

No. 666, A.]

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CHAPTER 668

AN ACT to repeal sections 62.04 to 62.58, inclusive, and sections 4562d, 4567b, and 4567c; to create a new chapter to be numbered 29, and sixty-four new sections thereof, to be numbered 29.01 to 29.63, inclusive; to amend sections 4567d and 4567f; and to create sections 4562d and 172—41, relating to wild animals, and the regulation of the enjoyment, disposition and conservation thereof, prescribing penalties, and creating a conservation fund.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 62.04 to 62.58, inclusive, and sections 4562d, 4567b, and 4567c of the statutes are repealed.

SECTION 2. A new chapter is added to the statutes, to be numbered and entitled as follows: "CHAPTER 29. WILD ANIMALS, AND THE REGULATION OF THE ENJOYMENT, DISPOSITION AND CONSERVATION THEREOF."

SECTION 3. Sixty-four new sections are added to the statutes, to be inserted in chapter 29, and to be numbered and to read:

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GENERAL CONTROL AND REGULATION

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" includes all varieties of mammals or birds for which, at any time of the year anywhere within the state, a close season is prescribed in or pursuant to this chapter; "game fish" includes all varieties of fish except rough fish; and, until the state conservation commission otherwise determines "rough fish" includes chubs, dace, suckers, carp, red horse, sheephead, eelpout, dogfish, garfish, buffalo fish, and lawyers, in all waters, and pickerel in lakes Winnebago, Winneconne, Poygan, Big Butte des Morts, Little Butte des Morts, and in the Fox river in Winnebago county.

(4) **Waters classified.** All waters within the jurisdiction of the state are classified as follows: Lakes Superior and Michigan and the harbors and bays immediately connected therewith, 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 are "inland waters."

(5) **Hunting.** "Hunt" or "hunting" includes shooting,

shooting at, pursuing, taking, catching, or killing of any wild animal or animals.

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 any of the provisions 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 state conservation commission or its deputies.

29.03 PUBLIC NUISANCES. The following are declared public nuisances:

(1) Any net of any kind, or other device, trap, or contrivance for fishing operated without a license or without a metal tag as required by law; or 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.

(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.

(4) Any building, enclosure, 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 set in any water during the close season for waterfowl, or in excess of the number authorized to be used, or more than two hundred feet from the weeds, rushes, or other vegetation in which the hunter is concealed; and 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.

29.04 (1) **ABANDONED DAMS.** The state conservation commission may remove or cause to be removed, in such manner as they may deem fit, old and abandoned dams in streams in the state of Wisconsin, upon giving sixty days' notice in writing to the owner thereof, if he can be found. If the owner of such dam be unknown or cannot, by due diligence, be found, the commission shall publish notice once each week for four successive weeks in some newspaper published in the county in which such dam is situated.

(2) Whenever the conservation commission shall determine that the conservation of any species or variety of wild animals will be promoted thereby, the commission is authorized to 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 railroad commission to fix the level and regulate the flow of the public waters.

29.05 **POLICE POWERS; SEARCHES; SEIZURES.** (1) **Arrests.** The state conservation commission and its deputies are hereby authorized to execute and serve all warrants and processes issued by any justice of the peace or police magistrate or by any court having jurisdiction under any law relating to wild animals, 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 the violation of any of the provisions of this chapter, and to take such person before any court and make proper complaint.

(2) **Investigations.** Such officers shall, upon receiving notice or information that any provision of this chapter 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.

(3) **Search warrants.** Upon complaint made to any magis-

trate who has authority to issue warrants in criminal cases, by any person that he knows or has good reason to believe that any wild animal, or carcass or part thereof, caught, taken, killed, or had in possession contrary to the provisions of this chapter, is concealed in any particular house or place, the magistrate shall examine such complainant on oath, reduce his complaint to writing, describing as particularly as may be the place where said wild animal, or carcass or part thereof, is alleged to be concealed, and cause the same to be subscribed by the person complaining. If it appears to the magistrate that there is reasonable cause to believe that the facts alleged in said complaint are true he shall immediately issue his warrant, reciting therein the substance of the complaint and the description of the premises described therein, and requiring the officer to whom it is directed to forthwith search such premises and seize any such wild animal, or carcass or part thereof, and bring the same when found, and the person in whose possession the same is found, before the magistrate who issued the warrant, or before some other magistrate or court having jurisdiction of the case. The officer executing such warrant shall state in his return, as particularly as may be, the property seized, which shall be safely kept under the direction of the court or magistrate so long as necessary for the purpose of being used as evidence on any trial; and if such trial results in a conviction, the property so seized shall be confiscated.

(4) Opening packages. The state conservation commission and its deputies may examine and open any packages 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 the provisions 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, suitcases, 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) Seizure and confiscation of property. They shall seize and forthwith confiscate or destroy any apparatus, appliance, or device declared by any provision of this chapter to be a public nuisance; and shall seize and hold subject to the order of the commission, any other apparatus, appliance, or any vehicle, or device, which they shall have reason to believe is being used in violation of this chapter, and if it be proven that the same is, or has been within six months previous to such seizure, used in violation of this chapter the same shall be confiscated.

(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; and in any action brought against any such commissioner or warden personally, arising from alleged excess of his authority, the taxable costs awarded to either party shall include a reasonable attorney's fee, to be fixed by the court, provided the party has appeared therein by an attorney of a court of record.

29.06 SALES 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 state conservation commission or its deputies, or by an agent on commission under the written authority and supervision of the state conservation 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 state conservation commission and by it paid into the state treasury; 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 for record in the office of the state conservation commission.

(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 state conservation commission, covering such sales. The animals, or carcasses or parts thereof, so purchased shall be consumed or otherwise disposed of by the purchaser within five days thereafter, but shall not be resold, bartered, or exchanged, in whole or in part, to any other person, except as provided in subsection (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 five days thereafter.

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 state conservation 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.

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 subsection (1), the state conservation 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 state conservation commission is hereby authorized to 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.

GAME LICENSES

29.09 GENERAL PROVISIONS. (1) Hunting, trapping or fishing without a license prohibited. Except as expressly provided, no person shall hunt, trap or fish any game or game fish unless a license therefor has been duly issued to him which shall be carried on his person at the time and shall be exhibited to the state conservation commission or its deputies on demand. Such licenses shall be issued only to persons, and not more than one of the same series to the same person in any year. No licensee shall transfer his license or deer tag to or permit the use thereof by any other person, nor shall any person while hunting, trapping or fishing use or carry any license, or guide's badge, issued to another. No hunting license shall be issued to any person who is less than fifteen years of age; nor to any person who is not a citizen of the United States, except as provided in section 29.11. Indians hunting, fishing or trapping off Indian reservation lands are subject to all provisions of this chapter.

(2) Form of application. 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 the license for which he applies, as may be required by the commission, and shall be verified by the affidavit of the applicant; but no written or verified application shall be required for any hook and line fishing license. Each such application shall be accompanied by the license fee prescribed for the license applied for.

(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 the first day of May until the next succeeding thirtieth day of April, subject to the conditions, limitations and restrictions prescribed in this chapter. 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 commission; shall bear upon its face a true signature of the licensee; and shall be signed by the officer who issues it.

(4) Duplicates. Whenever any such license is lost the person to whom the same was issued may present to the commission an affidavit proving such loss, together with a fee of fifty cents, whereupon the latter shall issue a duplicate license 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. He shall also keep an alphabetical index of the names of all persons to whom he issues licenses, such names to be entered therein at the time the licenses are issued. The state conservation commission or its deputies may at any time examine such records.

(7) Return of fees by county clerk. Of the fees paid for such licenses the county clerk may retain ten per cent as compensation for his services to the state; the remainder he shall return to the state conservation commission on the first day of each month, with a report of the number of licenses issued by him during the preceding month and the amount of money thus remitted. All stubs of licenses issued and all unused license blanks shall be returned by the county clerk to the commission at the close of the year for which they are supplied.

(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.

29.10 RESIDENT HUNTING LICENSES. Resident hunting licenses shall be issued subject to the provisions of section 29.09, by the county clerks of the several counties upon blanks supplied to them by the state conservation commission, to residents of each such county duly applying therefor who have resided in this state for at least one year next preceding the application. The fee for each such license is one dollar. Such license does not grant the privilege of hunting deer unless the licensee is in possession of a deer tag numbered to correspond with his license, which shall be issued to him by the state conservation commission on application and the payment of an additional fee of ten cents. The commission may cause such tags to be issued through agents, but no commission to be allowed for the sale of such tags.

29.11 SETTLERS' HUNTING LICENSES. Settlers' hunting licenses subject to the provisions of section 29.09 may be issued by the state conservation commission in its discretion, to actual settlers in this state duly applying therefor who have resided in this state less than one year next preceding the application. A bona fide settler shall be a person who has either purchased or rented, or has negotiations in progress to purchase or rent residence property in Wisconsin and who has moved to and settled in this state. Such licenses shall be in substantially the same form, subject to the same conditions and restrictions, and entitle the holder to the same rights, privileges and immunities as a resident hunting license. No nonresident hunting license shall be issued in the same year to any person to whom a settlers' hunting license has been issued, and no settlers' hunting license to any holder of a nonresident hunting license.

29.12 NONRESIDENT HUNTING LICENSES. (1) Nonresident hunting licenses shall be either general or limited, and shall be issued by the state conservation commission, subject to the provisions of section 29.09, to persons duly applying therefor who are not residents of this state or who have resided therein less than one year next preceding the application. The fee for each such general license is fifty dollars, and for each such limited license twenty-five dollars.

(2) Each such general license shall extend to the hunting of all wild animals during the open season therefor, respectively, and shall be accompanied by a deer tag, numbered to correspond with the license and to be supplied without additional fee.

(3) Each such limited license shall extend to the hunting of all wild animals during the open season therefor, respectively, except deer. The holder of such 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 twenty-five dollars, the commission shall issue to him a general license as prescribed in subsection (2).

