brook, brown and rainbow trout, and in addition thereto not more than 20 pounds of any game fish for which no daily bag limit is established may be shipped by any resident to any point within the state, or by any nonresident licensee to any point without the state.

(b) By means of other than common carrier: The possession limit, as prescribed by the commission, of game fish of any variety may be transported by any resident to any point within the state, or by any nonresident licensee to any point without the state, when accompanied by the owner.

(c) All fish which are subject to a minimum size limit and are transported as provided in this section shall be entirely intact and with no part removed except the scales, gills and viscera.

(d) No box, package or container of fish transported by common carrier shall contain fish of more than one owner.

(3) **FROM OUTLYING WATERS.** The transportation of fish taken in outlying waters is subject to the following limitations:

(a) No green fish of any variety except lawfully taken suckers shall be shipped from any port located on outlying waters during the closed season for such fish, except the first 3 days thereof.

(b) Pike and pickerel of lawful size and lawfully taken from outlying waters may be transported to points within or without the state without limitation as to quantity; but all such shipments shall be billed only from a port on outlying waters directly to their destination, and shall not be rebilled or reshipped from any other point within the state.

(4) **SHIPMENTS FROM INLAND POINTS.** Any shipment of game fish of any variety originating at any point in this state other than ports located on outlying waters is subject to this section governing the transportation of game fish taken from inland waters.

(5) **FOREIGN SHIPMENTS.** Pike and pickerel in a frozen state, whether dressed or not dressed, legally taken or imported from any foreign country, are not subject to this chapter except as may be provided by commission orders; but the person importing, transporting, dealing in, or selling such fish shall keep a separate record of all shipments and consignments thereof, containing the number of pounds, the date received, the name of the consignor, and the name of the carrier transporting the same, which shall be at all times open to inspection by the commission or its deputies.

(6) **INJURIOUS FISH.** Live minnows of the following varieties shall not be transported into or within the state at any time: carp, dogfish, garfish, lawyers or celpout, lamprey eels and smelt.

**History:** 1967 [13.93 (1) (e)]; 1967 c. 26 s. 94; 1967 c. 265.

**29.475 Wild life on Indian reservations protected.** No person shall remove or take from any Indian reservation the carcass of any protected wild animal, bird or fish or any part thereof, including the fur, during the close season for such animal, bird or fish without a permit from the commission issued under such regulations as it may prescribe.

**History:** 1967 c. 26 s. 94.

**29.48 Sale of game or fish.** (1) Except as otherwise expressly provided, no person shall at any time sell, purchase or barter, or offer

to sell, purchase or barter, or have in possession or under control for the purpose of sale or barter any deer, squirrel, game bird, game fish taken from inland waters, or the carcass or part thereof; nor any other wild animal, or carcass or part thereof, during the close season therefor. This section applies, whether such animals were lawfully or unlawfully taken within or without the state.

(2) No fish taken by hook and line from outlying waters may be sold, bartered, or traded in any manner except that fish of the same species and minimum size as those taken under the commercial fishing regulations and in the same prescribed areas as permitted under commercial fishing regulations may be sold during the open commercial fishing season for such fish.

History: 1961 c. 291.

**29.49 Serving of game to guests.** (1) RESTAURANTS, ETC. (a) Except as provided by s. 29.52 no innkeeper, manager or steward of any restaurant, club, hotel, boarding house, tavern, logging camp or mining camp shall sell, barter, serve or give, or cause to be sold, bartered, served or given to the guests or boarders thereof the meat of any deer, squirrel, game bird or game fish taken from inland waters at any time; nor any other game or other wild animal, or carcass or part thereof, during the closed season therefor. This section applies, whether such animals were lawfully or unlawfully taken within or without the state.

(b) The commission may issue permits authorizing the serving of lawfully taken and possessed wild animals at any time.

(2) FREE LUNCH. The giving, offering, or affording opportunity to take free lunch in any of the places named in sub. (1) shall be held to be embraced within the prohibitions thereof.

History: 1967 c. 26 s. 94; 1967 c. 29.

**29.50 Propagation privileged.** Nothing in the foregoing provisions concerning the protection of wild animals shall affect the operation of state hatcheries, the removal of fish which have died from natural causes or the removal of deleterious fish by the commission or under its authority; or the propagation or transportation, collecting and transplanting of fish or fish fry by state authority; nor the transportation of fish into or through this state or out of it by the commissioners of fisheries of other states or of the United States; nor the operation of private fish hatcheries, or the propagation of fish in private waters, or

the transportation and sale of fish therefrom as hereinafter provided; but the commission, or its agents and employes, shall not furnish fish or fry from state hatcheries to private ponds, private clubs, corporations or preserves, and shall not plant them in waters where the general public is not allowed the rights and privileges enjoyed by any individual.

History: 1967 c. 26 s. 94.

**29.51 State propagation of fish.** (1) STATE FISH HATCHERIES. The commission shall have general charge of the following matters, and all necessary powers therefor, namely:

(a) The propagation and breeding of fish of such species and varieties as they deem of value.

(b) The collection and diffusion of useful information in regard to the propagation and conservation of fish.

(c) The government and control, care, supply, and repair of the state fish hatcheries and the grounds used therefor, whether owned or leased, and the buildings, ponds, fish car and other apparatus, and all other property belonging to or held by the state for the propagation of fish.

(d) The purchase and establishment and control, in like manner, of new hatcheries when appropriations shall be made by law, and the establishment of such temporary hatching stations as they may deem necessary. With the consent and approval of the commission, lands may be acquired by grant, devise or conveyance constituting a voluntary donation to or purchase by the state for the express purpose of enabling it to use such lands for establishing hatcheries and the propagation of fish.

(e) The receiving from the commissioners of fisheries of the United States, and from the commissioners of fisheries of other states, or other persons, of all spawn, fry or fish donated to the state or purchased, and in the most practical ways, by exchange or otherwise, to procure, receive, distribute, and dispose of spawn and fish; to make contracts and carry on the same for the transportation of fish cars, cans, commissioners and employes by land or water as may be most advantageous to the state; and to take such other measures as in their judgment shall best promote the abundant supply of food fishes in the waters of the state.

(f) The commission shall keep an inventory of the property of the several hatcheries, with the cost of each article, and account in detail and separately of the expenses of each hatch-

ery; also of the distribution of the fish, of maintaining and repairing property and of such improvements as may be ordered.

(2) **TRANSPANTATION OF FISH.** The commission may take or cause to be taken fish at all seasons of the year from any waters of the state for stocking other waters, or for the purpose of securing eggs for artificial propagation in the state hatcheries. Such fish or eggs shall be taken only under a special permit issued by the commission, and then only in the presence of the commission or its deputies. Such permit shall specify the kinds of fish that may be taken and the manner in which they may be taken; and shall be subject to the conditions that the holder shall pay for the services of and furnish free transportation and meals on his boat to a competent person approved by the commission to spawn the fish and fertilize the eggs, and that such eggs shall be delivered at such place as may be designated by the commission and forwarded to some state hatchery for propagation.

(3) **DELIVERY OF SPAWN.** Any person fishing in any waters of this state shall deliver, on demand, to the commission or its deputies or authorized agents, all kinds of fish, during the spawning season, for the purpose of being stripped of their eggs and milt; and the person receiving them shall, immediately after having stripped the fish, return them to the person from whom received. Any such person shall permit the commission, or its deputies, or authorized agents to enter any boats, docks, grounds or other places where such fish may be, for the purpose of stripping the same while alive, and shall render such assistance as may be necessary to expedite the work of mixing the eggs and milt for proper impregnation.

(4) **REMOVAL OF SPAWN OR FISH FROM STATE.** No person shall remove any fish eggs or live fish from this state except as authorized by law, unless a permit therefor has been issued to him by the commission.

(5) **UNLAWFUL FISHING BY EMPLOYEES.** No employe of the commission, and no other person, while engaged in catching wild fish from the public waters for purposes of artificial propagation, shall take or have in his possession or under his control any kind of fish other than those he has been directed, by the commission or its deputy or agent, to take therefrom.

(6) **ERECTION OF BARRIERS TO EXCLUDE ROUGH FISH.** The commission may for any period in its discretion erect and maintain or authorize erection and maintenance of a screen

or similar barrier in any navigable stream for the purpose of preventing rough fish or other fish found to be undesirable from invading any part of such stream, provided such screen or barrier does not unreasonably interfere with navigation.

**History:** 1967 c. 26 s. 94; 1967 c. 29.

**29.513 Permit for private management.**

(1) Any person or persons owning all of the land bordering on any navigable lake that is completely landlocked may apply to the commission for a permit to remove, destroy or introduce fish in such lake.

(2) Upon receiving such application the commission shall hold a public hearing in the vicinity of such lake, and if the hearing is favorable the commission may issue a permit authorizing the applicant to remove, destroy or introduce fish in such lake.

(3) Such permit shall be subject to such terms, conditions and limitations as the commission deems proper. All work done under the authority of such permit shall be under the supervision of the commission or its agents, who shall be afforded free access to such lake at all times for such purpose by the permittee. The expenses of such supervision shall be paid by the permittee.

(4) All fish removed from such lake under such permit shall be turned over to the commission.

**29.515 Trespass to state fish hatchery.**

Whoever does any of the following may be fined not more than \$200 or imprisoned not more than 60 days:

(1) Enters upon the grounds of any state fish hatchery for the purpose of unlawfully killing or taking fish therefrom; or

(2) Unlawfully and without proper authority kills, takes or catches any fish from any waters or grounds belonging to or connected with any state fish hatchery; or

(3) Without lawful authority to do so, injures any fish, or in any manner interferes harmfully with the ponds, streams, troughs or other property of a state fish hatchery.

**29.52 Private fish hatcheries.** (1) Private fish hatchery licenses may be issued by the commission under this section.

(2) The owner or lessee of any lands desiring to construct, operate and maintain a private fish hatchery thereon shall file with the commission on forms furnished by it a written application for a private fish hatchery license setting forth:

(a) His name and address.

(b) The specific description of the lands to be included in the license.

(c) A description of the water supply to be used in the operation of the hatchery.

(d) A description or diagram showing the ponds, raceways, wells, flumes, dams, buildings and other improvements in connection with the proposed hatchery.

(e) His title or leasehold.

(f) Such additional information that may be required by the commission.

(3) After May 12, 1965, private fish hatcheries shall be licensed only under the following conditions:

(a) The water areas included in the licensed area shall be limited to artificially constructed pools, ponds, tanks, flumes and raceways and shall not include any navigable stream, lake, pond or spring unless the commission finds after investigation that no substantial public interest exists in such navigable stream, lake, pond or spring and that public or private rights therein will not be damaged.

(b) The supply of water for the hatchery may be obtained from lakes and ponds and flowing streams by the use of flumes, pipes, ditches and pumps, but the water so obtained shall be discharged from the hatchery into the pond, lake or stream from which taken. All flumes, pipes and ditches used to lead water into and from such hatchery shall be equipped at all times with screens so constructed, placed and maintained as to prevent the passage of fish to or from such hatchery.

(4) (a) "Private fish hatchery, Class A" means any operator who:

1. Maintains and operates an artificial fish hatching facility and purchases fish and fish eggs and produces fish eggs therein for sale or trade; or

2. Hatches fish eggs or rears fish so produced for sale or trade; or

3. Sells or trades fish so produced or permits public fee fishing for fish so produced.

(b) "Private fish hatchery, Class B" means any operator, other than Class A, who:

1. Has live fish lawfully in his possession, by purchase or otherwise, for sale or trade; or

2. Rears such fish to a larger size for sale or trade; or

3. Permits public fee fishing for such fish.

(c) "Private fish hatchery, Class C" means any operator, other than Class A or Class B, who:

1. Has live eggs or fish lawfully in his possession by purchase or otherwise; and

2. Maintains and operates an artificial fish hatching facility and hatches eggs but not for

sale or trade except that bait minnows so produced may be sold or traded; or

3. Stocks, maintains or holds such live fish eggs or fish for natural propagation, display, or fishing by himself or others, but does not sell or trade such fish eggs or fish and does not permit public fee fishing for such fish; or

4. Stocks, maintains or holds live fish for display or for sale and consumption on the premises; or

5. Sells game fish lawfully in his possession, by purchase or otherwise, to Class A licensees.

(d) "Private fish hatchery, Class D" means any Class A or Class B licensee who transfers fish produced, reared or possessed by him under such Class A or Class B license to his holding or rearing ponds situated on lands owned or leased by him but not included in his Class A or Class B license.

