

CHAPTER 29.

FISH AND GAME.

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Cross Reference: See definitions in 24.01.

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

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

(2) **CARCASS.** "Carcass" means the dead body of any wild animal to which it refers, including the head, hair, skin, plumage, skeleton, or any other part thereof.

(3) **GAME; GAME FISH; ROUGH FISH; GAME ANIMALS; FUR BEARING ANIMALS; GAME BIRDS.** (a) *Game.* "Game" includes all varieties of wild mammals or birds; "game fish" includes all varieties of fish except rough fish and minnows; "rough fish" includes chubs in inland waters only, dace, suckers, carp, goldfish, 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.

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

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

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

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

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

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

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

(8) **RESIDENT.** "Resident" means any person who has maintained his place of permanent abode in the state of Wisconsin for a period of one year immediately preceding his application for license.

History: 1951 c. 92; 1953 c. 556.

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

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

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

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

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

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

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

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

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

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

(j) That body of water known as Sturgeon bay lying south and east of a line commencing at the most northly point of section 23, township 28 north, range 25 east, and

running in a northeasterly direction to the water's edge on north line of section 13, same township and range.

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

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

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

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

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

(p) All that body of water known as St. Louis bay lying between a line commencing at the most northerly point of section 10, township 49 north, range 14 west, running due north to the Minnesota boundary, and the north line of sections 20 and 21, running due west to the Minnesota boundary.

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

History: 1953 c. 61.

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

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

(2m) Any 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.

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

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

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

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

(7) Any decoys 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.

History: 1953 c. 556.

29.04 Abandoned dams. (1) 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 public service 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 in the county where the offense was committed 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.

(4) **OPENING PACKAGES.** The state conservation commission and its deputies may examine and open any package in the possession of a common carrier which they suspect or have reason to believe contains contraband wild animals, or carcasses or parts thereof, or is falsely labeled in violation of 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, suit cases, valises, packages, and other receptacles and places where he has reason to believe that wild animals, taken or held in violation of this chapter, are to be found; but no dwelling house or sealed railroad cars shall be searched for the above purposes without a warrant.

(7) **SEIZURE AND CONFISCATION OF PROPERTY.** They shall seize and hold subject to the order of the court or judge located in the county in which the alleged offense was committed, any apparatus, appliance, or any vehicle or device, declared by any provision of this chapter to be a public nuisance, or 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 if the court shall so direct in its order for judgment. Any seizure of perishable property made by the conservation commission or its wardens may be sold at the highest available

price, and the proceeds of such sale turned into court to await disposition of such proceeds as the court may direct. It shall be lawful for any conservation warden or other ministerial officers charged with the enforcement of the laws dealing with the conservation of the natural resources of the state, to destroy any dog found running, worrying, or killing any deer, or destroying game birds, their eggs or nests, wherein they deem it advisable and necessary.

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

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

Where, in an action against a game warden for assault and battery in making an arrest, a question in the special verdict asking whether the warden "in the manner he used" a tear-gas gun used unreasonable means to effect the arrest, and the jury's affirmative answer thereto, did not furnish a definite finding as to whether such gun had been fired in the manner claimed by the plaintiff or in the manner claimed by the warden, and this was imperative in view of (9) exempting a warden from liability for acts done or permitted by authority of law, and the instructions were defective in regard to the burden of proof on such question, the granting of a new trial was not an abuse of discretion. *Schreiner v. Beghin*, 260 W 561, 51 NW (2d) 485.

A duty to appear for the warden in the trial court would devolve upon the attorney general only where an appropriate request was made by the commission and approved by the governor. The commission has no statutory authority to retain counsel for the warden or to pay any of the expenses of the litigation. 39 Atty. Gen. 560.

29.06 Sale of confiscated game and apparatus. (1) All confiscated wild animals, or carcasses or parts thereof, and all confiscated apparatus, appliances or devices shall, if not destroyed as authorized by law, be sold at the highest price obtainable, by the 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; 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 records in the office of the state conservation commission. Of the remittance from such sales of confiscated apparatus, appliances or devices, 18 per cent shall be paid into the conservation fund to reimburse it for expenses incurred in seizure and sale, and the remaining 82 per cent shall be paid into the common school fund. In the case of the proceeds from the sale of a confiscated motor vehicle if the holder of a bona fide recorded chattel mortgage or bona fide sales contract with such motor vehicle as security, shall satisfy (and the burden of proof shall be upon him) the court, or after judgment of confiscation, the state conservation commission, that the violation that led to such confiscation was not with his knowledge, consent or connivance or with that of some person employed or trusted by him, there shall also be deducted the amount due under such mortgage or conditional sales contract from the proceeds of such sale and the amount due shall be paid to the one entitled; in case a sufficient amount does not remain for such purpose after the other deductions then the amount remaining shall be paid. After the commission has knowledge of such contract or mortgage and the address of the owner thereof the commission shall give the owner of such contract or mortgage notice of the time and place when there is to be any proceeding before the court or the judge pertaining to such confiscation and shall also give notice of the time and place of sale.

(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 a period to be set by the conservation commission, 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 5 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.