29.13 TRAPPING LICENSES. (1) Trapping licenses, which shall authorize the use of traps for trapping fishers, martens, minks, muskrats, raccoons, and skunks, shall be issued by the state conservation commission, subject to the provisions of section 29.09, to persons duly applying therefor who have resided in this state for at least one year next preceding the application. The fee for each such license is one dollar.

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

(3) On or before June first next after the expiration of his license, such licensee shall report to the state conservation commission, by affidavit, on blanks furnished by the commission, the number of his license, the number and value of each variety of animals taken, and such other information as may be required on the blanks furnished.

29.14 HOOK AND LINE FISHING LICENSES. (1) Any person, other than nonresident males over the age of sixteen years, may without a license take, catch or kill with hook and line fish of any variety, subject to all other conditions, limitations and restrictions prescribed in this chapter.

(2) Any male nonresident over the age of sixteen years shall have the rights of a resident to take, catch or kill fish of any variety with hook and line in outlying waters; but not in inland waters unless a license has been duly issued to him, subject to the provisions of section 29.09, by the state conservation commission. Each such license shall be provided with three coupons each of which shall entitle the licensee to make one shipment of game fish as provided in section 29.47, but no more. One coupon shall be attached to each shipment so made. The agent of any common carrier who shall accept any such shipment without a coupon attached shall be guilty of a violation of this chapter and shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars. The fee for each such license is one dollar. The commission may cause such licenses to be issued through agents for a compensation of ten per cent of the license fees collected therefor; but no such

compensation shall be paid to any of its regular deputies or other employes.

29.15 OTHER LICENSES. Guiding licenses, net and set line licenses, and clamming licenses, shall be issued by the state conservation commission as provided in subsection (3) of section 29.22 and sections 29.33, 29.34, 29.35, 29.36, 29.37 and 29.38, respectively.

29.16 INTERSTATE LICENSE PRIVILEGES. Whenever and so long as the states of 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.

29.17 CERTIFICATES TO SCIENTISTS. (1) The state conservation commission may grant, on satisfactory testimonials of well-known scientists only, a certificate to any member of an incorporated society of natural history, or to any professor of any university, school or college, or to any person properly accredited by any such institution, or to any custodian of a public museum, authorizing such person or institution to collect for scientific purposes only, any nests, eggs, or wild animals, except deer. Such specimens may be transported by any common carrier; but no person to whom such certificate is issued shall dispose of any such specimen except in exchange for scientific purposes. All such certificates shall expire on the first day of January following the date of their issue, and shall not be transferable.

(2) The application for such certificate shall be made upon blanks to be furnished by the state conservation commission, shall be accompanied by a fee of two dollars, and the applicant shall execute and deliver to the state conservation commission a bond running to the state of Wisconsin, in the sum of one hundred dollars, with two sureties, and conditioned that if the applicant shall well and faithfully observe and comply with all the requirements of this section, and the certificate issued thereunder, said obligation to be null and void, otherwise to remain in full force. Each said surety shall be worth and qualify in at least the sum of one hundred dollars, over and above all his debts and liabilities, in property within this state not exempt from sale on execution.

(3) The certificate of any person convicted of a violation of this section shall be forfeited and revoked, and such convicted person shall not be entitled to another certificate for the period of one year from and after the date of such conviction.

CLOSE SEASONS

29.18. CLOSE SEASONS FOR WILD MAMMALS AND BIRDS. A close season is established for each variety of wild animals and birds listed in the following table, extending during all the time in each year except the period embraced within the dates, both inclusive, set opposite the name of each variety or each locality, respectively, in the column headed "Open Season"; and, except as expressly provided in this chapter, no person shall hunt or trap any such wild mammal or bird at any time other than the open season therefor, nor in the open season in excess of the number designated opposite each variety or each locality, respectively, in the column headed "Bag Limit," nor wild birds of more than one variety except a mixed bag limit of twenty each day in the open season, but containing not more than the bag limit of any one variety. Wild ducks and American coots or mudhens shall be deemed, collectively, as one variety:

Kind of Animal and Locality	Open Season	Bag Limit
(1) Moose, elk.....	None.....	.....
(2) Deer:		
(a) Any deer in the velvet, or in the red or blue coat, in any county.....	None.....	.....
(b) Any deer in the counties of Adams, Brown, Buffalo, Calumet, Columbia, Crawford, Dane, Dodge, Door, Dunn, Fond du Lac, Grant, Green, Green Lake, Iowa, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse, Lafayette, Manitowoc, Marquette, Milwaukee, Monroe, Outagamie, Ozaukee, Pepin, Portage, Racine, Richland, Rock, Sauk, Sheboygan, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, and Winnebago.....	None.....	.....
(c) Any deer not specified in paragraph (a) in any county not specified in paragraph (b).....	Nov. 21 to Nov. 30, Nov. 10 to Dec. 1.....	One each year No limit
(3) Bear.....	None.....	.....
(4) Beaver, otter.		
(a) Beaver in Price, Rusk, and Sawyer counties as stipulated in subsection (5) of section 29.59.....	Dec. 1 to Dec. 31, 1917 & 1918.....	No limit No limit
(5) Fisher, marten, mink, skunk.....	Nov. 15 to Feb. 1.....	No limit
(6) Muskrat:		
(a) In the counties of Polk, Barron, Rusk, Price, Lincoln, Langlade, Forest, Marinette, Florence, Iron, Oneida, Vilas, Ashland, Washburn, Sawyer, Burnett, Douglas, Bayfield.....	Oct. 25 to April 20 Oct. 25 to April 10.....	No limit No limit
(b) In any other place.....		

Kind of Animal and Locality	Open Season	Bag Limit
(7) Raccoon.....	Oct. 15 to Jan. 1.....	Five each day
(8) Squirrels of any variety.....	Oct. 15 to Jan. 1.....	Five each day
(a) In Dodge, Kenosha, Racine, Waukesha, Washington, Ozaukee, Milwaukee counties.....	None.....	.....
(9) Rabbit:		
(a) In Columbia, Crawford, Door, Grant, Iowa, Jackson, Juneau, Monroe, Outagamie, Pierce, Polk, Richland, Rusk, Sauk, Sawyer, Sheboygan, and Winnebago counties.....	All year.....	No limit
(am) In Dane county.....	Oct. 1 to Mar. 1.....	No limit
(b) In Dodge, Jefferson, Kenosha, Ozaukee, Racine, Walworth, Washington, and Waukesha counties.....	Nov. 1 to Jan. 1.....	Five each day
(c) In Clark, Green and Wood counties.....	Oct. 15 to Feb. 1.....	Ten each day
(d) In any other place.....	Sept. 7 to Feb. 1.....	No limit
(10) Wild swan.....	None.....	.....
(11) Wild goose, brant.....	Sept. 7 to Dec. 20.....	Ten each day
(12) Wild duck, including American coot or mudhen, but excepting wood duck.....	Sept. 7 to Dec. 10.....	Fifteen each day
(13) Wood duck, woodcock.....	None.....	.....
(14) Plover, snipe, rail, rice hen.....	Sept. 7 to Dec. 20.....	Fifteen each day
(15) Partridge or ruffed grouse, spruce hen.....	None until Oct. 1 to Nov. 1, 1919.....	Five each day
(16) Prairie chicken or pinnated grouse, sharp-tailed grouse.....	None until Sept. 7 to Oct. 1, 1919.....	Five each day
(17) Mongolian, Chinese, or English pheasant, Hungarian partridge.....	None.....	.....
(18) Quail or bobwhite.....	None.....	.....
(19) Crows, English sparrows, blackbirds, sharp-shinned hawks, Cooper's hawks, great horned owls.....	All year.....	No limit
(20) Song birds, and all other wild birds not specified above.....	None.....	.....

(Penalty \$50.00-\$100.00 plus \$5.00 for each bird.)

29.19 CLOSE SEASONS FOR HOOK AND LINE FISHING. A close season is established for each variety of fish listed in the following table, extending during all the time in each year except the period embraced within the dates, both inclusive, set opposite the name of each variety of each locality, respectively, in the column headed "Open Season"; and, except as expressly provided in this chapter, no person shall take, capture, or kill fish of any such variety with hook and line at any time other than the open season therefor, nor in the open season in excess of the quantity; or under the minimum length for each fish, designated opposite each variety or each locality, respectively, in the columns headed "Bag Limit". Such measurement of length shall be taken in a straight line from the tip of the nose to the utmost end of the tail fin.