(e) Each such license shall be limited to not to exceed 160 acres of contiguous lands owned or leased by the licensee. This paragraph shall not be construed to limit the number of licenses which may be issued under this section to any person for private fish hatchery operations on his noncontiguous lands.

(f) The fees for such licenses shall be as follows: Private fish hatchery license, Class A, \$50; private fish hatchery license, Class B, \$25; private fish hatchery license, Class C, \$5; private fish hatchery license, Class D, \$5.

(4m) A private fish hatchery license shall be issued and renewed by the commission to any person applying therefor who is the owner or lessee of lands suitable for the propagation of fish in nonnavigable waters. Subsection (3) (a) shall not apply to this subsection but the remainder of this section which is not inconsistent with this subsection shall apply.

(5) Upon the filing of the application, the commission shall inspect and investigate the same and may hold public hearings thereon. All expenses of the inspection, except the salary of the employe who inspects the hatchery, shall be paid by the applicant. When satisfied that the applicant is the owner or lessee of the lands described and upon finding that all provisions and conditions of this section have been fully complied with, the commission shall issue a license to propagate, rear, sell and possess fish of the kind specified in the license and as provided in this section. All licenses shall expire on December 31 of each year and shall be renewed, sub-

ject to this section, upon filing of a verified report with the commission within 30 days thereafter, containing the information on the operation of the hatchery requested by the commission, together with the license fee.

(6) Fish, fish fry and fish eggs produced in such private fish hatchery shall be taken, caught, killed or otherwise harvested only by the licensee or his bona fide regular employes or by persons expressly authorized by the licensee to do so.

(7) The commission may, from year to year, renew any private fish hatchery license issued prior to, and in effect on, May 12, 1965. If a private fish hatchery license is not renewed as provided in sub. (5) or is terminated for any reason, all rights and privileges of the licensee under such license terminate and thereafter the lands and waters which were included in such license shall be subject to all of the provisions of this section if an application for a license hereunder is made which includes any of such lands or waters.

(8) Each package, box or container containing fish propagated and raised in any private fish hatchery shall have attached thereto a label as follows: "Shipped from the private fish hatchery of (Name: ..... Location: ..... License Number: .....)".

(9) No person shall stock any private fish hatchery with fish or fry obtained from any Wisconsin state-owned fish hatchery, or from any waters of the state except when such fish have been taken in a lawful manner.

(10) No licensee shall sell or deliver any live fish other than trout for planting or stocking in any unlicensed lake, stream or pond unless a permit for such planting or stocking has been issued under s. 29.535.

(11) Any person who, without permission of the licensee, trespasses on any licensed fish hatchery shall be fined not more than \$200 or imprisoned not more than 30 days; provided that the licensee gives notice by maintaining signboards at least one foot square, in at least 2 conspicuous places on each 40 acres of the lands included in such license. Prosecutions under this subsection shall be by the licensee.

(12) This section shall not affect any public right of hunting, fishing, trapping or navigation except as herein expressly provided.

(13) This section shall not apply to civic organizations, organizations operating newspapers or television stations or promoters of sport shows when and in connection with publicly showing or exhibiting or giving dem-

onstrations with trout for periods of not to exceed 10 days.

History: 1961 c. 389; 1965 c. 47, 433; 1967 c. 16.

**29.53 Private hatcheries and fisheries. (1)**

The owner or lessee of all of the lands underlying, surrounding, or bordering upon any pond, lake or slough, natural or artificial, navigable or nonnavigable, meandered or not meandered, tributary to and connected with the Mississippi river, which pond, lake or slough does not exceed at low water one square mile in surface area, shall have the right, upon complying with this section, to erect, establish, operate and maintain on, in or about such pond, lake, or slough, a private hatchery and fishery for the purpose of hatching, propagating and fishing therein rough fish, including buffalo fish and carp.

(2) Such owner or lessee desiring to erect, establish, operate and maintain a private hatchery and fishery in conformity with this section, shall file with the commission a verified declaration designating and describing the pond, lake or slough, which the declarant desires to use for the purpose of hatching, propagating and fishing rough fish therein, a description of all the lands underlying, surrounding, or bordering upon such water and the title or leasehold of the declarant therein. Such declaration shall also state in square miles and fraction of square miles the area of such pond, lake or slough, at low water.

(3) Upon the filing of such declaration, the commission shall forthwith examine and investigate the same and may require the declarant to produce satisfactory evidence of the facts therein stated. If upon such examination it shall appear that the pond, lake or slough designated in the declaration does not exceed at low water one square mile in surface area and that the declarant is the owner or lessee of all of the lands underlying, surrounding, or bordering upon such water, and that the declarant intends in good faith to erect, establish, operate, and maintain a hatchery and fishery on, in and about such water for the propagation or fishing of rough fish therein, the commission shall issue to the declarant a certificate under seal of the commission, which shall designate such pond, lake or slough, and certify that the declarant is lawfully entitled to use the same for the hatching, propagation and fishing of rough fish therein and to erect, establish, operate and maintain a private hatchery and fishery for the purpose of hatching, propagating and

fishing therein of rough fish, including buffalo fish and carp.

(4) Such certificate of the commission shall be prima facie evidence in all courts and proceedings of the lawful right of the declarant therein named, his or its successors or assigns for the full term of 25 years from the date of issuance thereof, to erect, establish, operate and maintain a private hatchery and fishery in the pond, lake or slough therein designated and shall, unless and until sooner revoked as hereinafter provided, entitle the declarant therein named, his or its successors or assigns, to the exclusive right for and during said term to propagate and fish rough fish therein and to exclusive and sole ownership of and property in all rough fish caught or taken therefrom.

(5) If it shall be reasonably necessary to the successful operation of such hatchery and fishery that screens or other structures shall be erected and maintained in any brook, creek or stream flowing into or out of such pond, lake or slough, in order to prevent the escape from any such hatchery or fishery of rough fish, authority is granted to erect, and maintain the same in such brook, creek or stream and upon the land owned or leased by the holder of such certificate, provided that the character and location of such screens or other structures for such purpose shall be determined by the commission in said certificate and, provided further, that if it shall at any time appear that such brook, creek or stream is used by the public for the purposes of navigation, the commission may, if such public use is substantial and reasonably necessitates the same, require locks or boatways to be erected and maintained in connection with and as a condition of the right to erect and maintain such screens or structures and may fix the character of such locks or boatways.

(6) The failure at any time for a period of 2 years to operate or maintain any such hatchery or fishery for which a certificate has been issued hereunder for propagating or fishing rough fish therein shall work a forfeiture of such certificate and of all right thereunder. Such certificate and all rights thereunder shall be assignable and shall pass with the title or leasehold stated in the declaration upon which the same was issued and, if issued upon a leasehold merely, shall terminate with such leasehold.

(7) Nothing in this section contained shall be construed to affect any public right of

fishing or navigation, except as herein expressly provided.

History: 1967 [13.93 (1) (e), (f)]; 1967 c. 26 s. 94.

**29.535 Introducing fish and game.** (1) It is unlawful for any person to bring into the state for the purpose of planting or introducing, or to plant or introduce into any of the inland or outlying waters of the state, any fish or the spawn thereof except brook, brown or rainbow trout or spawn thereof procured from a person holding a Class A or B license under s. 29.52 (4) (a) or (b), or to bring into the state, for the purpose of stocking or introducing, or to stock or introduce in the state any wild bird or animal of any kind, unless they first apply in writing to the commission for a permit therefor. Such permit shall be granted only after the commission or its duly authorized agents have made such investigation and inspection of the fish, birds or animals as they deem necessary and approve such planting, stocking or introduction.

(2) Nothing in this section shall prohibit the commission, the state conservation department, or its duly authorized agents from bringing into the state, for the purpose of planting, introducing or stocking, or to plant, introduce or stock in this state, any fish, bird or animal.

(3) This section shall not apply to civic organizations, organizations operating newspapers or television stations or promoters of sport shows when and in connection with publicly showing or exhibiting or giving demonstrations with brook, brown or rainbow trout for periods of not to exceed 10 days. Brook, brown or rainbow trout used for such purposes shall be obtained only from resident Class A or Class B private fish hatchery operators licensed under s. 29.52 (4). Such private fish hatchery operators shall keep a record of all brook, brown or rainbow trout introduced in or delivered for introduction in any public waters and shall make a report of such introduction or delivery for such introduction to the commission on or before December 31 of each year on forms furnished by the commission.

History: 1967 [13.93 (1) (e), (g)]; 1967 c. 16, 26 s. 94.

**29.536 Municipal fish hatcheries.** (1) Any city, town or village, upon direction and supervision of the commission, may appropriate money for and may acquire, lease or contract for any land, pond, lake or slough for a fish hatchery, and erect, establish, operate and maintain on, in or about such pond, lake or

slough, a fish hatchery and fishery for the purpose of hatching, propagating and fishing therein game fish.

(2) Such municipality desiring to erect, establish, operate and maintain a private hatchery and fishery in conformity with this section, shall file with the commission a verified declaration designating and describing the pond, lake or slough, which it desires to use for the purpose of hatching, propagating and fishing game fish therein, and a description of all the lands underlying, surrounding or bordering upon such water. Such municipality shall also state in square miles and fraction of square miles the area of such pond, lake or slough, at low water.

(3) Upon the filing of such declaration, the commission shall forthwith examine and investigate the same. If upon such examination it shall appear that the pond, lake or slough designated in the declaration is suitable for a fish hatchery it may direct the declarant to acquire, lease or contract for the same. Thereupon such municipality may acquire, lease or contract for the lands underlying, surrounding or bordering upon such water, and thereafter the commission shall issue to the municipality a certificate under seal of the commission, which shall designate such pond, lake or slough, and certify that it is lawfully entitled to use the same for the hatching, propagation and fishing of game fish therein and to erect, establish, operate and maintain a hatchery and fishery for the purpose of hatching, propagating and fishing therein game fish.

(4) The commission shall make rules and regulations for stocking, maintaining and fishing in such hatcheries.

History: 1967 [13.93 (1) (h)]; 1967 c. 26 s. 94.

**29.54 State propagation of wild mammals and birds.**

(1) The commission may take or purchase wild mammals and birds and their eggs for propagation. The distribution thereof shall be made throughout the various parts of the state under the supervision and direction of the commission, and according to such regulations as they shall prescribe.

(2) No person shall take, remove, sell, or transport from the public waters of this state to any place beyond the borders of the state, any duck potato, wild celery, or any other plant or plant product except wild rice native in said waters and commonly known to furnish food for game birds.

History: 1967 [13.93 (1) (h)]; 1967 c. 26 s. 94.

**29.544 Wild rice conservation; licenses.**

(1) TITLE TO WILD RICE. (a) The legal title

to all wild rice growing in any lake of the state, whether meandered or not, is vested in the state for the purpose of regulating harvest, use, disposition and conservation thereof.

(b) The legal title to such wild rice taken or reduced to possession in violation of this chapter or of any rule of the commission remains in the state; and the title to any such wild rice lawfully acquired is subject to the condition that upon the violation of this chapter or of any commission rule relating to the possession, use, harvest, sale, or purchase thereof by the holder of such title, the same shall revert, ipso facto, to the state. In either case, such wild rice may be seized forthwith wherever found by the commission or its agents.

(2) POWERS OF THE COMMISSION. (a) The commission may establish such rules governing the harvest, use and disposition of wild rice growing in the navigable lakes of the state as it deems reasonably necessary for the conservation and wise use thereof. The conservation director may designate the opening date for harvesting wild rice in any navigable lake or stream by posting notice of such opening date on the shores of and at places of public access to such lake at least 48 hours before such opening date. Such posting is deemed sufficient notice of such opening date and no other publication thereof is required.

(b) The commission and the conservation director shall obtain the advice and recommendations of the tribal council before establishing any rules governing the harvest, use and disposition of wild rice growing within the bounds of the reservation.

(3) LICENSE REQUIRED. Every person over the age of 16 and under the age of 65 shall obtain a license and pay a license fee to harvest or deal in wild rice but no license to harvest shall be required of the members of the immediate family of a licensee or of a recipient of old-age assistance or general relief or members of their immediate families. Identification cards shall be issued without fee to any such recipient and to each member of his or a licensee's family. The term "immediate family" includes husband and wife and minor children having their abode and domicile with the parent or legal guardian.