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

29.09 Hunting, trapping and fishing licenses. (1) HUNTING, TRAPPING OR FISHING WITHOUT A LICENSE PROHIBITED. Except as expressly provided, no person shall: (a) hunt any wild animal, or (b) trap any game, or (c) take, catch or kill fish or fish for fish in inland water of this state unless a license therefor has been duly issued to him which shall be exhibited to the conservation commission or its deputies on demand. Such licenses shall be issued to and obtained by only natural persons lawfully entitled thereto, and in case of resident hunting, trapping or fishing licenses, shall be issued only to persons who shall present to the county clerk or issuing agent definite proof of his identity, and that he is a legal resident of this state. No more than one of the same series shall be issued to the same person in any year. No person shall transfer his license or 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, tag or badge, issued to another. No hunting or trapping license or deer tag shall be obtained by any person for another. No hunting license shall be issued to any person under the age of 12 years. Any person between the ages of 12 and 16 years may hunt only when accompanied by a parent or guardian. 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 bear the applicant's signature and shall state the residence and post-office address of the applicant, a description of his person, that he has complied with all of the laws regulating the issuance and purchase of the license applied for, and such other facts, showing him to be entitled to the license for which he applies, as may be required by the commission, and no license shall be issued until the foregoing provisions have been complied with by the applicant.

Verified application shall be required for settlers' hunting licenses, fur dealer's license and wholesale fish markets license.

(3) FORM OF LICENSE. Each license shall state for what year the same is issued and the date of expiration, and except as otherwise provided shall be effective only from the first day of September until the next succeeding 31st day of August, subject to the conditions, limitations and restrictions prescribed in this chapter. Resident hook and line fishing licenses shall be effective from the date of issuance to the succeeding 30th day of April. Each license issued shall further state the name and residence of the licensee, a description of his person, and such other matter as may be determined by the commissioners; shall bear upon its face a true signature of the licensee and the date of issuance; and shall be signed by the issuing agent. All licenses shall be issued in the English language with ink only.

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

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

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

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

(7) RETURN OF FEES BY COUNTY CLERK. Of the fees paid to the county clerk, he may retain the following amounts for his services to the state: For each resident hunting license 10 cents; for each deer tag 10 cents, except when issued as part of a license; for each nonresident general hunting license 25 cents; for each nonresident limited hunting license 25 cents; for each nonresident archer (bow and arrow) hunting license 10 cents; for each nonresident shooting preserve license 10 cents; for each resident fishing license 10 cents; for each nonresident fishing license 25 cents; for each nonresident combination fishing license 25 cents; for each fish shipping coupon 10 cents; for each trapping license 10 cents; for each trap tag one-half cent; for each raccoon tag 2 cents; for each sportsmen's license 25 cents; for each set line license 10 cents; for each set or bank pole license 10 cents; and for each slat net license 50 cents. The remainder he shall remit to the commission 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 remitted. All license stubs 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.

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

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

(11) BOND REQUIRED. Each county clerk shall execute and file with the commission a surety bond, guaranteed by 2 duly qualified personal sureties or by a surety company, running to the state of Wisconsin conservation commission. The amount of such bond shall be determined by the commission and shall not exceed \$5,000.

(12) ARMED FORCES. Fishing licenses and small game hunting licenses shall be issued without charge or fee and deer hunting licenses shall be issued at resident fees by the

commission and by the county clerks to any member of the armed forces of the United States applying therefor, who shall exhibit proof that he is in active service with such armed forces and that he is stationed in Wisconsin or that he is a Wisconsin resident on furlough or leave. This subsection shall be effective until June 30, 1955.

History: 1951 c. 108, 558; 1953 c. 464.

In issuing hunting and fishing licenses, collecting the fees therefor and remitting the net amount of such fees to the state, a county clerk was the agent of the state and was in no sense acting for the county. Trempealeau County v. State, 260 W 602, 51 NW (2d) 499.

29.10 Resident small game hunting licenses; fees. Resident small game hunting licenses shall be issued subject to s. 29.09, by designated permanent civil service employes of the commission and by the county clerks upon blanks supplied to them by the commission, to residents duly applying therefor who have resided in this state for at least one year next preceding the application. The fee for each license is \$2. Such license does not permit the hunting of deer. The commission shall spend for the acquisition, leasing, development and maintenance of public hunting and fishing grounds, and the adjustment and payment of damages arising from the operation of the same, not less than one-fourth of the net cash receipts derived from the sale of resident small game hunting licenses.

History: 1951 c. 409; 1953 c. 319, 637.

Hunting licenses may be issued only by county clerks and their deputies. 39 Atty. Gen. 579.

29.105 Resident deer hunting license fees. (1) Resident deer hunting licenses shall be issued subject to s. 29.09 by designated permanent civil service employes of the commission or by the county clerks, on blanks furnished by the commission, to any resident duly applying therefor, who has resided in this state for at least one year next preceding the application. The fee for each license shall be \$2.50.

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

(3) Duly issued resident deer hunting licenses shall also include the hunting of bear during the open season.

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

History: 1951 c. 409; 1953 c. 133, 319.

29.11 Settlers' small game hunting licenses and deer hunting licenses. Settlers' small game hunting licenses, and settlers' deer hunting licenses subject to s. 29.09 may be issued by the commission in its discretion, to actual settlers duly applying therefor who have resided in this state less than one year but not less than 60 days next preceding the application. A bona fide settler is a person who has either purchased or rented, or has negotiations in progress to purchase or rent farm or residence property in Wisconsin and who has moved to and settled in this state, or any member of his family of the age of 12 years or over. 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 small game hunting license, and resident deer hunting license, as the case may be. No nonresident hunting license shall be issued in the same year to any person to whom a settlers' small game hunting license or settlers' deer hunting license has been issued, and no settlers' small game hunting license or settlers' deer hunting license to any holder of a nonresident hunting license.

History: 1951 c. 409; 1953 c. 295.

29.12 Nonresident hunting licenses. (1) Nonresident hunting licenses shall be either general, limited, archer (bow and arrow) hunting, or shooting preserve hunting, and shall be issued by the commission or by the county clerk, subject to section 29.09, to persons duly applying therefor who are not residents of this state. The fee for each general license is \$50, for each limited license \$25, for each archer hunting license \$10, and for each shooting preserve hunting license \$5.