Kind of Fish and Locality	Open Season	Bag Limit	
		Quantity	Minimum length
(1) Large and small mouthed black bass, Oswego bass, green bass, and yellow bass. In Big Green Lake, Green Lake county.....	July 1 to Mar. 1	Ten each day.....	10 inches
(1a) In all other waters large and small mouthed black bass...	June 15 to Mar. 1	Ten each day.....	10 inches
(1b) In all other waters Oswego bass, green bass and yellow bass.....	May 29 to Mar. 1	Ten each day.....	10 inches
(2) White bass:			
(a) In the Big Wolf river from Lake Poygan to New London.....	All the year.....	No limit.....	7 inches
(b) In all other waters.....	May 29 to Mar. 1	No limit.....	7 inches
(3) Strawberry bass, calico bass, silver bass, crappie, rockbass	All year.....	No limit.....	No limit
(3m) Rock bass:			
(a) In Green Lake county.....	All year.....		
(b) In all other inland and outlying waters.....	May 29 to Mar. 1	Thirty each day....	6 inches
(4) Trout of any variety, except lake trout, in all waters....	May 1 to Aug. 31	Thirty-five each day	7 inches
(5) Pike of any variety.....	May 29 to Mar. 1	Ten each day.....	13 inches
(6) Pickerel.....	May 29 to Mar. 1	Fifteen each day.....	16 inches
(7) Muskellunge.....	May 29 to Mar. 1	Two each day.....	24 inches
(8) Sturgeon, and the spawn, eggs and fry thereof.....	None.....		
(9) Catfish.....	May 29 to Mar. 1	Ten each day.....	15 inches
(a) On Mississippi river....	May 29 to Mar. 1	No limit.....	15 inches
(10) Bullhead.....	All year.....	30 lbs. each day.....	No limit
(11) Perch:			
(a) In counties bordering on the Mississippi river and in Lakes Winnebago, Butte des Morts and Poygan, Fox river and Wolf river and tributary streams within Winnebago county....	May 29 to Mar. 1	No limit.....	No limit
(b) In all other waters.....	All year.....	No limit.....	No limit
(12) Sunfish: roach:			
(a) In counties bordering on the Mississippi river....	May 29 to Mar. 1	No limit.....	No limit
(b) In all other waters.....	All year.....	No limit.....	No limit

(Penalty \$50.00-\$100.00)

There shall be no close season for hook and line fishing, except for large and small mouthed black bass, sturgeon and trout, in any of the following described waters: In the waters of Juneau, Lafayette, and Green counties, except in the Wisconsin river between Juneau and Adams in the waters of lakes Winnebago in Fond du Lac, Calumet and Winnebago counties, in Buffalo lake, Marquette county, in Puckaway lake in Marquette and Green Lake counties, in Lake Poygan in Winnebago and Waushara counties in lakes Winneconne, Big and

Little Butte des Morts in Winnebago county, in the Fox river in Marquette, Green Lake, Waushara and Winnebago counties, in the Wolf river in Winnebago county and in Waupaca county as far as the city limits of New London, in the Rock and Crawfish rivers and Lake Koshkonong in Rock, Jefferson and Dodge counties. During the period from March 1 to May 28, both dates inclusive, live or dead minnows shall not be used for bait in any of the above waters specified in Jefferson county. The open season for hook and line fishing in the waters of the Mississippi river, except for large and small mouthed black bass, shall open on May 1.

29.195 There shall be no closed season except from the first day of March to the succeeding twentieth day of May for any fish, except trout, in Rush lake or in the streams flowing into said lake, situate in Fond du Lac and Winnebago counties, and fish therein may be taken in any manner, except with explosives, during the open season, except trout; provided, that no person shall have more than fifty pounds of such fish, taken from said Rush lake or said streams flowing into said lake, in his possession or under his control in any one day.

29.20 CLOSE SEASON FOR CRAWFISH AND FROGS. No person shall take, catch, or kill, in any waters of this state, or have in possession, any crawfish or crab of any variety between the first day of March and the next succeeding first day of July; or any frog from March 1 to May 1 of each year; but nothing in this section shall prevent any person from having frogs in his possession who is in the business of propagating frogs, or where the same are used for scientific or educational purposes.

CONSERVATION COMMISSION

29.21 POWERS OF COMMISSION. (1) The state conservation commission shall have power to issue orders determining in what manner, in what numbers, in what places and at what times the taking, catching, or killing of wild animals shall be inconsistent with the proper protection, propagation and conservation of fish, birds or mammals protected by law in this state, and the perpetuation of wild life. No such order providing protection or additional protection to any such wild animals shall be issued except upon petition filed with said commissioners, and after hearing thereon as hereinafter provided.

(2) Ten or more persons of any township or twenty-five or

more persons of any county, may file with the state conservation commission a petition signed with their names and addresses, requesting the granting of protection or additional protection within such county, to one or more species of wild animals designated in said petition. And such petition shall state the extent such protection or additional protection is desired and the grounds therefor. If after hearing the petitioners, the conservation commission shall determine to entertain the petition it shall order a public hearing to be held thereon within the town or county described in the petition, within twenty days from the filing of said petition. At least ten days prior to such public hearing notice thereof containing a brief statement of the grounds upon which application is made therefor, and the time and place of hearing shall be published in a newspaper having a general circulation in the district to be affected, and a copy of such notice shall be mailed to each petitioner, at the address given in the petition.

(3) If upon such hearing the conservation commission find and determine that the protection or additional protection requested, is necessary for the proper protection, propagation and conservation of the designated wild animals within the designated territory, the commission shall issue an order prohibiting or regulating during the open season therefor, the taking of any or all species of fish, birds or mammals within such territory. At least thirty days before the date fixed for such order to take effect, copies of the same should be filed in the office of the clerk for each county containing a district or any part of a district in which such order or regulation shall apply, and cause the same to be published in a newspaper having general circulation in the town, county or district in which such regulation shall apply, or to cause the same to be published by means of at least five large notices posted in or near public buildings or on the highways within said territory, and when the territory affected is less than a township in area, in conspicuous places on the boundaries thereof.

(4) Any order issued by the state conservation commission pursuant to this section shall have the force of law, and the penalties prescribed for violations of the provisions of this chapter shall follow and be applicable to violations of any such order, to the same effect and extent, respectively, as though such order had been enacted a part of this chapter.

METHODS OF HUNTING AND FISHING

29.22 GENERAL RESTRICTIONS ON HUNTING. (1) Prohibited methods. No person shall hunt game with any means other than the use of a gun held at arm's length and discharged from the shoulder; or place, spread or set any net, pitfall, snare, spring gun, pivot gun, swivel gun, or other similar contrivance for the purpose of catching, or which might catch, take or ensnare game; or use or have in his possession or under his control any ferret, rat, weasel, or guinea pig while hunting; and no person shall carry with him in any vehicle, any gun or rifle unless the same is unloaded, and knocked down or enclosed within a carrying case. No person while hunting or in possession of firearms shall have in possession or under control any light used for the purpose of shining deer.

(2) Possession of ferrets. No person shall have in his possession or under his control at any time any ferret unless a permit therefor has been issued to him by the state conservation commission; but such permit shall not authorize the use of any ferret for hunting game except in Door county.

(3) Guide licenses. No person shall engage, or be employed, for any compensation or reward, to guide, direct, or assist any other person in hunting, trapping, or fishing unless a license therefor, subject to the provisions of section 29.09, has been duly issued to him by the state conservation commission. The fee for each such license is one dollar. The applicant shall deliver to the state conservation commission a bond running to the state of Wisconsin, in the sum of two hundred dollars, with two sureties, and conditioned that if the applicant shall well and faithfully observe and comply with all the requirements of this chapter, and the guide license issued thereunder, said obligation shall be null and void, otherwise to remain in full force. But this subsection does not apply to the employment of labor by, or services rendered to, the licensee of any net fishing license.

(4) Guides as special deputies. Each licensed guide may be a special deputy conservation warden, appointed by the commission and shall execute the same oath of office and bond as required by regularly salaried wardens. Licensed guides may be employed for temporary service as a regular deputy conservation warden, for any period not exceeding fifty days in any one year, at a compensation to be fixed by the commission.

29.23 DEER HUNTING. (1) Prohibited methods. No

person shall hunt deer between one hour after sunset and one hour before sunrise, of the following morning; or in the water or on the ice of any stream, lake, or pond; or with a dog or dogs; or with the aid of artificial light; nor place any salt in any place for the purpose of enticing deer thereto, or construct, occupy, or use any elevated scaffold or other device for the purpose of hunting, watching for, or killing deer.

(2) Dogs in camps. During the period from November 10 to December 10, in the counties where there is an open season for deer, no person shall hunt any wild animal with a dog or dogs; nor have a dog or dogs in his possession or under his control in or about a hunting or logging camp, unless a permit therefor has been issued to him by the state conservation commission.

29.24 FUR-BEARING ANIMALS; METHODS OF TAKING. (1) No person shall hunt any fisher, marten, mink, or muskrat with the aid of any spear, gun, or dog, disturb or molest any raccoon den or tree for the purpose of capturing the raccoons, or any muskrat house, beaver house or beaver dam; or set any trap or traps at any time within five hundred feet of any beaver house or beaver dam.

(2) The owner or occupant of any land, and any member of his family may without license hunt thereon rabbits at any time, and squirrels during the open season therefor.

(3) Except as provided in subsection (2), no person shall have in his possession or under his control, or use, for hunting rabbits, any ferret, snare, trap, or any device or contrivance designed or used for the purpose of driving rabbits out of their holes or dens. The owner or occupant or any person upon written request of the owner or occupant of any land in the county of Door may use a ferret thereon for hunting rabbits.

29.25 GAME BIRDS; HUNTING. (1) Prohibited methods. No person shall hunt any game bird between sunset and thirty minutes before sunrise of the following morning; or by shooting it or at it from any boat, canoe, raft, blind, contrivance or device in open water, or from any boat or craft other than such as are propelled by paddle, oars, or pole or with the use of more than fifty decoys within, or any decoys beyond, two hundred feet from the blind or covering in which the hunter is located, or with any decoys left in the water unattended; or any game bird other than wild geese and brant with the use of a rifle.

(2) Open water defined. Open water is any water outside

or beyond a natural growth of vegetation extending over the water surface, and of such height as to offer partial or whole concealment for the hunter.

(3) Live decoys. The set of twenty-five decoys allowed for each hunter used on the water in hunting game birds may include not more than five live decoys; but each such live decoy so used shall be provided with a registration tag, which shall be issued by the state conservation commission to any holder of a hunting license on payment of a fee of ten cents for each tag.

(4) Use of dogs. No person carrying or being in possession of a gun shall run or use a dog or dogs in the field, or upon lands frequented by game birds or upon which game birds may be found, between the first day of August and the seventh day of September in each year.