(4) LICENSES AND FEES. (a) *Wild rice harvest license.* The fee for each license authorizing the harvesting of wild rice in the navigable waters of the state is \$1. No license shall be required of helpers of a licensee who participate only in shore operations. Wild



rice harvest licenses shall be issued only to residents of this state.

(b) *Wild rice dealer's license.* The fee for wild rice dealers' licenses to buy wild rice within the state for resale to anyone except consumers, or to sell wild rice imported from outside of the state to anyone within the state except consumers, or to process wild rice not harvested by the processor himself for resale by the processor to any other person is \$150 if the amount of wild rice bought, sold or processed by the licensee within the year covered by the license exceeds 50,000 pounds; \$100 if such amount exceeds 25,000 pounds, but does not exceed 50,000 pounds; \$50 if such amount exceeds 5,000 pounds, but does not exceed 25,000 pounds; \$15 if such amount does not exceed 5,000 pounds. For the purposes of this section, 2½ pounds of raw rice shall be deemed equivalent to one pound of processed rice.

(c) *Effective period.* All licenses issued under this section are effective from May 1 to the following April 30.

(5) **RECORDS AND REPORTS.** Each wild rice dealer shall keep a correct and complete book record in the English language of all wild rice bought, sold or processed by him during the period covered by his license showing the date of each transaction, the names and addresses of all other parties thereto, and the amount of wild rice involved, whether raw or processed. Each such record shall be open for inspection by the commission or its agents at all reasonable times. All licensed wild rice dealers shall file such reports on their operations as wild rice dealers as are required by the commission.

(6) **PRIVATE WATERS.** (a) Nothing in this section shall be construed as giving the state of Wisconsin, the state conservation commission or its agents the right to control, regulate, manage or harvest wild rice growing on privately owned beds of flowages or ponds.

(b) No person shall, within the boundaries of this state, use or cause to be used any mechanical device of any nature in the harvesting or gathering of wild rice.

(7) **PENALTIES.** Any person violating this section shall be punished pursuant to s. 29.63 (1) (b) and (3).

**History:** 1961 c. 547; 1967 [13.93 (1) (e), (h)]; 1967 c. 26 s. 94; 1967 c. 114.

**29.545 Removal of aquatic plants from waters.** No person shall cut, harvest or remove wild rice, wild celery, sago or other aquatic plants of any variety whatsoever from Lakes Partridge, Partridge Crop, Poy-

gan, Winneconne, Big Lake Butte des Morts, and the Wolf river from the mouth of the Rat river to its outlet from Big Lake Butte des Morts, and the Fox river from its junction with the Wolf river to where it empties into Lake Winnebago except that such growth of aquatic plants of any variety may be cut, removed or controlled in any portion of the above named waters on authorization from the commission if the department of resource development determines that they constitute a menace to public health, or by authorization from the commission to such extent and during such periods of the time as the commission may, with or without public hearing, determine that any such aquatic plants either are not reasonably necessary for propagation of fish or wildlife or that property or esthetic values are unreasonably impaired, provided that such cutting or other control activities are conducted in compliance with the rules of the public service commission so as not to create an obstacle or hazard to navigation. Such cutting, removing, controlling or harvesting of aquatic plants in the above named waters shall be done only by persons after obtaining from the commission a written permit therefor, which shall be issued without charge.

**History:** 1963 c. 218; 1965 c. 614 s. 57 (1); 1967 c. 26 s. 94.

Discussion of permits for chemical treatment of waters. 52 Atty. Gen. 380.

**29.546 Lotus and other wild flowers protected.** (1) Any person who shall wilfully cut, root up, sever, injure, destroy, remove or carry away on or from public highway, public property or public waters or on or from the property of another, without the written permission of the owner or person entitled to possession, any American lotus, or who shall without such written permission wilfully sell, expose for sale or purchase any flowers, roots, seed pods, bulbs or whole plants of any American lotus so gathered or taken, shall be imprisoned not more than 6 months or fined not exceeding \$100.

(2) Any person who shall wilfully root up, injure, destroy, remove or carry away on or from public highways, public property or property of another, without the written permission of the owner or person entitled to possession, any trailing arbutus (*Epigaea repens*) or any species of lady's-slipper (*Cypripedium*) or any members of the orchid family (*Orchidaceae*) trillium (*Liliaceae*) of any species or any American bittersweet or any pitcher-plants (*Turk's caps*) or any wood lilies, or who shall without such written per-

mission wilfully sell, expose for sale or purchase any flowers, roots, seed pods, bulbs or whole plants of any trailing arbutus, lady's-slipper, trillium, American bittersweet, Turk's caps or wood lilies so gathered or taken shall be fined not to exceed \$100 or imprisoned not to exceed 30 days. Subsections (1) and (2) shall not prevent licensed nurseries from selling, shipping, or otherwise disposing of any of said plants or parts thereof when such plants have been officially inspected and certified according to s. 94.60. There shall be attached to or accompany the plants or parts thereof a copy of the nursery certificate issued such nursery and the same shall be prima facie evidence that the plants or parts thereof legally were taken or transported.

(3) The commission and its deputies shall have the same police and enforcement powers in respect to this section as it has in respect to ch. 29. It shall erect or cause to be erected in suitable places near public waters or public property where the American lotus is found or the restricted areas where the arbutus or lady's-slipper or trillium are prevalent, substantial and permanent signs warning all persons against violations of this section. It may also erect or cause to be erected similar signs on private property with the consent of the owner thereof. When the American lotus causes damage to property bordering on public waters, the commission may authorize the removal of all or part of the American lotus growing in such waters.

**History:** 1967 [13.93 (1) (d), (e), (1)]; 1967 c. 26 s. 94.

**29.55 Wild animals for parks.** (1) The commission may, on application of any park board, grant permit to take, have, sell, barter, or transport, at any time, live wild animals for park purposes.

(2) The commission may, on application of any person, grant a permit to such person to take and transport wild animals for propagation within the state, under the supervision of the commission or its deputies.

(3) No bona fide public zoo shall be subject to this section.

(4) Notwithstanding any other provision of law to the contrary it is lawful for a bona fide public zoo to have, purchase, barter or sell any live animal, domestic or foreign, to or with another bona fide public zoo, licensed deer farm or reputable animal dealer, within or without this state.

**History:** 1967 c. 26 s. 94.

**29.56 Game or wild life refuge.** No person shall at any time or in any manner hunt

or trap within the boundaries of any game or wildlife refuge established pursuant to s. 23.09 (7) (b) or 29.57, nor have in his possession or under his control therein, any gun or rifle unless the same is unloaded and enclosed within a carrying case. The taking of predatory game birds and animals shall be done as the commission directs. All state game or wildlife refuge boundary lines shall be marked by posts placed at intervals of not over 500 feet and bearing signs with the words "Wisconsin Wildlife Refuge."

**History:** 1967 c. 26 s. 94; 1967 c. 132.

**29.565 Animal wildlife exhibit.** The commission shall establish an animal wildlife exhibit where wild animals, allowed to roam at will, may be viewed by the public without charge on state owned lands over which the commission has jurisdiction, or upon lands donated to the state for the purpose. The boundary of the area shall be marked by posts placed at intervals of not over 500 feet and bearing signs with the words "Wisconsin Wild Life Exhibit Area." The commission shall provide shelters thereon, for the housing of the caretaker, and the sheltering, nursing and caring for orphaned wild animals, which shall be furnished by the commission, who may accept private donations of such animals. Such animals shall be sheltered and cared for until they are old enough to release, but by providing food and shelter efforts shall be made to induce the animals to return to the area year after year.

(1) The commission shall employ a caretaker with long experience with wild animals, preferably a retired game warden, to manage the exhibit.

(2) No person shall at any time or in any manner hunt or trap within the boundaries of the area, nor have in his possession or under his control therein, any gun or rifle unless it is unloaded and knocked down or enclosed in a carrying case.

(3) The commission may promulgate rules for the effective accomplishment of the purposes of this section including the duration of the exhibition season.

**History:** 1961 c. 536; 1967 c. 26 s. 94.

**29.57 Wild life refuges.** (1) **ESTABLISHMENT.** The owner or owners of any tract, or contiguous tracts, of land comprising in the aggregate not less than 160 acres located outside the limits of any city or village, may apply to the commission for the establishment of said lands as a wild life refuge. The commission may thereupon employ such

means as it deems wise to inform itself regarding the premises; and if, upon inspection, investigation, hearing, or otherwise, it shall appear to the satisfaction of the commission that the establishment of said lands as a wild life refuge will promote the conservation of one or more useful species or varieties native within this state, it may by order designate and establish the said lands as a wild life refuge.

(2) **SIGNS.** Within 30 days after the date of such order the owner or owners of the said lands shall post or erect signs or notices as required and furnished by the commission, proclaiming the establishment of said refuge.

(3) **PUBLICATION.** No such order shall be effective until at least 30 days after the date of its issue; nor unless the commission has caused notice thereof to be published, as a class 3 notice, under ch. 985, in the county embracing the lands. Thereupon the said lands shall be a wild life refuge, and shall so remain for a period of not less than 5 years, from and after the date of effect stated in said order.

(4) **ABSOLUTE PROTECTION.** Except as provided in s. 29.56 no owner of lands embraced within any such wildlife refuge, and no other person, shall hunt or trap within the boundaries of any wildlife refuge, state park except deer on Rock Island state park, or state fish hatchery lands; nor have in his possession or under his control therein any gun or rifle, unless the same is unloaded and enclosed within a carrying case; but nothing herein shall prohibit, prevent or interfere with the commission, or its deputies, agents or employes, in the destruction of injurious animals.

**Note:** Sub. (4) is printed as amended by Chapter 132, laws of 1967. This act did not reflect an earlier amendment by Chapter 67, laws of 1967. See the Preface, paragraph 6 (c), for the printing rule followed in such cases.

(5) **ANIMALS PROCURED BY COMMISSION.** The commission may place within any such wild life refuge, for the purpose of propagation, wild animals of any species or variety.

**History:** 1965 c. 252, 283; 1967 [13.93 (1) (g)]; 1967 c. 26 s. 94; 1967 c. 67, 132.

**29.571 Horicon marsh game preserve, fur farm, hatchery, dams.** (1) A wild life refuge, game preserve and fur farm shall be established on the Horicon marsh in Dodge county under the supervision of the commission.

(2) The commission may establish a fish hatchery in connection with such wild life refuge.

(3) The commission shall purchase or acquire by condemnation proceedings the land known as the Horicon marsh, or as much

thereof as it deems necessary, and may construct such buildings thereon and provide such equipment as is reasonably required to carry out the purposes of this section.

(4) The commission may construct and maintain a dam or dams in or near the city of Horicon, to control and regulate the flood waters on Rock river, and to restore the public waters of Rock river on Horicon marsh to the natural levels existing prior to the private drainage of the same.

(5) All proceeds derived from the fur farm on the Horicon marsh and all other income from said state property shall be paid, within one week after receipt, into the conservation fund of the state treasury.

**History:** 1963 c. 400; 1967 [13.93 (1) (h)]; 1967 c. 26 s. 94; 1967 c. 29.

**29.572 Game farms; license.** (1) No person shall cause, authorize or permit any lands or waters to be posted with signs of any kind indicating that such lands or waters are licensed under ss. 29.52, 29.573 to 29.578 or 29.58 unless such lands and waters are in fact so licensed.

(2) If any such license expires or lapses and is not renewed, the licensee, landowner or other person having control over such lands or waters shall remove or cause such signs to be removed within 45 days after the expiration or termination of such license.

(3) Applications for the renewal of any license issued under ss. 29.573 to 29.578 or 29.58 shall be filed with the conservation commission on or before the expiration date of such license except, that an application for renewal of any such license may be filed not more than 45 days after such expiration date when accompanied by a late filing fee of \$10 in addition to the regular license or renewal fee. If application for renewal of a license is not made as required in this subsection or if a license is terminated for any reason, all rights and privileges of the licensee under such license are terminated upon the expiration of the 45-day period provided in this subsection or on the date of termination whichever occurs first. Thereafter, the lands and waters which were included under such license shall be subject to ss. 29.573 to 29.578 or 29.58.

**History:** 1967 c. 165.

**29.573 Pheasant farms; commission control; shooting license.** (1) The commission may issue licenses for shooting preserves and the releasing, shooting, possession and use of pheasants thereon when in the judgment of the commission operations under such licenses

will result in a net increase in the supply of pheasants in the state, and will otherwise be in the public interest. A fee of \$5 shall be collected for each such license when the area for which the license is granted shall be 320 acres or less, and the fee shall be \$10 when the area is in excess of 320 acres. All such licenses shall expire on June 30 of each year.

