

CHAPTER 47

AN ACT to renumber 29.52 (6) and (7); to renumber and amend 29.52 (6m) and (8); to amend 29.52 (1) and (5); to repeal and recreate 29.52 (2), (3) and (4); and to create 29.52 (4m), (6), (7) and (12) of the statutes, relating to private fish hatcheries and providing a penalty.

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

SECTION 1. 29.52 (1) of the statutes is amended to read:

29.52 (1) Private fish hatchery licenses ~~shall~~ *may* be issued by the commission to any person applying therefor who is the owner or lessee of lands suitable for propagating fish under this section.

SECTION 2. 29.52 (2), (3) and (4) of the statutes are repealed and recreated to read:

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

- (a) His name and address.
- (b) The specific description of the lands to be included in the license.
- (c) A description of the water supply to be used in the operation of the hatchery.
- (d) A description or diagram showing the ponds, raceways, wells, flumes, dams, buildings and other improvements in connection with the proposed hatchery.
- (e) His title or leasehold.
- (f) Such additional information that may be required by the commission.

(3) After the effective date of this subsection (1965) private fish hatcheries shall be licensed only under the following conditions:

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

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

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

1. Maintains and operates an artificial fish hatching facility and purchases fish and fish eggs and produces fish eggs therein for sale or trade; or
2. Hatches fish eggs or rears fish so produced for sale or trade; or
3. Sells or trades fish so produced or permits public fee fishing for fish so produced.

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

1. Has live fish lawfully in his possession, by purchase or otherwise, for sale or trade; or
2. Rears such fish to a larger size for sale or trade; or
3. Permits public fee fishing for such fish.

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

1. Has live eggs or fish lawfully in his possession by purchase or otherwise; and
2. Maintains and operates an artificial fish hatching facility and hatches eggs but not for sale or trade except that bait minnows so produced may be sold or traded; or
3. Stocks, maintains or holds such live fish eggs or fish for natural propagation, display, or fishing by himself or others, but does not sell or trade such fish eggs or fish and does not permit public fee fishing for such fish; or
4. Stocks, maintains or holds live fish for display or for sale and consumption on the premises; or
5. Sells game fish lawfully in his possession, by purchase or otherwise, to Class A licensees.

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

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

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

SECTION 2m. 29.52 (4m) of the statutes is created to read:

29.52 (4m) A private fish hatchery license shall be issued and renewed by the commission to any person applying therefor who is the owner or lessee of lands suitable for the propagation of fish in nonnavigable waters. Subsection (3) (a) shall not apply to this subsection but the remainder of this section which is not inconsistent with this subsection shall apply.

SECTION 3. 29.52 (5) of the statutes is amended to read:

29.52 (5) Upon the filing of the application, the commission shall inspect and investigate the same *and may hold public hearings thereon*. All expenses of the inspection, except the salary of the employe who inspects the hatchery, shall be paid by the applicant. When satisfied that the applicant is the owner or lessee of the lands described and *upon finding that he has complied with the all provisions and conditions of this section have been fully complied with*, the commission shall issue a license to propagate, rear ~~and~~, sell *and possess* fish of the kind specified in the ~~application~~ *license and as provided in this section*. All ~~private fish hatchery~~ licenses shall expire on December 31 of each year and shall be renewed, subject to ~~the provisions of this section~~, upon filing of a verified report with the commission within 30 days thereafter, containing the information on the operation of the hatchery requested by the commission, together with the license fee. ~~The fee for each license shall be \$5.~~

SECTION 4. 29.52 (6) of the statutes is renumbered 29.52 (8).

SECTION 5. 29.52 (6) of the statutes is created to read:

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

SECTION 6. 29.52 (6m) of the statutes is renumbered 29.52 (10) and amended to read:

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

SECTION 7. 29.52 (7) of the statutes is renumbered 29.52 (9).

SECTION 8. 29.52 (7) of the statutes is created to read:

29.52 (7) The commission may, from year to year, renew any private fish hatchery license issued prior to, and in effect on, the effective date of this subsection (1965). If a private fish hatchery license is not renewed as provided in sub. (4) or is terminated for any reason, all rights and privileges of the licensee under such license terminate and thereafter the lands and waters which were included in such license shall be subject to all of the provisions of this section if an application for a license hereunder is made which includes any of such lands or waters.

SECTION 9. 29.52 (8) of the statutes is renumbered 29.52 (11) and amended to read:

29.52 (11) Any person who ~~shall~~, without permission of the licensee, ~~trespass~~ *trespasses* on any licensed fish hatchery shall be fined not less than \$15 ~~nor~~ more than \$25 ~~\$200~~ or imprisoned not more than 30 days; provided that the licensee gives notice by maintaining signboards at least one foot square, in at least 2 conspicuous places on each 40 acres of the lands included in such license. Prosecutions under this subsection shall be by the licensee.

SECTION 10. 29.52 (12) of the statutes is created to read:

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

SECTION 11. This bill is declared to be an emergency bill, recommended by the joint committee on finance, in accordance with the requirements of section 16.47 (2) of the statutes.

Approved May 6, 1965.