

No. 8, A.]

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CHAPTER 556

AN ACT to repeal 29.15, 29.22 (1) and (2), 29.23 (1) and (2), 29.24 (1), (1a), (3), (4) and (5), 29.25, 29.27, 29.283 (2), 29.285, 29.286 (3), 29.337 (1), (3) and (4) and 29.35 (2); to renumber 29.22 (3) and (5), 29.23 (3) and 29.235; to renumber and amend 29.24 (2), 29.337 (2) and 29.46 (introductory paragraph), (1) and (2); to amend 29.01 (3) (a), 29.35 (1) and (3), 29.40 (1), 29.49 (1) and 29.635 (2); to repeal and recreate 29.283 (1) and (3), 29.286 (1), 29.48 and 29.594 (3) (a); and to create 29.30 (2) (h), 29.40 (4), and 29.63 (1) (m) of the statutes, relating to fish and game and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 29.01 (3) (a) of the statutes is amended to read:

29.01 (3) (a) "Game" includes all varieties of wild mammals or birds; "game fish" includes all varieties of fish except rough fish and minnows; * * * "rough fish" includes chubs in inland waters only, dace, suckers, carp, goldfish, redhorse, sheepshead, lawyers or eelpout, dogfish, garfish, buffalo fish * * *, and turtles, in all waters; "minnows" includes creek chubs, shiners, suckers, dace, stone rollers, mud minnows, redhorse, bluntnose, fathead, and other small fish which have only one dorsal fin and are commonly used for bait.

SECTION 2. 29.15 of the statutes is repealed.

SECTION 3. 29.22 (1) and (2) of the statutes are repealed.

SECTION 4. 29.22 (3) of the statutes is renumbered 29.165.

SECTION 5. 29.22 (5) of the statutes is renumbered 29.22 (1).

SECTION 6. 29.23 (1) and (2) of the statutes are repealed.

SECTION 7. 29.23 (3) of the statutes is renumbered 29.22 (2).

SECTION 8. 29.235 of the statutes is renumbered 29.22 (3).

SECTION 9. 29.24 (1), (1a), (3), (4) and (5) of the statutes are repealed.

SECTION 10. 29.24 (2) of the statutes is renumbered 29.24 and amended to read:

29.24 HUNTING BY LANDOWNERS. The owner or occupant of any land, and any member of his family may without license hunt thereon rabbits and squirrels at any time, except during the period of 5 days prior to the opening date for deer hunting in those counties or parts of counties where an open season for hunting deer with firearms has been established, and may take rabbits thereon at any time by means of live trapping with box traps in incorporated cities or villages or other areas where the firing of a gun is unlawful.

SECTION 11. 29.25 of the statutes is repealed.

SECTION 12. 29.27 of the statutes is repealed.

SECTION 13. 29.283 (1) of the statutes is repealed and recreated to read:

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

SECTION 14. 29.283 (2) of the statutes is repealed.

SECTION 15. 29.283 (3) of the statutes is repealed and recreated to read:

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

SECTION 16. 29.285 of the statutes is repealed.

SECTION 17. 29.286 (1) of the statutes is repealed and recreated to read:

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

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

SECTION 18. 29.286 (3) of the statutes is repealed.

SECTION 19. 29.30 (2) (b) of the statutes is created to read:

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

SECTION 20. 29.337 (1), (3) and (4) of the statutes are repealed.

SECTION 21. 29.337 (2) of the statutes is renumbered 29.03 (2m) and amended to read:

29.03 (2m) Any submarine entrapping net, deep water trap net, shallow water trap net, *trammel net*, *trawl*, long tunnel pound net or similar entrapping net other than the legal fyke net, drop net and the short tunnel pound net * * * whenever found in * * * *outlying waters* or on any vessel, * * * dock, *pier*, *wharf* or in any * * * *building or vehicle on or adjacent* to such waters. Any such contraband nets so found shall be deemed sufficient evidence of the use of such nets by the owner thereof.

SECTION 22. 29.35 (1) of the statutes is amended to read:

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

SECTION 23. 29.35 (2) of the statutes is repealed.

SECTION 24. 29.35 (3) of the statutes is amended to read:

29.35 (3) No such licensed net shall be used until * * * a metal tag * * * stamped to designate the kind of net and number of the license covering * * * *it is* securely fastened to each net. Such tag shall be furnished by the commission at the time of issuing the license. * * *

SECTION 25. 29.40 (1) of the statutes is amended to read:

29.40 (1) Any person having lawfully killed a deer shall immediately attach *and lock* and leave attached *and locked* to the * * * *gambrel of either hind leg* thereof, the deer tag corresponding to his license; 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 *and locked*.

SECTION 26. 29.40 (4) of the statutes is created to read:

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

SECTION 27. 29.46 (introductory paragraph), (1) and (2) of the statutes are renumbered 29.46 (1), (2) and (3) and amended to read:

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

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

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

SECTION 28. 29.46 (4) of the statutes is created to read:

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

SECTION 29. 29.48 of the statutes is repealed and recreated to read:

29.48 (1) Except as provided by s. 29.52, no person shall at any time sell, purchase

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

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

SECTION 30. 29.49 (1) of the statutes is amended to read:

29.49 (1) Except as provided by s. 29.52 no innkeeper, manager or steward of any restaurant, club, hotel, boarding house, * * * *tavern*, logging camp, or mining camp shall sell, barter, serve, or give, or cause to be sold, bartered, served, or given to the guests or boarders thereof the meat of any deer, squirrel, game bird, * * * *game fish taken from inland waters*, nor any * * * other game or other wild animal, or carcass or part thereof, during the close season thereof, 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.

SECTION 31. 29.594 (3) (a) of the statutes is repealed and recreated to read:

29.594 (3) (a) The skin of beaver taken, caught or killed under such license shall have attached thereto and locked thereon, a distinctly numbered tag to be prescribed and furnished by the conservation commission. The fee for each tag shall be \$1 and the number of tags that may be purchased by a trapper licensed under this section shall not exceed the bag limit prescribed for beaver during the year designated on such tags. Such tag shall be known as a pelt tag and shall be attached to the head of the skin immediately when the animal is taken; the trapper shall within 5 days following the closing of the open season for trapping beaver in the year designated, present such pelts so tagged to a conservation warden or representative of the conservation commission; such conservation warden or representative of the conservation commission upon being presented with the pelts properly tagged as aforesaid shall remove such tag and attach thereto a vendor's tag which shall be attached to each pelt in the manner designated above, and it shall be necessary that such vendor's tag shall be so attached before any such pelt may be sold, shipped or disposed of in any manner; the conservation warden or representative of the conservation commission shall make no charge for the vendor's tags attached by them to the pelts presented to them by the trapper. It is unlawful for any person to transfer, give, trade, sell or purchase any beaver tags issued pursuant to this section, except when such sale, purchase, trade or transfer is made when such beaver tags are attached and locked to the head of the skin of a beaver that has been lawfully taken.

SECTION 32. 29.63 (1) (m) of the statutes is created to read:

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

SECTION 33. 29.635 (2) of the statutes is amended to read:

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

SECTION 34. Repeal of any provision of the statutes by this act does not affect the power of the conservation commission to make rules, orders and regulations governing the subject matter of any provision of the statutes so repealed, nor does such repeal invalidate any provision of any conservation commission order in effect on the effective date of this act.

SECTION 35. This act does not affect the power of the conservation commission to make rules, orders and regulations governing the subject matter of or modifying any provision of the statutes amended, created, or repealed and recreated by this act.

. Approved July 14, 1953.