(2) No license shall be granted unless the applicant owns or has under lease the area for which the license is granted. Boundaries of the area licensed shall be defined and posted as prescribed by the commission.

(3) The commission shall determine the minimum number of pheasants to be released for shooting purposes on the licensed premises and fix the time limits during which said birds may be hunted.

(4) (a) Until the release of said pheasants shall have been certified to and accepted by the commission it shall be unlawful to shoot, attempt to shoot or to otherwise take pheasants on premises licensed under this section, but when said release shall have been certified and accepted by the commission, and when such persons are otherwise lawfully entitled to hunt small game, the licensee and such other persons as he may designate may hunt on the licensed premises, have in possession, and dispose of such pheasants by gift.

(b) A full record covering each item of pheasant shot on the licensed premises shall be kept by the licensee or his designated agent, and a copy of this record under oath shall be filed with the commission not later than June 30 of each year, and no such license shall be renewed until such record for the preceding year shall have been filed with and accepted by the commission.

(c) No pheasant of the species licensed shall be removed from the said licensed premises until there shall have been securely attached to each bird a metallic seal, the type and design of which shall be designated by the commission, and such seal shall remain attached to said birds until they are finally prepared for consumption. Such seal shall be supplied by the commission at a cost of 5 cents each.

(5) Only dead birds which have been killed by shooting shall be removed from premises licensed under this section, and it shall be unlawful to sell or attempt to sell or to buy or attempt to buy any such birds.

(6) (a) The commission may make such rules as shall be necessary to carry out the intents and purposes of this section, but no

rule shall require that an application or report be notarized.

(b) Any person violating the above provisions shall be fined not less than \$100 nor more than \$300 for each offense or imprisoned not exceeding 30 days, or both.

(7) Any person other than the licensee, his agents or persons having permission from the licensee who are otherwise qualified under ch. 29 to hunt thereon, who hunts or shoots pheasants upon any lands described in any such license, is liable for all damage which he may do to said preserve or the pheasants and property thereon, but all actions for such trespass shall be brought by such licensee.

**History:** 1961 c. 77; 1963 c. 367; 1965 c. 503; 1967 [13.93 (1) (h), (1)]; 1967 c. 26 s. 94.

**29.574 Game bird and animal farms.** (1) The owner or lessee of any lands within the state suitable for the breeding and propagating of upland game or ornamental birds, waterfowl, shorebirds, rabbits, hares and squirrels, or such additional species as may be approved by the commission shall have the right upon complying with this section, to establish, operate and maintain a game bird and animal farm for the purpose of breeding, propagating, killing and selling game birds and game animals on such lands, the acreage and size of which shall be determined by the commission. Such game bird and animal farm must be completely enclosed by a fence. All waterfowl bred, propagated or held on a game bird and animal farm licensed pursuant to this section shall be enclosed within a covered enclosure by the licensee throughout the open season for hunting waterfowl in the state when written or oral notice is given to the licensee by the commission or its agents.

(2) Such owner or lessee desiring to establish, operate and maintain a game bird and animal farm in conformity with this section, shall file with the commission a verified declaration, describing the lands which such applicant for a license desires to use for the purpose of breeding and propagating such game birds or animals and setting forth also the title and leasehold of the applicant and the number of acres embraced in said tract.

(3) Upon the filing of such declaration the commission shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. It will be necessary for the licensee to purchase all wild game within the boundaries of the proposed farm of the species designated in the license, and to effect this purpose the commission thereupon shall appoint one man,

the applicant one man, and these two shall select a 3rd man, the 3 to act as a board to go upon the lands embraced within the proposed license and determine as near as possible the number of wild birds and animals of the desired species 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 30 days after the date of such determination as accepted by the commission, the licensee shall pay to the commission a specified sum as may be determined by the commission for those species of wild birds or wild animals on the said lands that are desired for propagation purposes, the title of which rests in the state. If upon such examination it shall appear that the applicant is the owner or lessee of said lands, and the applicant intends in good faith to establish, operate and maintain a game bird and animal farm, the commission shall inform him that as soon as he has built a suitable fence around the area to be included within the license, it will issue the same. Said fence shall be built as the commission may direct. After the complete installation of such fence and after the commission has satisfied itself that it is satisfactory and complies with the law, it 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, killing and selling of such game birds and animals thereon according to this section. When such license has been granted, the licensee shall become the owner of all such game birds or animals thereon of the species licensed and of all of their offspring actually produced thereon and remaining thereon, subject however to the jurisdiction of the commission over all game.

(3m) No game bird and animal farm license shall be issued after May 24, 1961, other than those already in operation for any area less than one-quarter mile from the exterior boundaries of an approved state or federal wildlife area, public hunting grounds or refuge which is managed in whole or in part for pheasants. All lands under one license shall be contiguous. This section shall not prohibit the licensing of game bird and animal farms within one-quarter mile of approved state or federal wildlife areas, public hunting grounds, or refuges provided such licensed farms are completely enclosed, including an enclosed top of woven wire with mesh not larger than 6 inches.

(3n) Within 30 days after the date of the

issuance of any such license, the licensee shall erect posts or stakes at intervals of not more than 80 rods along the boundary of the land embraced in said license, wherever the same is not already enclosed, and shall post and maintain, upon said posts, stakes or other enclosure, notices proclaiming the establishment of a game bird and animal farm. Such notices shall be furnished by the commission to the licensee at cost.

(4) The holder of any such license shall pay an initial license fee of \$5. Such license shall expire on December 31 of each year, but may be renewed each year upon the payment by the licensee of the renewal license fee of \$2.

(5) 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 such a game bird and animal farm upon said premises, and shall entitle the licensee therein named or his successors or assigns, to the exclusive right for and during said term to breed and propagate such game birds and animals thereon, and to the exclusive and sole ownership of any property in all such licensed game birds and animals caught or taken therefrom.

(6) (a) Such game birds and animals, except waterfowl, may be taken at any time in any manner by persons qualified under this chapter to hunt thereon. Waterfowl may only be taken pursuant to the rules adopted by the commission and in effect governing the hunting of waterfowl, except that upon written application the commission may authorize the taking of hand-reared mallards at any time within the boundaries of a licensed game bird and animal farm in numbers not to exceed those liberated or propagated when it appears to the satisfaction of the commission that only mallards liberated or propagated by the licensee will be taken on such farm. The applicant shall certify to the commission that mallards liberated or propagated for shooting were produced and reared in captivity and are more than 2 generations removed from the wild. Hand-reared mallards shall not be released for shooting purposes unless such mallards have first been identified as the commission directs. Mallards confined to wholly enclosed pens or buildings may be taken within such pens or buildings at any time and in any numbers. No such game bird or animal or mallards killed on such farm and no live game bird or animal or mallards to be consumed as food shall be removed therefrom

until there has been securely fastened to each bird or animal a band or tag furnished by the commission to the licensee at cost. Such band or tag shall remain attached to the bird or animal until prepared for consumption. Live birds and animals may be sold or transported. Each container carrying such live birds or animals shall have attached thereto a band or tag as set forth above. Live birds or animals acquired from the licensee to be consumed as food shall not be kept in a live condition by any person beyond 48 hours from the time such birds or animals were acquired from such licensee. Correct and complete book records of sales and purchases of live birds and animals disclosing the time and date of such sales and whether or not such live birds and animals were acquired to be consumed as food shall be kept by the licensee. Certified copies of such records shall be furnished by the licensee to the commission on request, on forms furnished by the commission.

(c) Whenever any such bird or animal shall be consumed for food, the tag attached to such bird or animal shall be kept in evidence until such bird or animal is consumed.

(6m) Notwithstanding any other provision of the statutes to the contrary, no person hunting upon a game bird and animal farm shall be required to hold a hunting license.

(7) Any person other than the licensee, his bona fide regular employes, or persons having permission from the licensee who shall hunt or shoot game birds or animals upon any lands described in any such license, shall be liable to the licensee in the sum of \$100, in addition to all damage which he may do to the farm or to the game birds or animals, and property thereon, but all actions for such trespass shall be brought by such licensee.

(8) (a) On or before January 10 of each year, each such licensee shall make a report to the commission, covering the period from January 1 to December 31 of the previous year, upon blanks furnished by the commission, stating the number and kinds of game birds or animals killed and sold and live game birds or animals sold during such period.

(b) The commission or its deputies may inspect such game bird and animal farms or the books of such farms at any and all times when they may think the need requires it.

(9) Any person who violates this section shall be fined not less than \$25 nor more than \$50.

**History:** 1961 c. 77, 307; 1965 c. 249, 503; 1967 [13.93 (1) (e), (h), (l)]; 1967 c. 26 s. 94; 1967 c. 80, 164.

**29.575 Muskrat farms.** (1) The owner or lessee of any lands within this state suitable for the breeding and propagating of muskrats shall have the right upon complying with this section to establish, operate and maintain on such lands a muskrat farm, for the purpose of breeding, propagating, trapping and dealing in muskrats.

(2) Such owner or lessee desiring to establish, operate and maintain a muskrat farm in conformity with this section, shall file with the commission 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 or leasehold of the applicant and the number of acres embraced in said tract.

(3) Upon the filing of such declaration the commission 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 commission 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) Thereupon the commission shall appoint one man, the applicant one man, and these 2 shall select a 3rd 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 10 days after the date of such determination, the licensee shall pay to the commission 50 cents for each muskrat so found on such lands. When such payment has been made the licensee shall become the owner of all of the muskrats on said lands and of all of their offspring remaining thereon. He shall have the right to manage and control said lands and the rats thereon, to take and trap the same at any time or in any manner which he sees fit and deems to the best advantage of his business, and to sell and transport at any time said muskrats or the pelts taken from them.

(5) The holder of any such license shall pay an annual license fee of \$5.

(6) Within 30 days after the date of the issuance of any such license, the licensee shall erect posts or stakes at intervals of not more than 80 rods along the boundary of the land embraced in said license, wherever the same are not already enclosed, and shall post and maintain upon said posts, stakes or other enclosures notices proclaiming the establishment of a muskrat farm. Such notices shall be furnished by the commission to the licensee at cost.

(7) 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 or his successors or assigns, to the exclusive right for and during 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 licenses shall expire on December 31 of each year, but may be renewed from year to year upon payment by the licensee of the annual license fee.

(8) 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 \$25, in addition to all damage which he may do to said farm or to the rats and property thereon, but all actions for such trespass shall be brought by such licensee.

(9) On or about January 1 of each year, each such licensee shall make a report to the commission, covering the period from January 1 to December 31 of the previous year, upon blanks furnished by the commission, 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 commission requires.

(10) Nothing in this section shall be construed to affect any public right of hunting, trapping, fishing or navigation except as herein expressly provided. No muskrats on licensed farms shall be killed at any time by gunshot or spear.

**History:** 1961 c. 307; 1963 c. 298; 1965 c. 503; 1967 [13.93 (1) (e), (1)]; 1967 c. 26 s. 94.

**29.576 Beaver farms.** (1) The owner or lessee of any lands within this state suitable for the breeding and propagating of beavers shall have the right upon complying with this section to establish, operate and maintain on

such lands a beaver farm, for the purpose of breeding, propagating, trapping and dealing in beavers.

(2) Such owner or lessee desiring to establish, operate and maintain a beaver farm in conformity with this section, shall file with the commission a verified declaration describing the lands which such applicant for a license desires to use for the purpose of breeding and propagating beavers, and setting forth also the title or leasehold of the applicant and the number of acres embraced in said tract.

(3) Upon the filing of such declaration the commission 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 beaver farm, the commission 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 beavers thereon.

(4) Thereupon the commission shall appoint one man, the applicant one man, and these 2 shall select a 3rd man, the 3 to act as a board to go upon the lands embraced within the license and determine as near as possible the number of beavers 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 10 days after the date of such determination, the licensee shall pay to the commission \$2.50 for each beaver so found on such lands. When such payment has been made the licensee shall become the owner of all of the beavers on said lands and of all of their offspring remaining thereon. He shall have the right to manage and control said lands and the beavers thereon, and after July 1, 1925, to take and trap the same at any time or in any manner which he sees fit and deems to the best advantage of his business, and to sell and transport at any time after July 1, 1925, said beavers or the pelts taken from them. All such pelts so transported shall be tagged with a tag to be furnished by the commission to the licensee at cost, not exceeding one cent each. Such tags shall be numbered to correspond with the number of the license held by the licensee.