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

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

(3a) Each archer hunting license shall extend to the hunting of deer only and shall be

accompanied by a deer tag and a back tag numbered to correspond with the license and supplied without additional fee. Hunting with a crossbow is prohibited.

(4) Each shooting preserve hunting license shall extend to hunting, during the open season, for pheasants only, upon shooting preserves licensed under section 29.573, and then only for birds covered by the license and in accordance with said section except that the licensee may hunt pheasants only upon bird farms licensed under the section 29.574, said pheasants to be marked in a manner prescribed by the commission.

(5) No general or limited license issued pursuant to subs. (2) or (3) shall permit the licensee to hunt, take or kill raccoon unless under the laws of the state of his residence, residents of this state may be issued hunting licenses permitting the hunting of raccoon.

History: 1951 c. 409; 1953 c. 565.

29.125 Reports of hunters. On or before February 1 next after the date of issuance of any hunting license issued under this chapter the licensee shall report to the state conservation commission on blanks furnished by the commission at the time the license is issued, the number of his license, the number and kind of each game animal taken under such license, and such other information as may be required on the blank for the purpose of enabling the commission to prepare statistics regarding the same. Any licensee who wilfully fails or neglects to make such report shall not be granted a license under ch. 29 for a period of one year thereafter, but shall be subject to no other penalty for such violation.

History: 1953 c. 61.

29.13 Trapping licenses. (1) Trapping licenses, which authorize the use of traps for trapping fur-bearing animals, shall be issued by the state conservation commission, and by the county clerks of the several counties on blanks supplied by the commission, subject to the provisions of s. 29.09, to persons duly applying therefor who have resided in this state for at least one year preceding the application. The fee for each such license is \$1.50. If a trapper employs any person in trapping, a license is required for each person so employed. Each trap used under a trapping license shall be tagged with a metal tag stamped with the year for which the license is issued. Such tags shall be furnished by the conservation commission and sold by the commission or the county clerk upon payment of 10 cents for each tag; the county clerk is allowed one-half cent per tag for the sale of such tags. All untagged traps shall be seized and confiscated, and the owner or person using or attending such untagged traps shall be punished as provided in s. 29.63 (1) (d) and (3).

(2) All shipments of hides must be marked showing the number and 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 of each year, 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 during the previous twelve months ending May first, and such other information as may be required on the blanks furnished.

(4) In agricultural lands on which the owner or renter resides no person or party shall take any beaver or muskrat or mink without a written consent from the owner or occupant of said land.

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

History: 1953 c. 540.

29.132 Beavers, license to trap, open season. (1) A special license for the taking, catching or killing of beaver by means of trapping only shall be issued by the conservation commission subject to s. 29.09 when there is an open season for such animals established under conservation commission order, and only to residents of this state who have resided herein for a period of one year prior to the date of making application for such license and no person shall take, capture or kill, or attempt to take, capture or kill any beaver by trapping without procuring such a license.

(2) The fee for this license shall be \$2.50. No person shall take, capture or kill, or attempt to take, capture or kill any beaver by shooting, snaring, spearing, or by the use of explosives, ether, chloroform or other poison gases, or in any manner other than by trapping; or have in possession or under control the skin or skins of any beaver showing that they have been taken by shooting, snaring, spearing or by the use of explosives, ether, chloroform or other poison gases of any kind.

(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 tags 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.

(b) Unused pelt tags shall be returned to the conservation commission at the time of making the report provided under sub. (4) of this section; and for each such tag returned the conservation commission shall refund \$1. to the person returning the same. Such tag shall be attached and locked to some part of the head of the skin of the beaver immediately after such skin has been removed from the carcass of the animal and shall remain attached and locked thereto until the skin is presented to the conservation warden or representative of the conservation commission to be replaced by a shipper's tag as above set forth.

(c) All packages of beaver skins delivered, transported or shipped by any licensee in any manner shall have plainly marked on the outside of the package the name and address of the consignee and the consignor, the number of his license, and the number of beaver skins inclosed in the package.

(4) Every licensee shall, not later than 10 days after the close of the open season for beaver, return his license and all unused beaver tags to the conservation commission at Madison, Wisconsin, for cancellation, together with a report on a blank to be furnished by the conservation commission, stating thereon the number of beaver taken, caught or killed by the licensee, the disposition, if any, of the skins, and the amount received for them; the number of skins held in possession, and the reasonable value thereof. Such report shall also include a statement by the licensee that he has returned to the commission with said report all unused beaver tags issued him by the conservation commission, for a refund. Each such report shall be subscribed and sworn to before any person legally authorized to administer oaths.

History: 1953 c. 556, 631.

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

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

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

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

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

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

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

(h) "Fur auctioneer" means a person, firm or corporation duly licensed to sell furs of wild-fur-bearing animals of this or other states or foreign countries. The conservation commission or its representatives may sell confiscated or other furs in its possession by auction or otherwise.

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

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

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

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

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

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

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

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

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

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

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

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

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

History: 1951 c. 461.

29.135 Wholesale fish dealer's license. (1) As used in this section unless the content otherwise requires:

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

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

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

(d) "Wholesale fish dealer" means any person who buys, barter, sells or solicits fish in any manner for himself or any other person for sale to anyone other than a consumer. A producer, except as otherwise hereinafter provided, who sells fish directly to retailers is a wholesale fish dealer. Hotels, meat markets, grocery stores, restaurants and taverns are retailers, except when they sell fish for resale, in which case they are wholesale fish dealers.