29.26 PROHIBITED FISHING UNDER PARTICULAR CONDITIONS. No person shall take, capture, or kill fish of any variety, during the close season for trout, in streams and creeks containing trout; or at any time in or from any spring hole or artificial well connected with any of the waters of this state; or by means of shutting or drawing off water for that purpose; nor shall any person take, capture or kill fish within two hundred feet of any fishway, lock or dam otherwise than with a hook and line. No fish of any variety shall be taken in any manner within five hundred feet below any fishway, lock or dam in the counties of Burnett, Washburn, Sawyer, Oneida, Florence, Vilas, Iron, Ashland, Bayfield, Douglas, and north of townships number 35 in Price and Forest counties, and within three hundred feet above and five hundred feet below the dam at Kilbourn on the Wisconsin river. No person shall take or catch fish from a boat or float in Flites pond on the Big Rush O'Cree creek in the town of Plainfield, Waushara county.

29.27 PROHIBITED METHODS OF FISHING. (1) Hook and line fishing; spearing. No person shall take, catch, kill, or fish for fish of any variety with more than three lines, or with any line equipped with more than two hooks or one trolling spoon or artificial bait, or with more than such number of lines and hooks left in the water unattended, unless a license for a set line shall be procured therefor; or any game fish by any means other than angling or trolling, except as provided in subsection (2) of section 29.28 and section 29.30; nor shall any person use a spear for the purpose of taking, catching or killing any rough fish at any time in nonnavigable waters con-

taining trout, or during the close season for trout in navigable waters containing trout, or at any time in Lake Mason, commonly known as Briggsville pond, or the inlet, outlet or marshes adjacent to the same, or in Pine lake, in the town of Hancock, and Fish lake, in the towns of Hancock and Deerfield, Waushara county, or in the Chain of Lakes, Mirror or Shadow lakes, in the towns of Farmington, Dayton, Waupaca, and the city of Waupaca, Waupaca county, or in Devil's lake, Sauk county, or in the waters known as Koenig's mill pond, situated in sections seven, eight, seventeen and eighteen of township nine north, of range six east, town of Prairie du Sac, or in the nighttime in any other inland waters.

(2) Snag lines. No person shall set, place, use, have, or control any snag line or snag pole, meaning any line, cable, or pole to which a number of fishhooks or clusters of fishhooks of any kind or description are attached, and designated to be placed in or drawn through the water for the purpose of catching or drawing such hooks into the body of fish. Violations of this subsection shall be punished by a fine of not less than one hundred nor more than two hundred dollars, or by imprisonment in the county jail not less than six months nor more than nine months, or by both such fine and imprisonment.

29.28 ICE FISHING. (1) No person shall take, catch, or kill fish of any variety through the ice on Silver lake, situated within the city limits of Portage, Columbia county; Pine lake, town of Hancock, and Fish lake, towns of Hancock and Deerfield, and the mill pond in the village of Wautoma, Waushara county; Lake Nocquebay in Marinette county; Lake Mason, commonly known as Briggsville pond, in the counties of Adams and Marquette; Shell lake, Washburn county; Chain of Lakes in townships thirty-seven and thirty-eight north, of range twelve west, in Washburn county; Spring lake and the upper mill lake in the village and town of Palmyra, Jefferson county; Big Slough in Lewiston, Columbia county; Devil's lake and Mears lake, and tributary streams; the waters known as Koenig's mill pond, in sections seven, eight, seventeen and eighteen of township nine north, of range six east, town of Prairie du Sac, and Mirror lake, in Sauk county; Twin lakes, in the town of Lincoln, Polk county; any lake in the counties of Langlade, Portage, Marquette, except in Buffalo lake, and Shawano. The bag limit for cisco in any lake in Waukesha county shall be twenty-five each day, except in Pine lake where there shall be no bag limit.

(2) Spears may be used for spearing pickerel through the

ice of the Mississippi river, Lake Pepin, Lake St. Croix, and the lakes, bays, bayous and sloughs tributary thereto and connected therewith.

(3) Fish shanties or shelters may be used on the ice of the Mississippi river, Lake Geneva in Walworth county, Lakes Winnebago, Winneconne, Big and Little Butte des Morts, and Poygan; Beaver Dam lake; the Fox river in Brown county; the Oconto river within the limits of the city of Oconto; all lakes in Waukesha county, except Phantom and Howitt's lakes; and where there is not less than fifty feet of water in Big Green lake. Wind shields may be used on the ice of Mendota, Monona, Waukesha and Kegonsa lakes in Dane county.

29.29 NOXIOUS SUBSTANCES. (1) Explosives; stupefactive. 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 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 for the purpose of taking, catching or killing fish. Violations of this subsection shall be punished by a fine of not less than two hundred nor more than five hundred dollars, or by imprisonment in the county jail not less than nine months nor more than one year, or by both such fine and imprisonment.

(2) Medicated bait. No person shall use, set, lay or prepare in any of the waters of this state any lime, poison, medicated bait, fish berries, or any other substance deleterious to fish life or which might attract fish in unusual numbers; but the feeding of cisco with oatmeal for the purpose of catching such fish with hook and line through the ice, is lawful.

(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, 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 fish life other than authorized drainage and sewage from municipalities.

FISHING WITH NETS AND SET LINES

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 prevent 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 one thousand feet of any other net in said stream.

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

(d) At each end of every licensed net or set line, when set in any waters, shall be placed and maintained a white flag of not less than sixteen inches square, with the upper end of the staff extending at least two feet above the water, and numbered with figures at least three inches in height corresponding with the number of the license authorizing the use of such net or set line.

(e) The licensees of licensed nets or set lines used in outlying waters shall, on their boats, carry the state conservation 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 is authorized, in the presence or absence of the licensee, at any time, to raise any set line 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 cancelled.

(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, and Sturgeon Bay.

(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 in paragraph (h) 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 rough fish taken in net in inland water shall be brought to shore and buried, sold, or otherwise lawfully disposed of; but none of such fish shall be returned to any waters of this state.

(i) Whenever the size of mesh of any net is specified in this chapter it shall be the size of such mesh, stretch measure, at the time of its use.

29.31 DIP NETS IN INLAND WATERS. (1) No person shall set, use or operate any dip net in any of the inland waters of the state for taking, catching or killing of any variety of fish other than as specified in this section.

(2) Dip nets not exceeding eight feet in diameter with meshes of not less than three inches may be used for taking, catching or killing rough fish in the Fond du Lac river within three miles of its mouth; in Silver creek in the town of Ripon, Fond du Lac county, from the old Arcade dam to the Green Lake county line; in the Big Wolf river; in Butternut lake, Ashland and Price counties; in the Manitowoc river from its mouth up to Ripp's bridge in the town of Rockland, Manitowoc county, and in all the streams and rivers flowing into Lake Michigan in that part of such streams beginning at the mouth and extending ten miles inland.

29.32 MINNOW NETS. (1) Use limited. No person shall set, use or operate any minnow seine or minnow dip net in any of the waters of this state for taking, catching or killing fish of any variety, other than as specified in this section.

(2) Inland waters. Minnow seines not exceeding forty feet in length and five feet in depth, and minnow dip nets not exceeding six feet in diameter may be used in all inland waters for taking, catching or killing rough fish minnows for bait only: but not in any such waters, creeks or streams inhabited by trout or in which trout have been planted, or in Turtle creek in Walworth and Rock counties, unless supervised by the state conservation commission or its deputies.

(3) Outlying waters. Minnow seines not exceeding one hundred feet in length and five feet in depth and minnow dip nets

not exceeding six feet in diameter may be used in Lake Superior, Lake Michigan, Green Bay, Sturgeon Bay, and the Fox river below the dam at De Pere, for taking, catching, or killing rough fish minnows for bait only.

29.33 NET AND SET HOOK FISHING IN OUTLYING WATERS. (1) License authorized. Net or set hook licenses which shall authorize the use of one or more of the kinds of nets or lines of set hooks named in this section, as limited herein, for the taking, catching, or killing of fish in the waters of Lake Superior, Lake Michigan, Green Bay, Sturgeon Bay, and the Fox river below the dam at De Pere, shall be issued, subject to the provisions of section 29.09, by the state conservation commission to any person duly applying therefor.

(2) Form of license. In addition to the facts required by section 29.09, each application for such license, and the license issued thereon, shall state the name and kind of vessel and whether with or without a steam lifter, and the number and kind of nets or set hooks to be covered by the license applied for.

(3) License period and fees. Each such license shall be effective only from the first day of January until the thirty-first day of December of the same year; and the fee for each license issued to any resident of this state is two dollars for a gill net or nets; five dollars for each seine; two dollars for each pound net and leader; five dollars for trap net or nets, fyke net or nets, drop net or nets, with leaders; and one dollar for each trammel net, or for set hooks. The fee for each license issued to any nonresident is the same as the resident fee, except for gill nets operated in conjunction with or from any vessel; and for gill nets so operated, two dollars for any vessel propelled by oars, paddle, or pole, fifty dollars for any other vessel propelled otherwise than by steam, one hundred dollars for any steam vessel without a steam lifter, and two hundred dollars for any steam vessel with a steam lifter.

(4) Metal tags. No such licensed net or set hooks shall be used until the same are equipped with metal tags stamped to designate the kind of net or set hooks and number of the license covering the same. One such tag shall be securely fastened to each two thousand lineal feet, or fraction thereof, of gill net or set hooks; one to each pound net; one to each five hundred lineal feet, or fraction thereof, of seine; and one to each fyke, drop, trap, submarine or trammel net. Such tags shall be furnished by the state conservation commission to the licensee at the time of issuing the license, on payment of a fee of twenty-

five cents for each tag, except that tags for gill nets shall be fifty cents.