(5) The holder of any such license shall pay an annual license fee of \$3.75 for any

such farm of 10 acres or under, and an additional fee for any additional land actually devoted to beaver farming as follows: 22½ cents per acre for the next 30 acres; 15 cents per acre for the next 40 acres and 7½ cents per acre for any additional land so used. Where such a farm is operated in conjunction with a licensed muskrat farm then only the annual license fee for operating the beaver farm must be paid but no additional acreage fee is required. No license shall be issued unless the applicant shall execute and deliver to the commission a bond in a penal sum of not less than \$100 nor more than \$300 within the discretion of the commission, conditioned that he will conduct such beaver farm for a period of not less than 2 breeding seasons; that if at any time he shall discontinue said beaver farm he will have thereon as many beavers as were estimated to be thereon at the time the investigation was made under sub. (4), and that the applicant will not dynamite or otherwise injure the beaver dam or destroy the beaver colony. Such bond shall run to the state and any action thereon shall be begun in the name of the state, under the direction of the attorney general.

(6) Within 30 days after the date of the issuance of any such license, the licensee shall erect posts or stakes at intervals of not more than 80 rods along the boundary of the lands embraced in said license, whenever the same are not already enclosed, and shall post and maintain upon said posts, stakes or other enclosures, notices proclaiming the establishment of a beaver farm. Such notices shall be furnished by the commission to the licensee at cost.

(7) 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 beaver farm upon said premises, and shall entitle the licensee therein named or his successors or assigns, to the exclusive right for and during said term to breed and propagate beavers thereon, and to the exclusive and sole ownership of any property in all beavers caught or taken therefrom. Such licenses shall expire on December 31 of each year, but may be renewed from year to year upon payment by the licensee of the annual license fee.

(8) Any person other than the licensee or his agents who shall hunt or trap beavers upon any lands described in any such license, shall be liable to the licensee in the sum of \$25 in addition to all damage which he may

do to said farm or to the beavers and property thereon, but all actions for such trespass shall be brought by such licensee.

(9) On or about January 1 of each year, each such licensee shall make a report to the commission, covering the period from January 1 to December 31 of the previous year, upon blanks furnished by the commission, stating the number of his license and the total number and value of beavers killed, transported or sold from said beaver farm, and such other information as the commission requires.

(10) Nothing in this section shall be construed to affect any public right of hunting, trapping, fishing or navigating, except as herein expressly provided.

**History:** 1961 c. 307; 1965 c. 503; 1967 [13.93 (1) (e), (1)]; 1967 c. 26 s. 94.

**29.577 Otter, raccoon and skunk farms.**

(1) The owner or lessee of any lands within this state suitable for the breeding and propagating of otter, raccoon or skunk shall have the right upon complying with this section to establish, operate and maintain on such lands an otter, raccoon or skunk farm, for the purpose of breeding, propagating, trapping and dealing in otter, raccoon or skunk.

(2) Such owner or lessee desiring to establish, operate and maintain an otter, raccoon or skunk farm in conformity with this section, shall file with the commission a verified declaration, describing the lands which such applicant for a license desires to use for the purpose of breeding and propagating otter, raccoon or skunk, and setting forth also the title or leasehold of the applicant and the number of acres embraced in said tract. He shall also set forth the number of otter, raccoon or skunk in his possession, and that he obtained them in a lawful manner.

(3) Upon the filing of such declaration the commission 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 an otter, raccoon or skunk farm, the commission 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 otter, raccoon or skunk thereon.

(3m) Thereupon the commission shall appoint one man, the licensee shall appoint one man, and these 2 shall select a 3rd man, said



3 men to act as a board to go upon the lands embraced within the license, and determine as near as possible the number of otter, raccoon or skunk 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 10 days after the date of such determination, the licensee shall pay to the commission \$2.50 for each otter and \$1 for each raccoon and \$1 for each skunk so found on such lands. When such payment has been made the licensee shall become the owner of all of the otter, raccoon or skunk on said lands and of their offspring remaining thereon. He shall have the right to manage and control said lands and the otter, raccoon or skunk thereon, to take and trap the same at any time or in any manner which he sees fit and deems to the best advantage of his business, and to sell and transport at any time said otter, raccoon or skunk or the pelts taken from them.

(4) When such license has been granted the licensee shall become the owner of all the otter, raccoon or skunk on said lands and of all their offspring remaining thereon. He shall have the right to manage and control said lands and the otter, raccoon or skunks thereon, to take and trap the same at any time or in any manner which he sees fit and deems to the best advantage of his business, and to sell and transport at any time said otter, raccoon or skunk or the pelts taken from them. All such pelts so transported shall be tagged with a tag to be furnished by the commission to the licensee at cost, not exceeding one cent each. Such tags shall be numbered to correspond with the number of the license held by the licensee.

(5) The holder of any such license shall pay an annual license fee of \$3.75 for any such farm of 10 acres or under, and an additional fee of 37½ cents per acre for any additional land actually devoted to otter, raccoon or skunk farming. Where such a farm is operated in conjunction with a licensed muskrat farm then only the annual license for operating an otter, raccoon and skunk farm must be paid, and no additional acreage fee is required.

(6) Within 30 days after the date of the issuance of any such license the licensee shall erect posts or stakes at intervals of not more than 80 rods along the boundary of the lands embraced in said license, wherever the same are not already enclosed, and shall post and maintain upon said posts, stakes or other enclosures, notices proclaiming the establish-

ment of an otter, raccoon or skunk farm. Such notices shall be furnished by the commission to the licensee at cost.

(7) 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 an otter, raccoon or skunk farm upon said premises, and shall entitle the licensee therein named or his successors or assigns, to the exclusive right for and during said term to breed and propagate otter, raccoon or skunk thereon, and to the exclusive and sole ownership of any property in all otter, raccoon or skunk caught or taken therefrom. Such licenses shall expire on December 31 of each year, but may be renewed from year to year upon payment by the licensee of the annual license fee.

(8) Any person other than the licensee or his agents who shall hunt or trap otter, raccoon or skunk upon any lands described in any such license, shall be liable to the licensee in the sum of \$25 in addition to all damage which he may do to said farm or to the otter, raccoon or skunk and property thereon, but all actions for such trespass shall be brought by such licensee.

(9) On or about January 1 of each year, each such licensee shall make a report to the commission, covering the period from January 1 to December 31 of the previous year, upon blanks furnished by the commission, stating the number of his license and the total number and value of otter, raccoon or skunk killed, transported or sold from said otter, raccoon or skunk farm, and such other information as the commission requires.

(10) Nothing in this section shall be construed to affect any public right of hunting, trapping, fishing or navigation except as herein expressly provided.

**History:** 1961 c. 307; 1963 c. 298; 1965 c. 503; 1967 [13.93 (1) (e), (i)]; 1967 c. 26 s. 94.

**29.578 Deer farms; venison serving permits.** (1) The owner or lessee of any lands within this state suitable for breeding and propagating of deer shall have the right upon complying with this section to establish, operate and maintain a deer farm for the purpose of breeding, propagating, killing and selling deer on such lands, the acreage and size of which shall be determined by the commission. Such deer farm must be completely inclosed by a fence. Any streams whether meandered or not, flowing into or out of an inclosed deer farm, and of a swampy, marshy or boggy character and not navigable in fact

at all times of the year by ordinary boats or pleasure craft, and which are not of any substantial beneficial use to the public, shall not be considered navigable so as to prevent erection and maintenance over them, of the type of fence prescribed and permitted by this section.

(2) Such owner or lessee desiring to establish, operate and maintain a deer farm in conformity with this section shall file with the commission a verified declaration, describing the lands which such applicant for a license desires to use for the purpose of breeding and propagating deer and setting forth also the title or leasehold of the applicant and the number of acres embraced in said tract.

(3) Upon the filing of such declaration the commission shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. Upon receipt of such declaration the commission shall determine as near as possible the number of deer on such lands. The necessary expenses of such investigation shall be paid by the licensee.

(4) The licensee shall pay to the commission \$25 for each deer so found on such lands. When such payment has been made and the license issued, the licensee shall become the owner of all deer on said lands and of all their offspring. He shall have the right to manage and control said lands and the deer thereon, to kill and sell the same as provided by this section. If upon 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 deer farm, the commission may inform him that as soon as he has built a suitable deer fence around the area to be included within the license, it will issue the same. Said deer-tight fence shall be built in accordance with specifications prescribed by the commission; provided, the commission may issue a license for such deer farms heretofore established if the fence actually inclosing said farm is in fact sufficient to hold deer therein. After the complete installation of such fence and after the commission has satisfied itself that it is satisfactory and complies with the law, it may 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, killing and selling of deer thereon according to this section.

(5) The holder of any such license shall pay an annual license fee of \$25. Such license

shall expire on December 31 of each year, but shall be renewed each year if the licensee has not violated any of the provisions under which it was granted.

(6) 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 deer farm upon said premises, and shall entitle the licensee therein named or his successors or assigns, to the exclusive right for and during said term to breed and propagate deer thereon, and to the exclusive and sole ownership of any property in all deer caught or taken therefrom.

(7) Deer on a deer farm shall be killed only by the licensee or his bona fide regular employes except that on licensed deer farms, not less than 10 acres in area, deer may be killed by persons expressly authorized by the licensee who are otherwise qualified under this chapter to hunt deer; and all such deer killed shall be distinctly tagged with a tag to be furnished by the commission to the licensee at cost not exceeding 5 cents each. The licensee shall pay to the commission \$1 for each deer so killed. Before any deer on a licensed deer farm shall be killed, the licensee shall notify the commission or one of its representatives in advance of the taking of such deer, and the commission or its representatives shall make acknowledgment of receipt of said notice and such acknowledgment when received by the licensee shall be his authority for taking deer. The commission or any of its duly authorized representatives may be present while the taking of such deer is in progress.

(8) After a deer is so killed and tagged the entire carcass only shall be sold and transported, except as provided in sub. (14). The tag must remain on the carcass while in transit and until same is consumed.

(9) Such licensee may sell and transport live deer providing that the commission or one of its representatives be notified in advance of the shipment of such deer, and the commission or its representatives shall make acknowledgment of receipt of said notice and such acknowledgment when received by the licensee shall be his authority for shipping deer. The licensee shall pay to the commission \$1 for each live deer sold, and each crate or conveyance carrying such live deer must have a special tag or tags attached thereto for each live deer transported therein, showing that it is a deer from a deer farm. The data

on such tag or tags shall be entered in ink or indelible pencil and such tag or tags shall be retained by the purchaser of said live deer. Such tags shall be furnished by the commission, its deputies or agents.

(10) Any person other than the licensee or his employes who shall hunt or trap deer upon any lands described in any such license shall be liable to the licensee in the sum of \$100 in addition to all damage which he may do to said farm or to the deer and property thereon, but all actions for such trespass shall be brought by such licensee.

(11) Each license shall be accepted by the licensee upon the condition that he will comply with this section and with all provisions of law and that he will honestly operate said deer farm for the purpose of propagating deer; that the title to the deer in the inclosure for which a license has been granted and for which the applicant has paid the state at the rate of \$25 per deer, shall be conditional upon the applicant and licensee honestly and fairly complying with this section and provisions of law relating to the operation of deer farms; and in the action to revoke the license of said licensee, or to establish his unfitness to further operate said deer farm, the court, in the judgment, in the event it is determined that the applicant and licensee has violated this section and the provisions of law relating to the operation of deer farms, shall provide that the title to all of the deer within said inclosure together with all of the increase therefrom be forfeited to the state; that the said tract of land shall not be used for a deer farm for a period of 5 years and until a new license therefor, after said 5 years, has been issued by the commission as provided in this section; that the commission shall within 30 days of the notice of entry of judgment enter upon said tract and open the said fences in such a manner as to give the inclosed animals free egress and may drive the said animals out of the inclosure if in the opinion of the commission it is for the best interests of the state; said lands for which said license has been forfeited may be used by the owner thereof for all lawful purposes except the propagating of deer during said time, and during said 5 year period said lands shall be a sanctuary and no hunting or trapping of any kind or character shall be practiced therein or thereon. The said commission shall in such event duly post notices thereof at intervals of 10 rods around the entire tract.