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

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

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

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

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

(6) Any person who violates this section or who has illegal fish in his possession shall be punished by a fine of not less than \$75 nor more than \$500 or by imprisonment in the county jail for not less than 3 months nor more than 9 months or by both such fine and imprisonment.

History: 1951 c. 442.

29.136 Taxidermists, license required. (1) No person shall engage in the business of a taxidermist, as the term is generally understood, nor, for a consideration, mount, preserve, or prepare the dead body of any bird, animal, or fish, or any part thereof unless he shall first have secured a taxidermist's license from the state conservation commission. Such license shall be renewed annually and shall expire on the thirtieth day of September of each year. The fee therefor shall be five dollars.

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

(3) Any person who shall violate the provisions of this section shall upon conviction be fined not less than fifty or more than one hundred dollars, or be imprisoned in the county jail for not less than ten nor more than sixty days.

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

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

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

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

(c) "Bait dealer, Class 'B'" means any person who barter, or sells bait to any person to the amount of more than \$500 and less than \$2,000 each year.

(3) No person shall engage in the business of bait dealer without obtaining a license therefor from the commission issued pursuant to this section; provided that no license shall be necessary for those persons whose sales of bait to persons do not exceed \$500 annually.

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

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

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

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

(5) The commission shall have the authority to establish rules and regulations, pursuant to section 29.174, governing the methods of taking, handling and storing bait, specification of equipment used, and making of reports.

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

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

History: 1951 c. 460.

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

(2) Any nonresident over the age of 16 years shall have the right to take, catch or kill fish, or fish for fish with hook and line or with rod and reel in the waters of this state, except in outlying waters, only if a license has been duly issued to him, subject to the provisions of s. 29.09, by the state conservation commission and by the county clerk. The fee for each such license entitling the holder to take, catch or kill fish shall be \$5 and all such licenses shall be effective only from May 1 until the next succeeding April 30. Provided, a combination fishing license may be issued to a nonresident husband and wife, to be effective for a period of 10 days, for the sum of \$6. Upon payment of an additional fee of \$1 for each coupon, the original purchaser of such license shall be entitled to receive not more than 3 coupons entitling him to make not more than 3 separate shipments of game fish as provided in s. 29.47. The issuing agent shall enter the serial number of each coupon issued in the space provided on the license. 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 \$25 nor more than \$50. The commission may cause such licenses or coupons to be issued through agents for a compensation of 25 cents for each such license and 10 cents for each coupon so issued; but no such compensation shall be paid to any of its regular deputies or other employes.

(3) Any nonresident in possession of a duly issued nonresident fishing license of current issue is permitted to take minnows for bait and to fish for smelt under the same conditions and regulations governing residents. However, no such minnows or smelt taken by nonresidents shall be sold, traded or bartered in any manner.

History: 1951 c. 426, 429; 1953 c. 456.

29.145 Resident fishing licenses; exception. (1) Any person under the age of 16 years or over the age of 65 years who has resided in this state for one year and any person who is totally blind may without license take, catch or kill fish subject to all other provisions of law; but no other person between the ages of 16 and 65 years who has resided in this state for a period of one year shall take, catch or kill fish, or fish for fish with hook and line or with rod and reel in any of the inland waters of this state unless a resident fishing license has been duly issued to him, subject to all other provisions of law, but no license shall be required of any person to set, place or use in any waters in this state any landing net, dip net, minnow seine or minnow dip net for fish other than game fish.

(1a) The conservation commission is directed upon application therefor to issue a fishing license without fee or charge to any person over the age of 65 years who has resided in this state at least one year; if such license is authorized to be issued by some agency such agency shall not be entitled to any fee or charge for such services.

(2) Resident fishing licenses shall be issued subject to the provisions of section 29.09 by the conservation commission or by county clerks of the several counties to residents of the state duly applying therefor, who have resided in the state at least one year next preceding the application. The fee for each such license shall be \$1.

History: 1951 c. 426.

Conservation commission has no power to establish a system of controlled taking of minnows under permit from the commission. 39 Atty. Gen. 108. pointed by the conservation commission. 39 Atty. Gen. 579. Owner of completely artificial lake or pond may take fish therefrom and sell the same without a fishing license. 40 Atty. Gen. 486. Fishing licenses may be issued by county clerks, deputy county clerks and agents ap-

29.147 Sportsmen's licenses; fees; application. (1) Sportsmen's licenses shall be issued by the state conservation commission or its authorized agents or by the county clerks to any resident of this state who is over the age of 12 years, a citizen of the United States, and who applies therefor and pays the license fee herein prescribed. The minimum fee for each such sportsmen's license is \$6.50, but any applicant, at his option, may

pay an additional or greater fee therefor. Licenses shall be issued as of August 31 in each year and expire one year from the date of issuance.

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

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

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

History: 1953 c. 295.

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

History: 1951 c. 430

29.165 Guide licenses. (1) No person shall engage, or be employed, for any compensation or reward, to guide, direct, or assist any other person in hunting, trapping, or fishing unless a license therefor, subject to the provisions of s. 29.09, has been duly issued to him by the state conservation commission. The fee for each such license is one dollar, and all such licenses shall be effective only from the first day of May until the next succeeding thirtieth day of April. The applicant shall deliver to the state conservation commission an oath of office that he shall well and faithfully perform the duties of his office as a guide licensed by the state conservation commission to guide, direct and assist other persons in hunting, trapping and fishing, and observe and comply with all the requirements of ch. 29 of the statutes, and of his said guide license. But this section does not apply to the employment of labor by, or services rendered to, the licensee of any net fishing license.

(2) A conviction, or a judgment for damages, or both, by any court of this state for trespassing on the posted lands of any person, firm or corporation, of or against any person holding or owning a guide license, issued to him under the provisions of this section, shall cause the revocation of said guide license and no similar guide license shall be issued to said person for a period of 90 days after the date of such conviction or judgment.