(5) Reserve waters. The following waters are reserve waters, and no nets of any kind shall be set therein, namely: In Lake Superior within one-fourth mile from the entry of the channel between Wisconsin Point and Minnesota Point, or from any harbor, pier or breakwater, or from the mouth of any stream flowing into Lake Superior, or from the shore line of Douglas county. In Lake Michigan and Green Bay within one-fourth mile of any harbor, pier or breakwater, or from the mouth of any stream flowing into Lake Michigan or Green Bay, or within one mile from any harbor, pier or breakwater in Milwaukee county, or within one mile from the shore line of Milwaukee county. In the waters of Lake Michigan or Green Bay no gill net shall be set within one-fourth mile from the shore line of Door county and no net of any kind shall be used in the following bays or harbors in Door county, namely: Sturgeon Bay, Little Sturgeon Bay, Fish Creek Harbor, Eagle Harbor, Bailey's Harbor, Mud Bay, North Bay, Rowley's Bay, and Washington Harbor and Detroit Harbor in Washington Island. No gill net of less than four inches stretch measure shall be set in less than forty fathoms of water, except in Green Bay proper.

(6) Close seasons. For the purpose of this subsection the waters of Green Bay shall be considered to include all that area south of a line drawn between Limekiln Bluff in Door county and the mouth of the Menominee river in Marinette county, and including the Fox river as far as the dam at De Pere, and all the waters of Green Bay north of the above described line shall be subject to the law covering Lake Michigan.

(a) In Green Bay there shall be a close season on lake trout and whitefish from October 21 to November 21. A close season for pike and pickerel from March 10 to May 1. A close season for all varieties of fish, except lake trout and whitefish from the first day of April to the fifteenth day of May, inclusive.

(b) In Lake Michigan there shall be a close season on lake trout and whitefish from October 21 to November 21.

(c) In Lake Superior there shall be a close season for lake trout and whitefish from September 15 to November 1.

(7) Prohibited nets. Minnow nets. For the purpose of this subsection the waters of Green Bay shall be considered to include all that area south of a line drawn between Limekiln Bluff in Door county and the mouth of the Menominee river in Marinette county and including the Fox river as far as the dam

at De Pere. All the waters of Green Bay north of the above described line shall be subject to the law covering Lake Michigan.

(a) In Green Bay nets with a mesh not less than four inches may be used for the taking of lake trout and whitefish. Gill nets with a mesh not less than two and three-eighths inches may be used for taking herring, chub, bluefin, or perch. Seines with a mesh of not less than three inches, and pound nets with a mesh of not more than two inches in the pound may be used. No nets of any kind shall be set for the purpose of catching any variety of fish during the close season for such fish and from the first day of April to the fifteenth day of May, inclusive, except gill nets with mesh of not less than four inches for the purpose of taking lake trout or whitefish, no nets of any kind shall be set in the waters of Green Bay. During the period from January 1 to March 10 gill nets with a mesh of two and one-eighth inches may be used under the ice for the purpose of catching herring.

(b) In Lake Superior gill nets with a mesh of not less than four inches may be used for the purpose of taking lake trout and whitefish. Gill nets with a mesh of not less than two and three-eighths inches may be used during the months of November and December for the purpose of taking herring. Seines with a mesh of not less than three inches and pound nets with a mesh of not more than two inches in the pound may be used. No nets of any kind shall be set or used for the purpose of taking any variety of fish during the close season for such fish.

(c) In Lake Michigan gill nets with a mesh of not less than four inches may be used for the purpose of taking lake trout and whitefish. Gill nets with a mesh of not less than two and one-half inches may be used for the purpose of taking herring, chub, bluefin and perch but no such nets shall be set in less than forty fathoms of water. Seines with a mesh of not less than three inches and pound nets with a mesh of not more than two inches in the pound may be used. No nets of any kind shall be set for the purpose of taking any variety of fish during the close season for such fish.

(d) In Green Bay and Lake Michigan minnow seines fifty feet long and five feet deep may be used for taking rough fish minnows for bait. Each set hook licensee may use not more than two thousand feet of gill net with a mesh of one and three-eighths inches, except in reserve waters, for the purpose of taking bloaters for bait. The provisions of subdivision (d) of

subsection (7) of section 29.33, shall not take effect until January 1, 1918.

(e) All nets with a mesh other than such as above specified and all nets used in violation of this chapter are contraband nets and shall be seized and confiscated whenever found in the water or on any vessel, dock or reel. Any such contraband nets so found shall be deemed sufficient evidence of the use of such nets by the owner thereof.

(8) Bass, muskellunge and sturgeon. All black bass, muskellunge and sturgeon taken in any net shall be immediately returned alive and without avoidable injury, to the waters from which taken.

(9) Under size fish. No licensee of any net or set hooks shall transport or cause to be transported, fish of any of the varieties mentioned in this subsection of a length less than that specified for each variety; and such measurement of length shall be taken in a straight line from the tip of the nose to the utmost end of the tail fin, except that the measurement of dressed fish be of the length of the carcass, namely:

Lake trout -----	12 inches
Whitefish -----	13 "
Suckers -----	10 "
Carp -----	12 "
Suckers with head and tail off -----	7 "
Perch -----	8 "
Perch with head and tail off -----	5 "
Pike -----	13 "
Pike with head and tail off -----	10 "
Pickereel -----	16 "
Pickereel with head and tail off -----	11 "
Catfish -----	15 "
Catfish with head off -----	13 "
Any other variety -----	7 "

Any licensee taking such undersize fish shall bring them to shore and immediately notify the state conservation commission or its deputy; and the latter shall take possession of such fish and deliver them to some state, county, or charitable institution, or otherwise dispose of the same.

(10) Possession, sale and transportation. No such licensee and no other person shall transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation or have in possession or under control any fish of the varieties mentioned in subsection (9) of a length less than that

specified therein for each variety, respectively, whether lawfully or unlawfully taken within or without the state. When ever such undersize fish are received by or offered to any person for transportation in the course of business, such person shall forthwith notify the state conservation commission, or its deputy, stating full particulars.

(11) Penalty. Any violation of subsections (1), (5), (6), (7), (8), (9), and (10) of section 29.33 shall be punished by a fine of not less than three hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than six months nor more than nine months, or by both such fine and imprisonment.

(12) Reports. On or before January 10 following the expiration of his license, each such licensee shall report to the state conservation commission in writing, on blanks furnished by the said commission, the number of his license, the kind, number and size of nets, the length of lines of set hooks used, number of lineal feet of gill nets, the number of pounds and value of each variety of fish caught; and such other information as may be required on the blanks furnished. Such report shall be subscribed to before a notary public or a justice of the peace.

29.34 NET LICENSES; MISSISSIPPI RIVER WATERS.

(1) License authorized. Net licenses which shall authorize the use of nets, as limited herein, during the period of time extending from the fifteenth day of June to the next succeeding fifteenth day of April, for taking, catching, or killing fish in the waters of the Mississippi river, Lake Pepin, and Lake St. Croix, and the lakes, bays, bayous, and sloughs tributary thereto and connected therewith, shall be issued subject to the provisions of section 29.09 by the state conservation commission to any resident of the state duly applying therefor.

(2) Bond. Before any such license is issued, the applicant shall execute and deliver to the state conservation commission a bond running to the state of Wisconsin, in the sum of two hundred dollars, with two sureties, and conditioned that if the applicant shall well and faithfully observe and comply with all the provisions of this chapter, said obligation to be null and void, otherwise to remain in full force. Each said surety shall be worth and qualify in at least the sum of two hundred dollars, over and above all his debts and liabilities, in property within this state not exempt from sale on execution.

(3) License period; nets specified. Each such license shall

expire on the fifteenth day of April next succeeding the date of its issue, and shall authorize the use of one or more of the following nets only: Seines not exceeding a total length of four thousand feet, and having meshes of not less than five inches on the wings or four inches in the center of the pot, the pot not exceeding one hundred and fifty feet in length; gill nets having meshes of not less than seven inches; pound or hoop nets having meshes of not less than six inches in the leaders, five inches in the hearts, or three inches in the hoops; and bait nets to be used without leads, having meshes of not less than three inches, and not more than a four-foot hoop front.

(4) License fees. The fee for each such license is as follows: For seines, one dollar per hundred for the first five hundred lineal feet, two dollars per hundred for the second five hundred lineal feet, three dollars per hundred for the third five hundred lineal feet, four dollars per hundred for the fourth five hundred lineal feet, five dollars per hundred for the fifth five hundred lineal feet, and six dollars for each one hundred lineal feet over twenty-five hundred; for gill nets, five dollars for the first two thousand lineal feet, and five dollars for each additional one thousand lineal feet; for pound or hoop nets, five dollars for each seven hundred lineal feet of leader and one pound, and five dollars for each additional pound; for bait nets, one dollar each.

(5) Metal tags. No such licensed net shall be used until the same is equipped with metal tags stamped to designate the kind of net and number of the license covering the same. One such tag shall be securely fastened to each five hundred lineal feet, or fraction thereof, of seine; one to each two thousand lineal feet, or fraction thereof, of gill net; and one to each fyke, hoop, or bait net. Such tags shall be furnished by the state conservation commissioner to the licensee at the time of issuing the license, on payment of a fee of twenty-five cents for each tag.

(6) Protected fish. No such licensed net shall be used for taking, catching, or killing any of the following named fish: catfish of any variety under fifteen inches in length in the rough, or twelve inches dressed with the head detached; pike of any variety, bass of any variety, crappies, sunfish, pickerel, sturgeon, or perch.

(7) Reserve waters. No such licensed net shall be used for taking, catching, or killing fish of any kind in any of the following named waters: Rice lake, French lake, Mud lake, Round lake, Long lake, French slough, Spring creek, Spring slough,

and Black river in La Crosse county; Courtois pond, Pickerel, Spring, Nigger and Frenchtown sloughs and Gordon bay, in Crawford county; the De Soto bay, Long slough, T slough, Green lake, Pick's lake and all sloughs, lakes and bayous from De Soto bay to the main channel of the Mississippi river and as far north as Battle Bar in Vernon county; Cassville sloughs from Glen Haven to Cassville; Daley lake, Wyalusing bay and Glen lake between Wyalusing and the Burlington railway bridge, Plondke and Harris sloughs, Crawford lake, Ferry lake, and Bertram lake, all in Grant county; Trention lake, Trention slough, Mud lake and Mero slough in Pierce; and Beef slough in Buffalo county; and the Mississippi river within fifteen hundred feet of the mouth of the Chippewa river.