(12) On or before January 1 of each year, each such licensee shall make a report to the

commission, covering the period from January 1 to December 31 of the previous year, upon blanks furnished by the commission, stating the number of deer killed and sold and live deer sold during said period, the names and addresses of the persons to whom the same were sold and the dates of shipment.

(13) The commission or its deputies shall have the right and power to inspect such deer farms or the books of such deer farms at any and all times when they may think the need requires it.

(14) (a) Any person who may wish to barter, sell or otherwise deal in the carcasses or parts of deer taken from deer farms must first purchase from the commission a license for so doing. The fee for such license shall be \$50 for each year and shall expire on December 31. Each carcass or part thereof of such deer that may be sold by such person under such license must have a distinctive tag attached thereto that will be furnished them by the commission at 5 cents each. Special permits for a limited time to retail a venison lawfully killed and sold in the carcass to any retailer of meats may be issued by the commission, the fee for which shall be \$5 for each deer so sold.

(b) Any person may serve venison obtained from a deer farm licensed under this section provided he has a permit therefor from the commission. The application for the permit shall be in such form and require such information as the commission requires and be accompanied with a permit fee of \$5. If the commission after investigation is satisfied that the application is satisfactory it shall issue a serving permit conditioned as follows:

1. It shall be valid for a period of not to exceed 30 days from the date of issuance.

2. It shall be exhibited in a conspicuous place in the premises where such venison is retained and served.

3. It shall contain the name and address of the applicant together with the name and address of the premises where the venison will be retained and served, together with the source of the venison, the sex, approximate weight and deer farm tag numbers of the carcass, the deer farm tag to remain with the venison until consumed.

4. The permittee agrees to record immediately upon possession all additional venison, purchased, possessed or served during the permit period in the space provided therefor on the permit.

5. The permittee agrees that the commission, or its agents, shall have the right to

inspect the premises where such venison is retained or served.

(c) Each permittee under par. (b) shall file a verified report to the commission within 30 days after the expiration of the permit containing such information regarding the operations under the permit as the commission requires on forms furnished by the commission.

(15) Any person who shall unlawfully and without the permission of the owner, hunt within the enclosure of said deer farm or who shall violate this section shall be fined not less than \$100 nor more than \$200 or imprisoned not less than 60 days nor more than 6 months, or both.

(16) The commission may sell to owners of licenses hereunder for propagating purposes, fawns and deer at a price to be fixed by the commission not exceeding \$25 each, and the said commission is directed to make all necessary orders, rules and regulations not inconsistent herewith, carrying out the provisions hereof to the end that the industry may be encouraged.

History: 1965 c. 503; 1967 [13.93 (1) (e), (h), (i), (l)]; 1967 c. 26 s. 94; 1967 c. 29.

**29.579 Domestic fur-bearing animal farms.**

The breeding, raising and producing in captivity, and the marketing, by the producer, of foxes, fitch, nutria, marten, fisher, mink, chinchilla, rabbit or caracul, as live animals, or as animal pelts or carcasses shall be deemed an agricultural pursuit, and all such animals so raised in captivity shall be deemed domestic animals, subject to all the laws of the state with reference to possession, ownership and taxation as are at any time applicable to domestic animals. All persons engaged in the foregoing activities are farmers and engaged in farming for all statutory purposes.

**29.58 Mink farms on muskrat farm lands.**

(1) The owner or lessee of any licensed muskrat farm under s. 29.575 shall have the right, upon complying with this section, to establish upon such muskrat farm lands, a mink farm, for the purpose of breeding, propagating, trapping and controlling nondomesticated mink thereon.

(2) Such owner or lessee desiring to establish, operate and maintain a mink farm in conformity with this section, shall file with the commission a verified declaration describing the lands which such applicant for a license desires to use for the purpose of breeding and propagating or controlling nondomesticated mink, and setting forth also the

title or leasehold of the applicant and the number of acres embraced in the tract.

(3) Upon the filing of the declaration, the commission shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. If upon such examination it appears 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 mink farm, the commission 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 of and dealing with mink.

(4) Thereupon the commission shall appoint one man and the applicant one man, and these 2 shall select a 3rd man, the 3 men to act as a board to go upon the lands embraced within the license, and determine as near as possible the number of nondomesticated mink thereon at the time of the granting of the license. Such estimates shall only be made during that part of the year when there is snow on the ground. The necessary expenses of the members of such board shall be paid by the licensee. Within 10 days after the date of such determination, the licensee shall pay to the commission \$2.50 for each mink so found on such lands. When such payment has been made the licensee shall become the owner of all of the mink on said lands and of all of their offspring remaining thereon. He has the right to manage and control said lands and the mink thereon, to take and trap the same at any time or in any manner which he sees fit and deems to the best advantage of his business, and to sell and transport at any time said mink or the pelts taken from them.

(5) The holder of any such license shall pay an annual license fee of \$3.75, and such annual fee shall be for the same lands as are duly licensed as a muskrat farm under s. 29.575, without additional acreage tax.

(6) The licensee shall maintain at intervals of not more than 80 rods along the boundary of the land embraced in said license, wherever the same are not already enclosed, notices proclaiming the establishment of a muskrat or mink farm. Such notices shall be furnished by the commission to the licensee at cost.

(6m) If any sign under sub. (6) is damaged or removed through no fault of the licensee, the commission shall mail a notice to the effect that a sign is damaged or has been removed, stating the location where the

sign is damaged or removed. Within 30 days after receipt of such notice, the licensee shall repair or replace such sign.

(7) Such license shall be prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named, his successors or assigns, for the term of the license, to establish and operate a nondomesticated mink farm upon said premises, and shall entitle the licensee therein named or his successors or assigns, to the exclusive right for and during said term to breed and propagate mink thereon, and to the exclusive and sole ownership of any property in all mink caught or taken therefrom. Such licenses shall expire on December 31 of each year, but may be renewed from year to year upon payment by the licensee of the annual license fee.

(8) Any person other than the licensee or his agents who shall hunt or trap mink upon any lands described in any such license, shall be liable to the licensee in the sum of \$25, in addition to all damage which he may do to said farm or to the mink and property thereon, but all actions for such trespass shall be brought by the licensee.

(9) On or about January 1 of each year, each such licensee shall make a report to the commission, covering the period from January 1 to December 31 of the previous year, upon blanks furnished by the commission, stating the number of his license and the total number and value of mink killed, transported or sold from said mink farm, and such other information as the commission requires.

(10) Nothing in this section shall be construed to affect any public right of hunting, trapping, fishing or navigation except as herein expressly provided, nor shall this section apply to mink raised in captivity. No mink on licensed farms shall be killed at any time by gunshot or spear.

**History:** 1961 c. 307; 1963 c. 298, 459; 1965 c. 503; 1967 [13.93 (1) (e)]; 1967 c. 26 s. 94; 1967 c. 165.

**29.582 Trespass on fox or mink farm punished.** (1) Any person owning or breeding silver, silver black, black foxes, or mutations thereof, or mink which have been raised in captivity shall have the same property rights therein as enjoyed by owners or breeders of domestic animals.

(2) Whenever the owner of any premises upon which silver, silver black, black foxes, or mutations thereof, or mink which have been raised in captivity are being bred or raised shall maintain large sign boards with the following inscription painted in large letters on the side facing from the enclosure: "Fur Farm

—Keep Out" in such manner and size as to be legible for a distance of 100 feet, at points not more than 200 feet apart, along the boundary lines of such premises, no person, without the consent of such owner, shall enter upon such premises and approach within a distance of 150 yards from any point of an outer fence or enclosure within which the dens or pens of such animals are located. Maintenance of signs herein provided shall not be construed as posting, nor prevent recovery of damages, under s. 29.595 (2). Any person violating this subsection shall be fined not more than \$200, or imprisoned not more than 6 months.

(3) No person, without the permission of the owner of an enclosure within which silver, silver black, black foxes, or mutations thereof, or mink which have been raised in captivity are kept for breeding purposes, shall enter such enclosures. Any person violating this subsection shall be fined not more than \$200 or imprisoned not more than 6 months.

(4) The commission is not required to enforce this section.

**History:** 1967 [13.93 (1) (e), (1)]; 1967 c. 26 s. 94.

**29.585 Wildlife exhibit licenses.** (1) The commission may grant licenses for wildlife exhibits which are defined as any place where one or more live wild animals are kept in captivity for the purpose of exhibition or for advertising purposes. The form of application and license shall be prescribed by the commission.

(2) (a) The term "wildlife exhibit" shall not include the exhibition of any live wild animal by any educational institution, state department, public zoo or park or garden, circus or theatrical exhibition or any such exhibition sponsored by any organization with the approval of the conservation director.

(b) The term "wild animal" as used in this section means any mammal or bird of a wild nature as distinguished from domestic animals under the common law or under the Wisconsin statutes whether or not such mammal or bird was bred or reared in captivity.

(3) No wildlife exhibition license shall be granted by the commission until it is satisfied that the provisions for housing and caring for such wild animals and for protecting the public are proper and adequate and in accordance with the standards therefor established by the commission.

(4) The commission shall adopt and enforce rules and regulations for the housing, care, treatment, feeding and sanitation of wild animals kept in wildlife exhibits and for the

protection of the public from injury by such wild animals.

(5) It is unlawful for any person to keep any live wild animal in captivity for the purpose of exhibition or for advertising purposes or to have any wild animal in his custody or under his control for such purpose, unless a wildlife exhibit license has been issued by the commission. Such license shall be required in addition to game bird and animal farm, deer farm or fur farm licenses required by statute for the possession, breeding, propagating or dealing of such wild animals when such licensed farms are wildlife exhibits as defined in sub. (1). The fee for such license shall be \$10 and such license shall expire annually on December 31.

(6) Each licensee shall file an annual, verified report with the commission within 30 days after the expiration of such license containing such information on the operation of the wildlife exhibit as the commission may require and on forms furnished by the commission.

History: 1967 c. 26 s. 94.

**29.586 Humane, adequate and sanitary care of wild animals.** (1) The commission has the authority to examine all lands, together with buildings, licensed as game bird and animal farms, deer farms or fur farms to determine that all wild animals held in captivity on such licensed farms are treated in a humane manner and confined under sanitary conditions with proper and adequate housing, care and food.

(2) The commission may order any licensee to comply with standards prescribed in such order for the housing, care, treatment, feeding and sanitation of wild animals held in captivity by the licensee.

(3) Any such licensee who fails to comply with such order of the commission within 10 days of its issuance will be subject to penalties provided in s. 29.63 (1) (d).

History: 1967 c. 26 s. 94.

**29.59 Beaver causing damage.** (1) Upon complaint in writing, by the owner or lessee of any lands, to the commission, that beaver are causing damage thereto, the commission shall employ such means as it deems wise to inquire into the matter. If, upon inspection, investigation, hearing or otherwise, it shall appear to the satisfaction of the commission that the facts stated in such complaint are true, it may, by written permit, authorize any conservation warden or other employe of the commission to capture and remove such beaver.

Any beaver dam or beaver house causing damage shall not be removed until consent is given by the owner or occupant of the land on which it is located. The owner or occupant of the land failing to give such consent after receiving notice and solicitation shall be liable for all damages arising thereafter by reason of the continuing existence of beaver structures.

(2) All such beaver or the skins of such beaver shall be shipped without delay to Madison, consigned to the commission. Unless other orders in writing are issued, they shall be sold in the manner of a sale of confiscated game, and the proceeds paid into the conservation fund.

History: 1967 [13.93 (1) (g)]; 1967 c. 26 s. 94.

**29.594 Damages caused by wild ducks or geese.** (1) Any owner or grower of crops on any agricultural land, except lands under state or federal control, may claim damage to such crops caused by wild ducks or geese, by filing a verified statement of his claim with the commission within 5 days after such damage allegedly occurred. Such claim shall certify that the damage was caused on agricultural lands to crops or to old or new seedings except unharvested sweet corn or any crops on farms where any crops are planted or manipulated for purposes of attracting wild ducks or geese or crops not harvested in accordance with normal agricultural practices. However, if the condition causing damage is in the nature of a continuing trespass or depredation, the claimant may, in lieu of a claim, file with the commission within 5 days from the time such damage first occurs, a notice of claim, stating the nature of the condition and that damages will be claimed as soon as the total damage can be ascertained. In such case, the claimant, if he has co-operated with the commission to prevent or alleviate the damage by dispersal of waterfowl or other means, shall be entitled to recover the total damages but not to exceed \$1,500 sustained during the continuance of the condition but not beyond 6 months after the date of the notice, provided he files a verified statement of his claim with the commission within 10 days after the abatement of the condition but not after 6 months of the date of the notice if the condition persists. No person shall be entitled to damages under this section caused by wild ducks or geese in any area during the open season for shooting same in such area unless such open season is subject to provisions limiting the number of hunters. Any owner or occupant of agricultural lands shall deduct from his claim any amounts received by both

the owner and occupant for hunting or shooting rights upon said lands during said crop season.