History: 1953 c. 556.

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.

29.174 Conservation of fish and game; powers of commission. (1) There shall be established and maintained, as hereinafter provided, such open and close seasons for the several species of fish and game, and such bag limits, size limits, rest days and conditions governing the taking of fish and game as will conserve the fish and game supply and insure the citizens of this state continued opportunities for good fishing, hunting and trapping, provided that all licensing depots for the sale of deer tags shall be closed as of the opening day of the regular deer season in each year and shall remain closed for the duration of the regular season and any ensuing special season which may be ordered by the commission.

(2) It shall be the duty of the conservation commission and it shall have power and authority to establish open and close seasons, bag limits, size limits, rest days and other conditions governing the taking of fish or game, in accordance with the public policy declared in subsection (1). Such authority may be exercised either with reference to the state as a whole, or for any specified county or part of a county, or for any lake or stream or part thereof.

(3) The conservation commission may exercise the authority conferred upon it in subsection (2) either on its own motion or on petition from any group of citizens. Provided, that upon petition of not less than one thousand citizens in case of a contemplated order affecting the entire state or a part thereof larger than two counties, or of not less than fifty citizens residing in the county if but a single county or part thereof is affected, or of not less than one hundred citizens residing in the two counties if not more than two counties or parts thereof are affected, the commission shall conduct one or more public hearings upon such proposed order, at a place convenient to the petitioners. Notice of such hearing shall be published at least once a week for three successive weeks in the official state paper in the case of an order affecting the entire state, and in such newspapers as will fairly advise the residents of the community affected in the case of an order affecting a part of the state only. At the hearing, any person having any testimony to present which bears upon the contemplated order shall be given an opportunity to be heard. A complete stenographic record shall be kept of all testimony taken.

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

(5) All orders promulgated, under the authority of this section, shall take effect, upon approval of the governor and after publication in the official state paper and in such other newspapers as the conservation commission may deem advisable to fairly advise the residents of the communities affected by the provisions of such orders. A copy of all orders shall before publication be filed with the secretary of state.

(6) All orders of the conservation commission in conformity with law shall be valid and in force at the time specified therein and shall be prima facie reasonable and lawful until they are found otherwise in an action brought for that purpose, or until altered or revoked by the commission or by act of the legislature.

(7) Every order in conformity with law, made under authority of this section, shall in every prosecution for violation thereof be conclusively presumed to be just, reasonable and lawful, unless prior to the institution of prosecution for such violation the person charged with such violation shall have brought an action to vacate and set aside such order, as provided in this section.

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

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

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

(13) The state of Wisconsin assents to the provisions of the acts of congress entitled "An act to provide that the United States shall aid the states in wildlife-restoration projects, and for other purposes," approved September 2, 1937 (Public No. 415, 75th Congress), and "An act to provide that the United States shall aid the states in fish restoration management projects, and for other purposes," approved August 9, 1950 (Public No. 681, 81st Congress), and the conservation department is authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of co-operative wildlife-restoration and co-operative fish restoration projects, as defined in said acts of congress, in compliance with said acts and with rules and regulations promulgated by the secretary of the interior thereunder; and no funds accruing to the state of Wisconsin from license fees paid by hunters and from sport and recreation fishing license fees shall be diverted for any other purpose than those provided by the conservation department.

History: 1951 c. 480.

Governor does not have power to approve in part and reject in part conservation commission orders issued under (5). The governor's function is to approve the order as a whole or to reject the entire order and return it to the commission for reconsideration. 41 Atty. Gen. 206.

Legislation has delegated power to the conservation commission, in accordance with an expressed standard, to issue rules and regulations which modify statutes concerning the conditions governing the taking of fish and game. Such delegation of power is valid and constitutional. 41 Atty. Gen. 254.

29.175 Open season for upland birds, powers of commission. The conservation commission, upon first making an investigation and finding, is authorized to designate, at any time, an open season for any variety of upland birds, within a designated area when the supply of such birds warrants an open season. The commission shall during such time take added precaution for the protection of all game within such area.

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

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

(2) **RED CLOTHING.** In the areas in which there is a season for the hunting of deer with firearms, no person shall hunt during such season unless at least 50 per cent of the visible portion of his hunting cap and at least 50 per cent of his jacket, excluding the sleeves, shall be red or orange, or covered with a handkerchief or cloth of red or orange color. Any person violating this subsection shall upon conviction be punished by a fine of \$10.

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

History: 1951 c. 354, 409; 1953 c. 556.

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.

History: 1953 c. 556.

29.255 Training of retrieving dogs and regulations for retriever trials. The conservation commission shall have authority to adopt such rules and regulations governing the training of retrieving dogs and the regulation and conduct of retriever trials as in its opinion are necessary to encourage the use of retrieving dogs and to safeguard the interests of wild life in the state.

29.256 Taking homing pigeons. Any person who shall take, catch, kill, impede in its progress or otherwise interfere with any homing pigeon shall be punished by a fine

of not less than \$10 nor more than \$50, or by imprisonment in the county jail for not more than 3 months.

History: 1951 c. 349.

29.283 Fishing shanties on ice, regulation. (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.

(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.

History: 1953 c. 556.