(8) Temporary ponds; shipments. Each such licensee may construct temporary fish ponds and keep his fish therein until they can be marketed; and a card shall be attached to each shipment thereof, on which shall be written "Shipped under section 29.34," the signature of the licensee, and the number of his license.

(9) Reports. 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 such licensed nets; and shall report thereon to the state conservation commission on or before the fifteenth day of May covering his operations during the preceding year.

29.35 NET LICENSES; WHITEFISH AND CISCO IN INLAND LAKES. (1) Net licenses which shall authorize the use of not exceeding one hundred lineal feet of gill net, with meshes not less than two and three-fourths inches, or dip nets with a diameter of not more than eight feet and with meshes not less than one and one-half inches, for taking, catching or killing whitefish in any of the inland waters of the state containing whitefish, or not exceeding one hundred lineal feet of gill net, with meshes not less than two inches, for the purpose of catching ciscos in any of the inland waters of the state containing cisco may be issued by the state conservation commission, subject to the provisions of section 29.09, to any resident of the state duly applying therefor. Such licenses may also be issued by the commission in its discretion, for the catching of whitefish or ciscos, respectively, in any other inland waters. The fee for each such license is fifty cents.

(2) Each such license shall be limited to such period of twenty days as shall be fixed by the state conservation commission, and no such whitefish licensee shall have in his possession

or under his control at any time more than one hundred pounds of whitefish.

(3) No such licensed net shall be used until the same is equipped with a metal tag, stamped to designate the kind of net and number of the license covering the same, to be securely fastened to each net. Such tag shall be furnished by the commission at the time of issuing the license. Spears may be used in the waters of Vilas county during the period from October 15 to November 15 for the purpose of spearing cisco.

29.36 NET LICENSES; ROUGH FISH IN WINNEBAGO WATERS. (1) The state conservation commission may upon application therefor issue to any person a license to use and operate a seine, fyke, hoop net or a turtle net in lakes Winnebago, Winneconne, Poygan, Butte des Morts, Little Butte des Morts, and the Fox and Wolf rivers, for the purpose of taking and catching rough fish between the fifteenth day of June of each year and the next succeeding first day of April. All the following varieties of fish so caught shall be the property of the licensee, i. e., pickerel, buffalo fish, carp, eelpout, dogfish, sheepshead, billfish, red horse, suckers, lawyers and lizards.

(2) The fee for each such license is as follows: For a seine of five hundred feet and not over one thousand feet, twenty-five dollars; of one thousand feet or over, fifty dollars each; for seines of less than five hundred feet, or fyke, hoop or turtle nets, five dollars each. No nets shall be used until the same are equipped with metal tags, stamped to designate the kind of net and numbered to correspond with the number of the license authorizing the operation of said net or nets, one such metal tag to be securely fastened to each net. Such metal tag shall be furnished to the licensee by the state conservation commission on the payment of a fee of twenty-five cents for each tag. Any licensee operating a seine, seines, fyke or hoop net, under the provisions of this section, shall do so under the direction and personal supervision of the state conservation commission or one of its deputies, but not otherwise; but the state conservation commission may order one deputy to direct and supervise the operation of a seine, seines, fyke or hoop nets by more than one licensee.

(3) All licenses under the provisions of this section shall be issued upon the express condition that each licensee operating a seine or seines shall pay to the state conservation commission one-half cent per pound for all fish taken under such license and which are packed ready to be shipped or otherwise disposed of. Any and all moneys so received by the commission shall be paid into the state treasury.

(4) Any licensee shall be allowed to ship or transport to any place he desires any fish taken under the provisions of this section, except those required to be immediately returned to the waters. A card shall be attached to the package or box in which the same shall be shipped, on which shall be written "Shipped under section 29.36," the signature of the licensee, and the number of his license.

(5) Each such licensee may construct temporary fish ponds and keep his fish therein until they can be marketed.

29.37 SET LINE LICENSES; INLAND WATERS. (1) Set line licenses which shall authorize the use of one set line only, with not exceeding twenty-five hooks, for taking, catching or killing fish, shall be issued, subject to the provisions of section 29.09, by the county clerk of the county bordering on the waters where such set lines are intended and permitted to be used, to any person duly applying therefor.

(2) Each such license shall be limited to the period of time extending from the twenty-ninth day of May to the next succeeding fifteenth day of February. The fee for each such license is one dollar.

(3) No such licensed set line shall be used until the same is equipped with a metal tag, stamped to designate the number of the license covering the same, which shall be securely fastened to one end of the set line. Such tag shall be furnished by the state conservation 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 twenty-five 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 section 29.09, but without deduction.

(4) Such licensed set lines may be used only in the following waters: Big Wolf river in Waupaca and Outagamie counties; Lake Winnebago, Lake Butte des Morts, Little Butte des Morts, Lake Winneconne, Lake Poygan, Lake Puckaway, and the river connecting said lakes, Fox river, except below the dam at De Pere; Wisconsin river from the north line of Sauk county to its mouth; Black river from the north line of Jackson county to its mouth; the Chippewa river from its mouth to the dam at Jim Falls, Chippewa county; Menomonee river bordering on Marinette county; the Pecos river in Green county; and the Mississippi river, Lake Pepin and Lake St. Croix.

(5) In the Mississippi river, Lake Pepin and Lake St. Croix, Big Wolf river in Waupaca and Winnebago counties; in the

Fox river in Winnebago county and in Outagamie county as far as the dam at De Pere; in Lake Winnebago, Lake Winneconne, Lake Butte des Morts, Little Butte des Morts, Lake Poygan, three hundred hooks may be used but in such waters no frog, minnow or live bait shall be used. No licensed set line shall be equipped with any hooks smaller than 5/0.

CLAMMING

29.38 Clamming licenses. (1) No person who is not a resident of this state or who has resided in this state less than one year next previous shall take, catch or kill any clam in the inland waters of this state unless a license therefor has been duly issued to him. Such licenses shall be issued subject to the provisions of section 29.09 by the state conservation commission to all such persons duly applying therefor. The fee for each such license is fifty dollars. Each such licensee may use one boat only, in the exercise of his clamming privilege.

(2) No person shall take, catch or kill any mussels in any of the waters of this state at any time with the use of a dredge.

POSSESSION OF GAME

29.39 POSSESSION DURING CLOSE SEASON, OR IN EXCESS OF BAG LIMIT. No person shall have in his possession or under his control, or have in storage or retention or as common carrier for any one person, any game, game fish, or other wild animal or carcass or part thereof, during the close season therefor, or in excess of the bag limit for one day or below the minimum size thereof at any one time during the open season, whether lawfully or unlawfully taken within or without the state.

29.40 POSSESSION OF DEER; HEADS AND SKINS.

(1) Deer tags. Any person having lawfully killed a deer shall immediately attach and leave attached to the carcass, or part thereof, the deer tag corresponding to his license; and no person shall have in his possession or under his control, or have in storage or as a common carrier, any such carcass, or part thereof, without such tag attached.

(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 the provisions of this chapter; but no person shall have in his possession or under his control the green head or green skin of a deer between the tenth day of January and the succeeding 21st day of November of each year, or at any time a deer head in the velvet, or a deer skin in the red, blue or spotted coat.

29.41 SKINS OF FUR-BEARING ANIMALS. The skin of any fur-bearing animal lawfully killed, when separated from the rest of the carcass is not subject to the provisions of this chapter; but no person shall have in his possession or under his control the skin of any fisher, marten, mink, or muskrat showing that the same has been shot or speared, nor the green skin of any fur-bearing animal from the fifth day after the beginning of the close season for such animal until the ending thereof.

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.

TRANSPORTATION OF GAME

29.43 TRANSPORTATION; GENERAL PROVISIONS.

(1) During close season. No person shall 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 during the close season therefor, whether lawfully or unlawfully taken within or without the state. Whenever any game or game fish or carcass or part thereof is offered to any person for transportation during the close season therefor such person shall forthwith notify the state conservation 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 enclosure, at any time, any game or game fish, or carcass or part thereof.

(3) Transportation employes. 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 in such service, 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.

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 a permit therefor has been duly issued to such person by the state conservation commission; 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, settlers' hunting license, or nonresident general hunting license, may transport or cause to be transported one deer between the last ten days of November of each year; but must accompany the same from the point of shipment to the point of destination.

(3) The place of delivery of any such shipment 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.

29.46 TRANSPORTATION OF GAME BIRDS. (1) No common carrier shall receive for transportation or transport or attempt to transport any game bird, or carcass or part thereof, otherwise than as follows: Each holder of a hunting license may carry with him openly, in his personal possession, a mixed bag of not more than twenty such birds, but not more than the bag limit for one day of any one variety; but no such licensee resident within this state shall carry or convey any such bird beyond the borders of the state.

29.47 TRANSPORTATION OF FISH. (1) Time limitation. 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, during the period extending from the first day of January to the last day of the close season for such fish, in each year.

(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, at any time, any game fish taken from inland waters other than as follows:

(a) One shipment only of not more than one package, and containing not more than twenty pounds of game fish of any variety other than those named in paragraphs (c) and (d) of this subsection, or containing in lieu thereof not more than two such fish of any weight, may be transported by any resident to any point within the state, or by any nonresident licensee to any point without the state in each period of seven days. Nonresident hook and line fishing licenses may be issued by the state conservation commission to any nonresident female over the age of sixteen years for the purpose of making shipment without the state, under the provisions of this section.

(b) Any shipment containing more than twenty but not exceeding fifty pounds of game fish of any variety other than those named in paragraphs (c) and (d) of this subsection may be transported only to a point within this state, and must be accompanied by the owner from the point of shipment to the point of destination.