(2) The commission shall investigate and settle all claims. In all cases where the commission and claimant cannot agree upon the amount of the damage, the commission shall, upon not less than 10 days' written notice to such claimant, apply to a county judge of the county wherein the claimant resides to try and determine all issues. At the time set such judge shall hear the parties, and in such manner as he determines, inform himself in respect to the matter, and within 5 days make his award in writing and file the same. All witnesses necessary to such proceedings shall receive the same pay as witnesses in a court of record. The findings and awards of the judge are subject to review on petition of either party under ch. 227.

(3) All claims for damage caused by wild ducks or geese shall be filed with the commission and shall be paid on a pro rata basis at the end of each fiscal year from the funds provided under s. 20.370 (1) (ue).

**History:** 1965 c. 408, 652; 1967 c. 291 s. 14; 1967 c. 322.

**29.595 Damages caused by deer and bear.**

(1) **DEER OR BEAR CAUSING DAMAGE.** Upon complaint in writing by an owner or lessee of land to the commission that deer or bear are causing damage thereon the commission shall inquire into the matter; and if upon investigation, or otherwise, it shall appear to the commission that the facts stated in each such complaint are true, the commission by its agents may capture or destroy such deer or bear, and dispose of the same as provided in s. 29.06.

(2) **CLAIMS FOR DEER OR BEAR DAMAGE.** (a) Any person claiming damage to property caused by deer or bear shall file a verified statement of his claim with the commission within 10 days from the time such damage is alleged to have been done. Such claim shall certify that the damage was caused on agricultural lands to growing crops, orchard trees, nursery stock, apiaries or to farm animals and poultry or on silvicultural lands to trees grown for sale to or by Christmas tree dealers licensed under s. 134.60. However, if the condition causing damage is in the nature of a continuing trespass, the claimant may, in lieu of a claim, file with the commission, within 10 days from the time such damage first occurs, a notice of claim, stating the nature of the condition and that damages will be claimed as soon as the total damage can

be ascertained. In such case, the claimant is entitled to recover 80% of the total damages sustained during the continuance of the condition but not beyond 6 months after the date of the notice, provided he files a verified statement of his claim with the commission within 10 days after the abatement of the condition but not after 6 months of the date of the notice if the condition persists. No person shall be entitled to damages under this section who has posted his lands against trespass or hunting.

(b) The commission shall investigate and settle all claims. In all cases where the commission and the claimant cannot agree upon the amount of the damage the commission shall, upon not less than 10 days' written notice, to such claimant, apply to the judge of the circuit court of the county wherein the claimant resides to try and determine all the issues. At the time set such judge shall hear the parties, and in such manner as he may determine, inform himself in respect to the matter, and within 5 days make his award in writing and file the same. All witnesses necessary to such proceedings shall receive the same pay as witnesses in a court of record. The findings and awards of the judge are subject to review on petition of either party as provided in ch. 227.

(c) All claims for deer and bear damage shall be filed with the commission and 80% of such claims shall be paid from the funds provided for such purposes under s. 20.370 (1).

(3) **DEER FENCES.** If, upon careful examination by the commission, it appears that a deer proof fence can be built or that other appropriate preventive measures can be taken at less cost than the estimated damage that might be done by deer in any area inhabited by deer, the commission may pay any part or all of the costs of a deer proof fence around such area or any part thereof, or take such other measures as it may deem advisable and necessary to prevent deer damage in such area. Expenditures hereunder shall be charged against the funds provided by s. 20.370 (1).

**History:** 1961 c. 349; 1965 c. 433 s. 121; 1967 c. 29, 110, 291 s. 14.

**29.596 Wild animals causing damage.**

Upon complaint in writing by an owner or lessee of land to the commission that wild animals are causing damage thereon the commission shall inquire into the matter; and if upon investigation, or otherwise, it appears to the commission that the facts stated in each such complaint are true, the commission, by

its agents, may capture or destroy such wild animals or issue permits to the owner or lessee of the land to capture or destroy such wild animals. All such wild animals captured or destroyed by permit shall immediately be turned over to authorized commission agents who shall dispose of them as provided in s. 29.06.

**29.60 Use of poison and explosives.** (5)

(a) It shall be unlawful to put out baits containing poison of any description in any forests, fields or other places where it might destroy or cause the destruction of wild animals or birds, and the possession of any such poison or poison baits in a hunting or trapping camp or on any person or persons while hunting or trapping shall be prima facie evidence of a violation hereof.

(b) It shall be unlawful to take, capture or kill or attempt to take, capture or kill any wild animal with the aid of dynamite or any other explosive or poison gas, or set any dynamite or other explosives near or on any beaver or muskrat houses. Any person who violates this subsection shall be fined not less than \$100 nor more than \$300, or imprisoned not less than 3 months nor more than 6 months.

(c) Nothing in this chapter shall prevent the commission or its deputies from using dynamite or having dynamite in possession near beaver houses or dams for the purpose of removing beaver dams when the beavers are causing damage to property owners, nor shall it be unlawful for any person to use poisoned baits, dynamite or poison gas under rules and regulations which shall be prescribed jointly by the commission and the state department of agriculture, for the destruction of injurious insects, rodents or English sparrows.

**History:** 1961 c. 343; 1963 c. 6, 317; 1967 [13.93 (1) (e), (1)]; 1967 c. 26 s. 94.

**29.605 Giving away of predatory animals to public zoos.** (1) It shall be lawful for the commission, its agents, or deputies to give, present, or turn over alive, for educational purposes, to any bona fide public zoo any predatory animal.

(2) Any predatory animal that has been given to, presented, or turned over to any bona fide public zoo under this section shall not be sold, bartered or given away by such zoo in any manner except that such animal may be returned to the commission.

**History:** 1967 [13.93 (1) (e)]; 1967 c. 26 s. 94.

**29.61 Bounties, local; false certificates.**

(1) The governing body of any county, town, city or village may direct that every person who shall kill any crow, or any sharpshinned

or Cooper's hawk, or any pocket gopher, or any streaked gopher, or any black, brown, gray or Norway rat, commonly known as the house rat or barn rat, or any rattlesnake, or any ground hog or any woodchuck, or any mole, or any red or grey fox, or any wolf, or any coyote, or any wildcat, or any lynx, or any weasel shall be entitled to a reward as determined by the governing board of any county, town, city or village.

(2) Any person claiming such reward shall exhibit the bill of the crow or hawk, or the ears of the gopher or woodchuck, at least half of the body including the rattles of the rattlesnake, or head of any other animal on which a bounty is payable to an officer designated by such governing body in its ordinance or resolution providing for such reward, and present an affidavit to such officer stating that said bill, ears, body or head are of the animal killed by him, and that he has not spared the life of any such animal or bird within his power to kill. Such officer shall then issue a certificate in the following form:

STATE OF WISCONSIN,

County of . . . .

I, . . . . . (designation of officer), do certify that . . . . . has this day exhibited to me the head (or bill, or body, or ears) of . . . . , which he claims to have killed in said (town, city, village), and that the head (or bill, or body, or ears) of said . . . . was (were) destroyed in my presence, and that the said . . . . . is on presentation of this certificate to the (town, city, village) clerk within 20 days from the date hereof, entitled to an order on the (town, city, village) treasurer for the sum of . . . . dollars, to be drawn from the general fund of said (town, city, village).

Dated this . . . . day of . . . . , 19 . . . .

. . . . .

(Designation of Officer)

(3) The town, city or village clerk, respectively, shall on the production of the certificate of such officer, issue to the holder thereof an order on the town, city or village treasurer, respectively, for the amount stated in said certificate.

(4) Whenever any county has authorized the reward provided for in this section, the treasurers of the various towns, cities and villages shall, at the close of their accounts on October 30 in each year certify to the county clerk the amount of money expended by their respective towns, cities and villages under this section. Such treasurer shall attach to the certificate an affidavit stating that the account is just and that his town, city or



village has actually expended the amount therein stated. The certificate and affidavit shall be placed on file in the office of the county clerk and the account shall be audited by the county board and the amount thereof paid to the treasurers of the respective towns, cities and villages from any money in the general fund of the county not otherwise appropriated. The county board may by ordinance provide an alternative method of reimbursement whereby the county clerk may make direct payment to the claimant of the reward allowed by the county upon the presentation of the affidavit and certificate provided in sub. (2).

(5) Any county, city, village, or town clerk or conservation warden who shall knowingly make any untrue or false certificate in respect to any animals on which a bounty is paid, and any person who shall obtain or endeavor to obtain any such certificate from such clerk or conservation warden by false or fraudulent misrepresentation or practices, and any person who shall obtain or endeavor to obtain a reward as provided in s. 29.61 for the killing of any animal that has been raised, reared, harbored or held in captivity by anyone shall be fined not exceeding \$500 or imprisoned not more than one year.

**History:** 1963 c. 62; 1967 c. 26 s. 95.

County which has authorized payment of bounty must follow procedures set forth in 29.61, 59.15 (2) (c), 59.16, and may follow same procedure in regard to applications for state bounty under 29.60. 49 Atty. Gen. 180.

**29.62 Removal of injurious rough fish.** (1) The commission may take rough fish by means of seines, nets or other devices, or cause the same to be taken, from any of the inland waters of this state.

(2) The term "rough fish" as used in this section shall mean and include buffalo fish, carp, eelpout, dogfish, sheepshead, billfish, red horse, suckers, lawyers and lizards.

(3) Whenever the commission takes rough fish under this section it shall dispose of the same as the commission shall direct.

**History:** 1967 [13.93 (1) (e), (h)]; 1967 c. 26 s. 94.

**29.623 Control of detrimental fish.** When the commission finds that any species of fish is detrimental to any of the waters of the state it may, by rule, designate such species of fish and specify the waters in which such fish are found to be detrimental. Thereupon the commission may remove such fish from the waters specified or cause them to be removed therefrom pursuant to ss. 29.62 and 29.625.

**29.625 Permit to take rough fish.** (1) Permission may be granted to any person by the commission upon such terms and conditions as it may require to take carp and other undesirable rough fish, which are detrimental to game fish in the following bays or harbors in Door county, namely: Sturgeon Bay, Little Sturgeon Bay, Riley's bay, Egg harbor, Fish creek harbor, Eagle harbor, Bailey's harbor, Mud bay, North bay, Rowley's bay, and Washington harbor, Jackson harbor and Detroit harbor in Washington Island.

(2) A person having a contract to take rough fish under s. 29.62 or 29.625 may be authorized by the commission to erect and maintain a temporary pond in any navigable water pending the sale of such fish, provided that such pond does not unreasonably interfere with navigation or other public rights in such water.

**History:** 1967 c. 26 s. 94.

**29.626 Trespass on riparian land.** In an action against a person for damages sustained from trespassing on lands bordering streams stocked by the consent of owner of such lands, with fish received from a state hatchery, where such damage shall exceed \$2, the trespasser shall be liable for double the amount of such damage and all the taxable costs; and where the damage sustained is \$2 or less the trespasser shall be liable for the amount of such damage and the costs not to exceed the amount of the damage.

**29.63 General penalty provisions.** (1) **PENALTIES.** Any person who, for himself, or by his agent, servant, or employe, or who, as agent, servant, or employe for another, violates this chapter shall be punished, respectively, as follows:

(a) For the unlawful use of any gill net or trammel in taking, catching or killing fish of any variety in any waters, or for the use of any net in taking, catching or killing trout of any variety in inland waters, by a fine of not less than \$200 nor more than \$500, or by imprisonment in the county jail not less than 9 months nor more than one year, or both.

(b) For hunting, trapping or fishing without a license duly issued, whenever a license therefor is required by this chapter, by a fine of not more than \$100, or by imprisonment, not less than 30 days nor more than 6 months, or both.

(c) For the violation of any statutes or any commission order relating to the hunting or taking of game or game birds of all kinds, except deer, bear and sturgeon by a fine of

not more than \$100 or by imprisonment not less than 30 days nor more than 6 months, or both.