29.286 Possession of fishing equipment. (1) No person shall have in his possession or under his control at any time any trammel, gill, or hoop net, or any other kind of net, nets, or fish trap that might take, catch or kill fish in the counties of: Adams, Barron, Burnett, Calumet, Chippewa, Clark, Columbia, Dane, Dodge, Dunn, Eau Claire, Florence, Fond du Lac, Forest, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Lafayette, Langlade, Lincoln, Marathon, Marquette, Monroe, Oneida, Outagamie, Polk, Portage, Price, Richland, Rock, Rusk, Sauk, Sawyer, Shawano, Taylor, Vilas, Walworth, Washburn, Washington, Waukesha, Waupaca, Waushara, Winnebago and Wood except minnow nets and minnow traps, whitefish and cisco nets, dip nets, crab traps and turtle traps as provided in this chapter or by commission order.

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

History: 1953 c. 556.

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

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

(3) **DELETERIOUS SUBSTANCES.** No person shall cast, deposit, or throw overboard from any boat, vessel or other craft into any waters within the jurisdiction of the state, or deposit or leave upon the ice thereof until it melts, any fish offal; or throw or deposit, or permit to be thrown or deposited, into any waters within the jurisdiction of the state any lime, tanbark, ship ballast, stone, sand, slabs, decayed wood, sawdust, sawmill refuse, planing mill shavings, or any acids or chemicals or waste or refuse arising from the manufacture of any article of commerce, or any other substance deleterious to game or fish life other than authorized drainage and sewage from municipalities and industrial or other wastes discharged from mines or commercial or industrial or ore processing plants or operations, through treatment and disposal facilities installed and operated in accordance with plans submitted to and approved by the committee on water pollution under ch. 144, or in compliance with orders of that committee. Any such order shall be subject to modification by subsequent orders.

(4) **TOXIC INSECTICIDES.** No person shall cast, deposit, throw overboard, dust, spray, diffuse or otherwise disperse any toxic insecticide in any form either by hand or from any apparatus, airplane, boat, vessel, craft, automobile or other equipment in forest and noncrop areas in amounts sufficient to be of possible danger to the health of persons or wild animals. The amounts of the various types of insecticides which may be dangerous shall be established by rules and regulations issued jointly by the conservation commission, the state board of health, and the Wisconsin department of agriculture. The conservation commission, upon recommendation of the department of agriculture and the

state board of health, is authorized to issue permits for use of larger amounts where it is established that no serious hazards are involved or for experimental purposes.

History: 1953 c. 295.

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

(e) The licensees of licensed nets or set lines used in outlying waters while engaged in the regular process of lifting nets or set lines shall, on their boats, carry the 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 licensees, at any time, to raise any set line or nets, in any waters, with as little damage as may be, for inspection. If any such licensee shall refuse to carry any such officer as herein provided his license shall be revoked and canceled.

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

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

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

History: 1953 c. 220, 556.

29.33 Net and set hook fishing in outlying waters. (1) **LICENSE AUTHORIZED.** No person on his own behalf or as agent for another shall use, set, place or operate in the waters of this state any net, nets or set hooks for which a license is required until a license has been duly issued to him, which authorizes the use of the kinds and amounts of nets or set hooks named in this section, as limited therein, for fishing in outlying waters. Such license shall be issued, subject to the provisions of section 29.09, by the commission to any duly qualified applicant.

(2) **FORM OF LICENSE.** In addition to the facts required by section 29.09, each application for such license, and the license issued therefrom, shall state the name or number and kind of vessel, whether with or without a power lifter, the quantity and number and kinds of nets or set hooks to be covered by the license applied for, and such other facts

as the commission requires and the gross tonnage of each boat as required under subsection (3) of this section.

(3) LICENSE PERIODS AND FEES; TRANSFER OF LICENSE; NONRESIDENT DEFINED. (a) Each such license shall be effective from July 1 until June 30 of the succeeding year. The fee for each resident license issued shall be \$10 and in addition thereto the following fees shall be paid: \$1 for each 2,000 lineal feet or fraction thereof of a gill net or nets, or set hooks; \$5 for each sein; \$2 for each pound net pot and leader; 50 cents for each fyke net pot or drop net pot. The fee for resident bait net licenses authorizing the use of not to exceed 200 feet of netting for taking bait in outlying waters to be used by the licensee for fishing through the ice with hook and line in outlying waters shall be \$1; bait so taken shall not be sold.

(b) The nonresident license fee for pound nets, gill nets or set hooks operated in conjunction with or from any boat of less than 10 tons gross tonnage shall be \$100 and in addition thereto \$10 for each pound net and leader, and \$1.50 for each 1,000 lineal feet or fraction thereof of gill nets or set hooks; for each boat of 10 or more tons gross tonnage, \$15 for each gross ton or fraction thereof; and in addition thereto \$10 for each pound net and leader, and \$1.50 for each 1,000 lineal feet or fraction thereof of gill nets or set hooks. For set hooks or gill nets set under the ice by nonresidents without the use of a boat the fee shall be \$25 for each 2,000 lineal feet or fraction thereof. No nonresident licenses shall be issued for any nets other than pound and gill nets or set hooks as specified in this section.

(c) For the purpose of this section, a nonresident means any person who has not actually resided within this state 2 years immediately prior to the date of application for a license, or, any person applying for a license for the use of a registered boat whose port of record is outside this state or which hails from a port outside this state.

(d) The commission may, upon application, permit the transfer of a license to any similar boat, tug or launch during the time a licensed boat, tug or launch shall be disabled or undergoing repairs or upon the sale of the licensed boat, tug or launch.

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

History: 1953 c. 83.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) ENTANGLING NETS. (a) *Trammel net*. A trammel net is made of three sheets of net webbing, one of them of comparatively small mesh and of fine twine being hung between two sheets of net webbing of much larger mesh and heavier twine. This net is equipped at the top and bottom with lead or maitre cord, line, or rope to which at the top are attached floats and at the bottom, sinkers. The inner web of this net is of considerably greater fullness than the outside web.