(c) Thirty-five trout of any variety other than lake trout may be transported to any point within or without the state, when accompanied by the owner from the point of shipment to the point of destination.

(d) One shipment only, containing not more than twenty pounds of lake trout taken from inland waters, may be transported by any person in each period of seven days, to any point within or without this state, when accompanied by the owner from the point of shipment to the point of destination.

(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 shall be shipped from any port located on outlying waters during the close season for such fish, except the first three 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 the provisions of 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 any of the provisions of this chapter except subsection (10) of section 29.33; 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 state conservation commission or its deputies.

(6) Injurious fish. Live carp minnows and dogfish minnows shall not be transported within the state.

COMMERCE IN GAME

29.48 SALE OF GAME. Except as provided by section 29.52 no person shall sell, purchase, or barter, or offer to sell, purchase, or barter, or have in his possession or under his control for the purpose of sale or barter, any deer, squirrel, game bird, black bass, muskellunge, or trout other than lake trout, or the carcass or part thereof, at any time; nor any other game fish taken from inland waters during the period extending from the first day of January to the next succeeding twenty-ninth day of May of each year; nor any other game or 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.

29.49 SERVING OF GAME TO GUESTS. (1) Prohibited. Except as provided by section 29.52 no innkeeper, manager or

steward of any restaurant, club, hotel, boarding house, saloon, 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 trout other than lake trout, or the carcass or part thereof, at any time; nor any other game fish taken from inland waters during the period extending from the first day of January to the next succeeding twenty-ninth day of May of each year; nor any frog or other game or other wild animal, or carcass or part thereof, during the close season therefor, except rabbits in counties containing a city of the first class. This section applies, whether such animals were lawfully or unlawfully taken within or without the state.

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

(3) Penalty. Violations of this section shall be punished by a fine of not less than two hundred nor more than five hundred dollars, or by imprisonment in the county jail not less than nine months nor more than one year, or by both such fine and imprisonment.

PROPAGATION OF WILD ANIMALS

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 state conservation 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 state conservation 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.

29.51 STATE PROPAGATION OF FISH. (1) State fish hatcheries. The state conservation commission shall have gen-

eral 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 may 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 ear 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.

(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 hatchery; also of the distribution of the fish, of maintaining and repairing property and of such improvements as may from time to time be ordered.

(2) Transplantation 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 com-

mission 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 state conservation 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 milk; 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 milk 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 state conservation commission.

(5) Unlawful fishing by employes. 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.

29.52 PRIVATE FISH HATCHERIES. (1) No person shall stock any private fish hatchery with fish or fry obtained from any Wisconsin state fish hatchery, or from any waters of the state except when such fish have been taken in a lawful manner.

(2) The term "private fish hatchery" includes only private ponds, with or without buildings, used for the purpose of propagating fish and located as follows:

(a) At the headwaters of or along a stream for a distance of not to exceed one mile, on private land possessed and controlled by the owner or owners of such hatchery.

(b) On private land where the supply of water for the hatchery is furnished by springs or artificial wells.

(c) On private land where the supply of water for the hatchery is obtained by the use of flumes, pipes, or ditches from flowing streams, provided that said flumes, pipes, or ditches, shall be properly screened so as to prevent fish from passing from such streams to the ponds of such hatchery.

(3) The owner or lessee of any private hatchery shall report to the state conservation commission the name, if any, and location of such hatchery, whereupon the commission shall inspect, and in its discretion number and register such hatchery and immediately inform the owner or lessee of the number given such hatchery; such owner or lessee shall, however, pay a registration fee of five dollars, and all expenses of inspection except the salary of the employe who inspects the hatchery.

(4) Each package or box containing fish propagated and raised in any private hatchery and shipped or offered for shipment shall be branded with an iron brand as follows: "Shipped from the private fish hatchery of (insert name of owner or lessee, location, and number of hatchery)" and such brands shall not be used on packages containing fish not taken from such private hatchery.

(5) Any person who shall, without permission of the owner, trespass or fish on the waters of a private hatchery or fish pond properly registered with the state conservation commission, shall be punished by a fine of not less than fifteen dollars nor more than twenty-five dollars and in default of payment thereof shall be imprisoned in the county jail for not less than ten days nor more than twenty days: provided, that the owner of such private fish hatchery or fish pond gives notice by maintaining signboards, at least one foot square, in at least two conspicuous places to every forty acres. Prosecutions under this subsection shall be by the owner of such private hatchery or pond.

29.54 STATE PROPAGATION OF WILD MAMMALS AND BIRDS. (1) The state conservation commission is authorized to 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.

29.55 WILD ANIMALS FOR PARKS. (1) The state conservation 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 state conservation 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

29.56 FOREST COUNTY GAME REFUGE. Townships thirty-eight north, of range twelve and thirteen east, Forest county, shall be known as the Forest County Refuge. No person shall at any time or in any manner, hunt any game within said refuge.

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 one hundred and sixty acres located outside the limits of any city or village, may apply to the state conservation commission for the establishment of said lands as a wild life refuge. The commission may thereupon employ such means as it may deem 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 not native within this state, it may by order designate and establish the said lands as a wild life refuge.

(2) Enclosure. Within thirty days after the date of such order the owner or owners of the said lands shall enclose the same, wherever the same are not already enclosed by a fence, with a single substantial wire, and shall post and maintain along the said wire or fence, at each interval of twenty rods, signs or notices, furnished by the state conservation commission, proclaiming the establishment of said refuge.

(3) Publication. No such order shall be effective until at least thirty days after the date of its issue; nor unless the commission shall have caused notice thereof to be given by its publication, once in each week for three successive weeks next preceding the date of its effect, in at least one newspaper published in the county embracing the said lands. Thereupon the said lands shall be a wild life refuge, and shall so remain for a period of not less than five years, from and after the date of effect stated in said order.

(4) Absolute Protection. No owner of lands embraced within any such wild life refuge, and no other person whatever, shall hunt or trap within the boundaries of any wild life refuge, 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 knocked down or enclosed within its carry-

ing case; but nothing herein shall prohibit, prevent, or interfere with the state conservation commission, or its deputies, agents or employes, in the destruction of injurious animals.

(5) Animals procured by commission. The state conservation commission may place within any such wild life refuge, for the purpose of propagation, wild animals of any species or variety.

DESTRUCTION OF INJURIOUS ANIMALS

29.58 MUSKRATS INJURING DAMS. The owner or lessee of any dam may in any manner capture or kill muskrats at any time when said muskrats are injuring or destroying such dams or the levees connected therewith; but shall not sell, barter, or give to any other person the skin of any muskrat captured or killed during the close season therefor.

29.59 BEAVER CAUSING DAMAGE. (1) Complaint. Upon complaint in writing, by the owner or lessee of any lands, to the state conservation commission, that beaver are causing damage thereto the commission shall employ such means as it may deem wise to inquire into the matter; and 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 the said owner or lessee to capture and remove such beaver, as hereinafter prescribed.

(2) Supervision. No beaver shall be captured or killed under such permit except only during such period of time, from and after the first day of January in each year, as may be limited by the commission, and then only under the direct supervision of a deputy conservation warden.

(3) Disposition of animals. The owner or lessee shall capture, alive and without avoidable injury, such number of beaver as may be designated by the commission, for delivery to zoological parks or collections or for transplantation to other localities within the state; all others shall be killed and skinned with care to conserve the value of the skins, which shall be shipped without delay to Madison, consigned to the state conservation commission.

(4) Sale and disposition of proceeds. All such skins shall be sold by the commission, in the manner of a sale of confiscated game, and the proceeds paid into the conservation fund.

(5) In Price, Rusk, and Sawyer counties. Licenses for the taking, catching or killing of beaver in Price, Rusk, and Sawyer

counties during the open season therefor, as provided in subdivision (a) of subsection (3m) of section 62.16, may be issued by the conservation commission to residents who duly apply therefor and no person shall take, catch or kill beaver in said counties without procuring such a license. Said license shall cover the period for the month of December in the year for which the same was issued and the fee therefor shall be two dollars and fifty cents for each such license. No skin of any beaver taken, caught or killed under said license shall be delivered, transported or shipped unless it has attached thereto a distinctive tag to be prescribed and furnished by the state conservation commission. Licensees shall dispose of all beaver skins on or before the twentieth day of January following the date of the issuance of the license and every licensee shall on or before the thirtieth day of January following the date of the issuance of his license return the same to the state conservation commission for cancellation together with a complete report on a blank to be furnished by the said commission stating the number of beavers taken, caught or killed, the name of the town in which the same were taken, caught or killed, the disposition of the hides and the amount received therefor. Any resident of Price, Rusk and Sawyer counties who have suffered or is likely to suffer damage because of any beaver dam on his land shall notify the game warden of his district of such fact. After the expiration of five days after giving such notice, said resident may open said dam. No resident of said county shall be allowed any claim against this state for damages sustained on account of beaver during the years 1917 and 1918.

(6) Penalty. Violations of this section shall be punished by a fine of not less than two hundred nor more than five hundred dollars, or by imprisonment in the county jail not less than nine months nor more than one year, or by both such fine and imprisonment.

29.595 DEER CAUSING DAMAGE. Upon complaint in writing by the owner or lessee of any lands, to the state conservation commission, that deer are causing damage therein the commission shall inquire into the matter; and if upon inspection, investigation, hearing, or otherwise, it shall appear to the satisfaction of the commission that the facts stated in each such complaint are true, it may capture or destroy such deer, and dispose of the same as provided in subsections (3) and (4) of section 29.59.

29.60 BOUNTIES ON WOLVES. (1) Rate of bounty.

The county board of each county shall provide for the payment of a reward to each person who shall kill any wolf or wolf cub within such county, at the following rate: For each wolf cub killed between the first day of April and the first day of September in any year, five dollars; and for each wolf killed at any time, ten dollars. An equal amount shall be paid by the state, in each case, from the appropriation for bounties for the destruction of wolves.