(d) For any violation for which no other penalty is prescribed, by a fine of not more than \$100, or by imprisonment not less than 30 days nor more than 6 months, or both.

(e) For the violation of any statutes or any commission order relating to the hunting or shooting of deer with the aid of artificial light or with the aid of an airplane and the illegal snaring of deer, or for violation of ss. 29.13 (5), 29.48 and 29.49, by a fine not less than \$100 nor more than \$200, and shall be imprisoned not less than 10 days nor more than 6 months.

(f) For the violation of any statutes or any commission order relating to fishing, or the possession of game fish, except where some other penalty is specifically provided, by a fine of not more than \$100 or by imprisonment not less than 30 days nor more than 6 months, or both.

(g) For the violation of any statutes or any commission order relating to the hunting, transportation or possession of deer, bear and sturgeon by a fine of not less than \$50 nor more than \$100, or by imprisonment not less than 30 days nor more than 6 months, or both.

(h) Any violation of s. 29.33 or of any commission order regulating commercial fishing in outlying waters shall be punished by a fine of not less than \$75 nor more than \$500 or by imprisonment for not less than 3 months nor more than 9 months, or both.

(i) For the violation of any statute or any commission order relating to the registration of any wild animal by a fine of not more than \$100 or imprisonment for not to exceed 6 months or both.

(m) Any violation of this chapter or of any commission order relating to snag lines, snag hooks, or snag poles shall be fined not less than \$100 nor more than \$200, or imprisoned for not less than 30 days nor more than 6 months, or both.

(2) "PERSON" DEFINED. The word "person" as used in this section includes natural persons, firms, associations, and corporations.

(3) REVOCATION OF LICENSE. In addition to all other penalties for a violation of this chapter, or any commission order made pursuant to this chapter, the court may upon conviction revoke any license theretofore issued pursuant to this chapter to the person convicted and order that no such license

shall be issued to such person for a period of not to exceed one year thereafter.

(c) In addition to all other penalties provided, every license issued pursuant to this chapter to any person convicted of a violation of sub. (1) (e) or any order of the commission made pursuant thereto shall be forthwith revoked, and no license shall be issued under this chapter to such person for a period of 3 years thereafter.

(d) If a person is convicted of reckless or highly negligent conduct in the operation or handling of a firearm or bow and arrow in violation of s. 940.08 or 941.20 and either death or bodily harm to another results from such violation, the court shall revoke every license issued to that person under this chapter and shall provide a fixed period during which no new license may be issued to such person. If no death or injury to another results from the violation, the court may revoke any license issued to that person under this chapter and may provide a fixed period during which no new license may be issued to such person.

(4) CONSTRUCTION OF PENALTY PROVISIONS. No penalty prescribed in any section of this chapter shall be held to be diminished because the violation for which it is prescribed falls also within the scope of a more general prohibition.

(5) PRESUMPTIONS. In any prosecution under this section it shall not be necessary for the state to allege or prove that the animals were not domesticated or were not taken for scientific purposes, or were taken or in possession or under control without a license or permit therefor; but the person claiming that such animals were domesticated, or were taken for scientific purposes, or were taken or in possession or under control under a license or permit duly issued, shall have the burden of proving such fact or facts.

History: 1965 c. 84; 1967 [13.93 (1) (e), (1)]; 1967 c. 26 s. 94; 1967 c. 29.

**29.635 Penalties; repeaters.** (1) When any person is convicted of any violation of this chapter or of any commission order, and it is alleged in the indictment, information or complaint, and proved or admitted on trial or ascertained by the court after conviction that he had been before convicted within a period of 5 years for a violation of this chapter or of a commission order, by any court of this state, such person shall be fined not less than \$50 nor more than \$100, or imprisoned not less than 10 days nor more than 6 months or both. In addition thereto, all licenses issued

to such person pursuant to this chapter shall be revoked and no license shall be issued to him for a period of one year thereafter.

(2) When any person is convicted and it is alleged in the indictment, information or complaint and proved or admitted on trial or ascertained by the court after conviction that he had been before convicted 3 times within a period of 3 years for violations of this chapter or commission order punishable under ss. 29.134 (11), 29.29 (1) or 29.63 (1) (a), (e), (g) or (m), or for violation of s. 29.48, or for violation of any statute or commission order regulating the taking or possession of any wild animal or carcass thereof during the close season therefor or any combination of such violations by any court of this state, and that such convictions remain of record and unreversed, whether pardoned therefor or not, such person shall be imprisoned for not less than 10 days nor more than one year.

(3) No penalty for any such violation shall be reduced or diminished by reason of this section.

**History:** 1967 [13.93 (1) (e)]; 1967 c. 26 s. 94.

**29.64 Resisting conservation warden.** Any person who shall assault or otherwise wilfully resist or obstruct any conservation warden in the performance of his duty shall be fined not more than \$500, or imprisoned not more than 6 months, or both.

**History:** 1967 [13.93 (1) (1)].

**29.641 False impersonation of deputy conservation warden.** Any person who shall falsely represent himself to be a deputy conservation warden or who shall assume to act as such without having been first duly appointed as such, shall be imprisoned not more than 6 months or fined not to exceed \$100.

**History:** 1967 [13.93 (1) (1)].

**29.642 Fraud in obtaining license.** (1) Any person who shall make a false statement concerning his citizenship or residence, and thereby obtain in any manner any license issued pursuant to ch. 29 as only citizens or residents of this state are entitled to, shall be fined not less than \$100 nor more than \$200 or imprisoned not less than 30 days nor more than 6 months.

(2) Any person who shall obtain any license pursuant to ch. 29 during the period of time that such license has been revoked by any court shall be fined not less than \$100 nor more than \$200 or imprisoned not less than 30 days nor more than 6 months or both.

**History:** 1967 [13.93 (1) (1)].

**29.643 Changing license.** Any person who changes or alters, in any manner, or enters other than the correct date of issuance on any license issued under ch. 29 shall be fined not less than \$100 nor more than \$200 or imprisoned for not less than 30 days nor more than 6 months.

**History:** 1961 c. 389.

**29.644 Breaking seals of commission.** Any person who shall break, remove or interfere with any seal or tag attached to any animal, carcass, article or other thing by the commission, or who shall meddle or interfere with any animal, carcass, article or other thing with such seal or tag attached, or who shall counterfeit any such seal or tag, attached or unattached, shall be fined not less than \$200 nor more than \$500, or imprisoned in the county jail not less than 9 months nor more than one year, or both.

**History:** 1967 [13.93 (1) (1)]; 1967 c. 26 s. 94.

**29.645 Larceny of game.** No person shall, without permission of the owner, molest, disturb or appropriate any wild animal or the carcass or part thereof which has been lawfully reduced to possession by another.

**History:** 1961 c. 389.

**29.65 Civil actions for damages caused by law violators.** (1) The commission may bring a civil action in the name of the state for the recovery of damages against any person unlawfully killing, wounding, catching, taking, trapping, or having unlawfully in possession any of the following named protected wild animals, birds, or fish, or any part thereof, and the sum assessed for damages for each wild animal, bird, or fish shall be not less than the amount hereinafter stated in this section:

(a) Any moose, elk, fisher, or sand hill crane, \$50.

(b) Any bear, \$30.

(c) Any deer, marten, black raccoon or wild swan, \$25.

(d) Any beaver or otter, \$20.

(e) Any gray raccoon or mink, \$5.

(f) Any grouse, prairie chicken, wood duck, wood cock, spruce hen, wild goose or brant, \$5.

(g) Any pheasant, Hungarian partridge, quail, rail, Jack snipe or shore bird, or protected song bird or harmless bird, \$3.

(h) Any wild duck, coot, or squirrel, \$2.

(i) Any muskrat, \$1.

(j) Any muskellunge or rock or lake sturgeon, \$10.

(k) Any large or small-mouthed black bass, \$5.

(1) Any brook, rainbow, brown, steel head, Loch Leven or grayling trout, \$3.

(m) Any wall-eyed pike, pike perch, or any other game fish not mentioned in pars. (j) to (l), \$2.

(2) Any damages recovered in such action shall be paid into the state conservation fund and disbursed therefrom by the commission. The costs of such action in case of a judgment in favor of the defendant shall be paid out of the conservation fund.

(3) A civil action brought under this section shall be a bar to a criminal prosecution for the same offense, and vice versa.

**History:** 1965 c. 249; 1967 c. 26 s. 94; 1967 c. 29.

**29.66 Deposit of money to obtain release from arrest.**

(1) **HOW DEPOSIT IS MADE.** A person arrested without a warrant for a violation of this chapter, or any rule of the commission, or ss. 134.60, 346.19 and 346.94 (6) and (6m) for which a mandatory jail sentence is not prescribed, who is not released at the time of arrest or without necessary delay brought before a magistrate or court, shall be allowed to make a deposit of money to the office of the sheriff, city or village police headquarters or precinct stations or to the office of the clerk of the court before whom he is summoned to appear by going in the custody of the arresting officer and making such deposit.

(2) **AMOUNT OF DEPOSIT.** The amount of deposit shall be based on a predetermined schedule established by the court before whom the person arrested is to appear. The maximum amount which may be deposited shall not exceed the maximum fine and costs which may be imposed for the violation.

(3) **RECEIPT.** A receipt shall be furnished to the arrested person upon deposit of money specifying the offense for which arrested and the amount deposited. The form of such receipt shall be as required by the court.

(4) **RELEASE FROM CUSTODY.** If the arrested person is in custody he shall be released after he has made the deposit as specified in this section.

(5) **DELIVERY TO COURT.** Every person authorized by the court to accept the deposit shall, before the time fixed for the appearance of the defendant, deliver the deposit and a copy of the receipt to the court.

(6) **PROCEEDINGS IN COURT.** (a) If the defendant appears in court at the time directed, the case shall be tried as provided by law and the deposit returned to the defendant.

(b) If the defendant fails to appear in court at the time he is directed to appear, he

is deemed to have tendered a plea of nolo contendere and submitted to a fine or forfeiture plus costs, not exceeding the amount of the deposit. The court may either accept the plea of nolo contendere and enter judgment accordingly or reject the plea and issue a warrant or summons under s. 945.02. If the court accepts the plea of nolo contendere, the defendant may move within 20 days to withdraw it and enter a plea of not guilty if he shows to the satisfaction of the court that his failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If, on reopening, the defendant is found not guilty the court shall return the deposit to him. If the defendant is found guilty, whether on the plea of nolo contendere or after trial, any fine or forfeiture and costs imposed shall be taken out of the deposit and the balance, if any, returned to the defendant.

**History:** 1961 c. 389; 1967 [13.93 (1) (e)]; 1967 c. 26 s. 94.

**29.68 Liability of landowners.**

(1) **SAFE FOR ENTRY; NO WARNING.** An owner, lessee or occupant of premises owes no duty to keep the premises safe for entry or use by others for hunting, fishing, trapping, camping, hiking, berry picking, water sports, sightseeing or recreational purposes, or to give warning of any unsafe condition or use of or structure or activity on such premises to persons entering for such purpose, except as provided in sub. (3).

(2) **PERMISSION.** An owner, lessee or occupant of premises who gives permission to another to hunt, fish, trap, camp, hike, sightsee, berry pick or to proceed with water sports or recreational uses upon such premises does not thereby extend any assurance that the premises are safe for such purpose, or constitute the person to whom permission is granted an invitee to whom a duty of care is owed, or assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted, except as provided in sub. (3).

(3) **LIABILITY.** This section does not limit the liability which would otherwise exist for wilful or malicious failure to guard or to warn against a dangerous condition, use, structure or activity; or for injury suffered in any case where permission to hunt, fish, trap, camp, hike, sightsee, berry pick or to proceed with water sports or recreational uses was granted for a valuable consideration other than the valuable consideration, if any, paid to said landowner by the state; or for injury caused by acts of persons to whom permission to

hunt, fish, trap, camp, hike, sightsee, berry pick or to proceed with water sports or recreational uses was granted, to other persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger. As used in this subsection "valuable consideration" shall not include contributions to the sound management and husbandry of natural and agricultural resources of the state resulting directly from

the recreational activity.

(4) INJURY TO PERSON OR PROPERTY. Nothing in this section creates a duty of care or ground of liability for injury to person or property.

(5) DEFINITION. The word "premises" as used in this section includes lands, private ways and any buildings, structures and improvements thereon.

History: 1963 c. 89; 1965 c. 190.  
Liability of landowner to persons entering for recreational purposes. 1964 WLR 705.