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

(3) DRAG NETS; SEINE. A seine is a net made of a circular, square or long webbing of coarse twine hung very full and fitted at the top and bottom with lead or maitre cord, line or rope. To such lines at the top are attached floats, and at the bottom, sinkers. This net is hung with such fullness that it creates or forms a kind of a bag near the center of the net which holds or entraps the fish while the net is being drawn through the waters. It shall be unlawful for any person, persons, firm or corporation to use, set, place or operate in any manner in the waters of the southern part of Green Bay, the northern part of Green Bay, Lake Michigan and Lake Superior, any net or nets that are commonly known as a trawl or otter trawl.

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

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

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

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

(3) The fee for each such license is: For seines, \$20 for the first 500 lineal feet, \$10 for the second 500 lineal feet, \$2 for each additional 100 lineal feet; for gill nets, \$10 for the first 2,000 lineal feet, \$1 for each additional 100 lineal feet; for bait nets, \$20 for license; for buffalo and frame nets \$10 for license and 50 cents for each tag.

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

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

History: 1951 c. 431.

29.343 Slat and trammel net fishing in the Mississippi. (1) Licenses which shall authorize the use of slat nets in the Mississippi river over which this state has jurisdiction between the Minnesota-Iowa boundary line extended and the Wisconsin-Illinois boundary line extended shall be granted for the taking of commercial fish from May 1 to October 1 of each year. The license fee shall be \$20 and each licensee or crew may operate not to

exceed 50 nets, but each net before use must have attached thereto a metal tag stamped to designate the kind of net and the number of the license. Tags shall be furnished to the licensee at the time of the issuing of the license on the payment of a fee of 50 cents for each tag. Tags must remain attached to the nets until replaced by renewal tags. No slat net shall be set within 100 feet of any muskrat or beaver house. Any slat net found in such waters after October 1 and any slat net found in such waters or on the Wisconsin banks or shores thereof without a tag and showing evidence of being used in the last 5 months shall be seized and confiscated as provided in s. 29.05.

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

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

History: 1953 c. 39.

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

(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.

History: 1953 c. 556.

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

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

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

29.37 Set line licenses; inland waters. (1) Set line licenses shall authorize the use of set lines and hooks in inland waters in such manner as shall be determined by the conservation commission for taking, catching or killing fish, and shall be issued by the county clerk of the county bordering on the waters where such set lines are intended and permitted to be used, to any resident of the state duly applying therefor, who has resided in the state at least one year next preceding the application. Each such license shall expire on the 31st day of December next following the date of issue.

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

(3) No such licensed set line or lines shall be used until each such line is equipped with a metal tag (stamped with the number of the license covering the same) which shall be securely fastened to a buoy or stake at one end of the set line so that it will be visible above the surface of the water. 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 25 cents. All fees received by county clerks for such metal tags shall be returned and reported in the same manner as are license fees, as prescribed in section 29.09, but without deduction.

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

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

History: 1951 c. 390.

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

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

29.396 Sturgeon tags. Any person having lawfully caught a rock or lake sturgeon shall immediately attach and lock, and leave attached and locked to the tail of such fish, a sturgeon tag. The commission shall issue such tags, subject to the limitations established for the taking of such fish by the commission, at a cost of \$1 each. The serial number of each tag shall be entered on the fishing license by the person issuing such tags.

29.40 Possession of deer; heads and skins. (1) **DEER TAGS.** Any person having lawfully killed a deer shall immediately attach and lock and leave attached and locked to the gambrel of either hing 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.

(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 during the period beginning 30 days after the close of the open deer season and the opening of the succeeding season, or at any time a deer head in the velvet, or a deer skin in the red, blue or spotted coat.

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

History: 1953 c. 556.

29.41 Skins of fur-bearing animals. No person shall have in his possession or under his control the skin of any mink, muskrat, fisher, marten, beaver or otter, showing that the same has been shot or speared, nor the green skin of any fur-bearing animal from the fifth day after the beginning of the closed season for such animal until the end thereof. No person shall have the raw skin of any muskrat, mink, beaver, otter, fisher or marten in his possession at any time unless such person is the holder of a scientist's certificate, fur dealer's license or trapper's license of current issue. No license shall be required of any person breeding, raising and producing domestic fur-bearing animals in captivity as defined in s. 29.579, nor of any person authorized to take muskrats on a cranberry marsh under a permit issued to him by the conservation commission.

History: 1953 c. 68.

29.415 Raccoon tags. (1) Any person who takes, catches or kills a raccoon shall immediately upon pelting it attach and lock to the head and through the eye thereof a distinctly numbered tag furnished by the conservation commission. The fee for each tag shall be 25 cents and the number of tags that may be purchased by a licensed hunter or trapper shall not exceed the season bag limit prescribed for raccoon during the year designated on such tags. It shall be unlawful for any person to have in possession the skin of a raccoon unless such a tag is securely attached and locked thereto.

(2) Within 30 days after the close of the open season for raccoon all persons having purchased any such tags shall forward to the conservation commission at Madison a report on a blank to be furnished by the commission, stating the number of raccoon taken, caught or killed, the disposition, if any, of the skins, and the amount received for them; the number of skins held in possession and the reasonable value thereof.

History: 1953 c. 295.

29.42 Possession of game birds. (1) **WITHOUT LICENSE.** No person, other than the holder of a hunting license or scientist's certificate duly issued to him and in force and

carried by him on his person, shall have in his possession or under his control any game bird, or animal, or the carcass or any part thereof.