(2) Presentation of claim. Any person claiming such reward shall, at his own expense, deliver the skin of the animal entire with the skull attached at the nose, within six days after the killing of such animal and in well-preserved condition, to the county clerk of the county wherein said animal was killed, together with a certificate in substantially the following form:

To the county clerk of _____ county: I, the undersigned, hereby state and declare that on the _____ day of _____ 191____, in the town of _____, county of _____, I did kill, or cause to be killed _____ mature wolves, _____ wolf cubs, the skin__ and head__ of which I herewith present for your inspection. I further declare that I did not raise or rear, or cause to be raised or reared for me, any wolf, nor have I spared the life of any wolf in my power to kill.

Dated this _____ day of _____, 191____

Witness:

(Address) _____

Claimant.

(3) Examination of carcass. Thereupon the county clerk and the register of deeds, or their duly authorized deputies, shall make a careful examination to ascertain that the skin is that of a wolf or wolf cub; that it has not been previously marked for bounty, and that the claimant's certificate is true and correct. If the county clerk and register of deeds are unable to identify the skin and skull, they shall transmit the same, for identification, to the state conservation commission; and in any such case the decision of the commission shall be final, and if the skin be found to be of a wolf or wolf cub it shall be returned to the county clerk, except the skull, which may be destroyed by the commission or deposited in some scientific museum.

(4) Payment by county. When convinced that the claim is just and true, the county clerk shall cause the skull, if still attached, to be removed from the skins and destroyed, and the skin to be marked by a longitudinal slit, not less than six inches long, in the scalp between the ears. He shall thereupon draw

an order on the county treasurer for the amount payable by the county on said claim; and he and the register of deeds shall sign in duplicate a certificate in the following form:

We, the undersigned, county clerk and register of deeds, respectively, of _____ county, hereby certify that according to the records and the evidence which we have examined and marked as provided by law, _____, whose post-office address is _____, is entitled to _____ dollars, state bounty on _____ which he certifies _____ killed in the town of _____, county of _____, on the _____ day of _____, 19____, and for which this county has paid him _____ dollars.

Dated at _____, this _____ day of _____, 191__

County Clerk.

Register of Deeds.

(5) Payment by state. One of said duplicates shall be transmitted to the state conservation commission who shall examine and certify such claims, and the amount payable by the state thereon shall be audited and paid, as other state accounts are paid, from the appropriation for bounties for the destruction of wolves.

(6) Return of skin. At the request of the claimant the skin which has been marked for bounty shall be returned to him at his own expense; but the cost of transporting specimens from the county clerk to the state conservation commission shall be borne by the county, and the cost of returning said specimens, or transmitting them to other points for identification for bounties for the destruction of wolves.

(7) Blanks. All blanks required to carry out the provisions of this section shall be furnished by the state conservation commission and charged to the appropriation for bounties for the destruction of wolves; and the chairman and clerk of each town shall obtain from the county clerk and keep on hand blank certificates for the use of claimants.

(8) Poisoned baits for wolves, wildcats and lynxes. For the destruction of wolves, wildcats or lynxes it is lawful to put out baits containing poison between the first day of December and the first day of March, but the same shall not be placed within eighty rods of a dwelling house, and the person putting out such baits shall, before doing so, post in three public places in the town notice of putting out such baits, describing the land

and location where such baits are placed and the date when put out, and within three days after the first day of March shall take up and effectively destroy the same. For the failure or neglect to so post such notices or to so take up and destroy said baits the person so putting out the same shall be liable for all damages resulting therefrom and shall be punished as provided in the last section of this chapter. The same reward shall be paid for any wolf so destroyed by poison as is herein provided for otherwise killing wolves.

29.61 DESTRUCTION OF OTHER INJURIOUS ANIMALS; REWARDS. (1) The county board of any county may direct that every person who shall kill any crow shall be entitled to a reward of not to exceed fifteen cents, or any sharpshinned or cooper's hawk twenty-five cents, or any pocket gopher twenty-five cents, or any streaked gopher ten cents, or any English sparrow four cents, or any blackbird four cents, or any rattlesnake fifty cents.

(2) Any person claiming such reward shall exhibit the head or rattles of the animal so killed to the chairman of the town or the president of the village wherein it was killed and present an affidavit to such president or chairman stating that said head or rattles 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 chairman or president shall then issue a certificate in the following form:

STATE OF WISCONSIN }
County of _____ } ss.

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

Dated this _____ day of _____, 19_____.

Chairman (President)
of the town (village) of _____

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

(4) The treasurers of the various villages and towns shall, at the close of their accounts on the thirtieth day of October in each year certify to the county clerk the amount of money expended by their respective towns and villages under the provisions of this section. Such treasurer shall attach to the certificate an affidavit stating that the account is just and that his town 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 and villages from any money in the general fund of the county not otherwise appropriated.

29.62 REMOVAL OF INJURIOUS ROUGH FISH. (1)

The state conservation commission is authorized to take rough fish by means of nets, or cause the same to be so taken, from any of the inland waters of this state other than those specified in subsection (2), whenever it shall find that such fish are detrimental to, retard the propagation of, or destroy game fish therein.

(2) The authority granted to the commission by subsection (1) does not extend to Lake Koshkonong; any stream or river flowing into Green Bay or Lake Michigan except that part of the Fox river and its tributaries above the Menasha dam; the Mississippi river, Lake Pepin, Lake St. Croix, and the lakes, bays, bayous and sloughs tributary thereto and connected therewith; and any stream or river flowing into the Mississippi river, within a distance of forty miles above the mouth of such stream or river.

(3) All fish taken under the authority of this section shall be disposed of by the commission to the best interests of the state; and temporary fish ponds may be created in the waters of this state for the purpose of keeping such fish until the same can be advantageously disposed of.

PENALTIES

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 any of the provisions of this chapter shall be punished, respectively, as follows:

(a) For the unlawful use of any gill net 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 two hundred nor more than five hundred dollars, or by imprisonment in the county jail not less than nine months nor more than one year, or by both such fine and imprisonment.

(b) For hunting, trapping, fishing, or clamming without a license duly issued, whenever a license therefor is required by the provisions of this chapter, or for hunting, under a receipt or other evidence of having filed an application, in anticipation of the issuance and delivery of such license, or for the violation of any provision relating to deer, by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than one year, or by both such fine and imprisonment.

(c) For the violation of any provision relating to game birds, by a fine of not less than fifty nor more than one hundred dollars, and in addition thereto five dollars for each bird affected by such violation, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

(d) For any violation for which no other penalty is prescribed, by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

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

(3) Revocation of license. Upon conviction of any person for any violation under any license issued to such person, such license shall be immediately revoked and canceled, and no license shall be issued to such person for a period of one year thereafter.

(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.

(6) Reward to informers. Any person other than the regular employes of the state conservation commission, informing of the violation of any provision of this chapter and assisting in the prosecution of the offender to conviction shall receive one-third of any fine imposed and collected thereupon.

SECTION 5. A new section is added to the statutes to be numbered and to read: Section 4562d. Any person who shall break, remove or interfere with any seal or tag attached to any animal, carcass, article or other thing by the state conservation 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 punished by a fine of not less than two hundred nor more than five hundred dollars, or by imprisonment in the county jail not less than nine months nor more than one year, or by both such fine and imprisonment.

SECTION 6. Sections 4567d and 4567f of the statutes are amended to read: Section 4567d. Any person who shall enter upon the grounds of any state fish hatchery for the purpose of unlawfully killing or taking any fish therefrom shall be punished by a fine of not less than * * * *one hundred* dollars nor more than * * * *two hundred* dollars, or by imprisonment not less than * * * *thirty* days nor more than * * * *sixty* days.

Section 4567f. Any person who shall injure any fish, or in any manner interfere harmfully with the ponds, streams, troughs or other property of the state fish hatchery, without lawful authority so to do, shall be punished by a fine of not less than * * * *fifty* dollars nor more than one hundred dollars; but this section shall in no wise change or affect any liability for arson or other burnings, nor burglary or other breakings, nor larceny of any property.

SECTION 7. A new section is added to the statutes, to be numbered 172—41 and to read: Section 172—41. All moneys, except fines, accruing to the state by reason of any provision of chapter 29 of the statutes, or otherwise received or collected

by each and every person for or in behalf of the state conservation commission, if not payable into the forest reserve fund, shall constitute the "conservation fund" and shall be paid, within one week after receipt, into the state treasury and credited to said fund. No money shall be expended or paid from the conservation fund except in pursuance of an appropriation by law; but any unappropriated surplus in said fund may be expended subject to the approval of the governor, secretary of state, and state treasurer, for additional equipment, new buildings, new hatcheries, or hatchery ponds, property, improvements, increasing the warden force at any particular period, or any other similar special purpose except road work or improvement work on the state parks.

SECTION 8. The section and subsection titles are inserted in this bill for convenience of reference; but are not a part of this enactment.

SECTION 9. This act shall take effect July 1, 1917.

Approved July 12, 1917.

No. 594, S.]

[Published July 16, 1917.]

CHAPTER 669

AN ACT to create section 4391m of the statutes, prohibiting the use of dynamite, blasting powder or other explosive for any purpose within the boundaries of any state park of Wisconsin, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 4391m. Any person who discharges or explodes or causes to be discharged or exploded for any purpose any dynamite, blasting powder or other similar explosive at any place or point within the boundaries of any park owned by the state of Wisconsin, unless the use of such explosive is necessary for carrying on works of improvement done by, for or under the authority of the state or done by, for or under the authority of the county or town wherein such park in whole or in part is situated, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished for the first offense by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment in the county jail for not less than thirty days nor more than six months, and for a second or subsequent offense by both such fine and imprisonment. This