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

29.43 Transportation; general provisions. (1) DURING CLOSE SEASON. Except as otherwise expressly provided, it shall be unlawful for any person to transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation, any game or game fish or carcass or part thereof at any time other than during the open season therefor and 3 days thereafter. Whenever any game or game fish or carcass or part thereof is offered to any person for transportation at any time other than during the open season therefor and 3 days thereafter, such person shall forthwith notify the 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 inclosure, at any time on any common carrier, any game or game fish, or carcass or part thereof.

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

(4) LABELING GAME SHIPMENTS. No person shall transport or cause to be transported, or deliver or receive for transportation, any package or parcel containing any wild animal or carcass or part thereof, unless the same is labeled in plain letters on the address side of such package or parcel so as to disclose the name and address of the consignor, the name and address of the consignee, and the number of pounds of each kind of fish or the number of each variety of other wild animals; or carcasses, or parts thereof, contained therein; and unless the consignor is the owner of such shipment and shall deliver to the common carrier therewith, either personally, or by agent, a writing signed by him personally, stating that he is the owner of the shipment.

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

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

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

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

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

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

(3) NONRESIDENTS. Any duly licensed 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.

(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.

History: 1953 c. 556.

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

(a) **By common carrier:** In each period of 7 days, one shipment only of not more than one package, containing not more than the bag limit for one day of game fish of any variety except brook, brown and rainbow trout, and in addition thereto not more than 20 pounds of any game fish for which no daily bag limit is established may be shipped by any resident to any point within the state, or by any nonresident licensee to any point without the state. All such shipments of fish by nonresident licensees shall have attached thereto a fish shipping coupon as provided in section 29.14.

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

(c) All fish transported as provided in this subsection shall be entirely intact and with no part removed except the scales, gills and viscera.

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

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

(a) No green fish of any variety 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 as may be provided by conservation commission orders; but the person importing, transporting, dealing in, or selling such fish shall keep a separate record of all shipments and consignments thereof, containing the number of pounds, the date received, the name of the consignor, and the name of the carrier transporting the same, which shall be at all times open to inspection by the state conservation commission or its deputies.

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

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

29.48 Sale of game or fish. (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.

History: 1953 c. 556.

29.49 Serving of game to guests. (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.

(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.

History: 1953 c. 556.

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 general charge of the following matters, and all necessary powers therefor, namely:

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

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

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

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

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

(f) The commission shall keep an inventory of the property of the several hatcheries, with the cost of each article, and account in detail and separately of the expenses of each 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) **TRANSPANTATION OF FISH.** The commission may take or cause to be taken fish at all seasons of the year from any waters of the state for stocking other waters, or for the purpose of securing eggs for artificial propagation in the state hatcheries. Such fish or eggs shall be taken only under a special permit issued by the commission, and then only in the presence of the commission or its deputies. Such permit shall specify the kinds of fish that may be taken and the manner in which they may be taken; and shall be subject to the conditions that the holder shall pay for the services of and furnish free transportation and meals on his boat to a competent person approved by the commission to spawn

the fish and fertilize the eggs, and that such eggs shall be delivered at such place as may be designated by the commission and forwarded to some state hatchery for propagation.

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

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

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

(6) **ERECTION OF BARRIERS TO EXCLUDE ROUGH FISH.** The commission may for any period in its discretion erect and maintain or authorize erection and maintenance of a screen or similar barrier in any navigable stream for the purpose of preventing rough fish or other fish found to be undesirable from invading any part of such stream, provided such screen or barrier does not unreasonably interfere with navigation.

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

(2) The term "private fish hatchery" includes private fish hatcheries already (June 23, 1951) registered with the commission and private fish hatcheries hereafter licensed by the commission.

(3) As to private fish hatcheries hereafter established, such private fish hatcheries shall be licensed only under the following conditions:

(a) The water areas included in the license shall not include the bed of any navigable stream and shall be limited to artificially constructed ponds and lakes, and springs or natural landlocked ponds wholly surrounded by the lands of the applicant and where no substantial public interest in such ponds or springs exists. Such public interest shall be determined by the commission through public hearing.

(b) The supply of water for the hatchery may be obtained by the use of flumes, pipes or ditches from flowing streams. All such flumes, pipes or ditches shall be properly screened so as to prevent the passage of fish from such streams to the hatchery.

(4) Application for license shall be made on forms prepared by the conservation commission and shall include a verified declaration describing the lands to be used for a private fish hatchery and setting forth the title or lease of the applicant.

(5) Upon the filing of the application the commission shall inspect and investigate the same. 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 that he has complied with the provisions of this section, the commission shall issue a license to propagate, rear and sell fish of the kind specified in the application. 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.

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

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

(8) Any person who shall, without permission of the licensee, trespass on any licensed fish hatchery shall be fined not less than \$15 nor more than \$25 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.

History: 1951 c. 391.

Artificial lake or pond should be licensed as a private fish hatchery. Owner of artificial lake or pond may destroy fish therein by poison, drainage or otherwise. The owner has the right to sell game or other fish taken from his impoundment upon compliance with this section. 40 Atty. Gen. 486. Conservation commission has no statutory authority to issue a private fish hatchery license for a natural lake. The term "substantial public interest" as used in (3) (a) may properly be interpreted to refer to actual public user. In doubtful cases, the conservation commission must find as a fact, on the basis of proper scientific evidence, whether a particular body of water is a natural lake or a natural pond. 41 Atty. Gen. 203.

29.53 Private hatcheries and fisheries. (1) The owner or lessee of all of the lands underlying, surrounding, or bordering upon any pond, lake or slough, natural or artificial, navigable or nonnavigable, meandered or not meandered, tributary to and connected with the Mississippi river, which pond, lake or slough does not exceed at low water one square mile in surface area, shall have the right, upon complying with the provisions of this section, to erect, establish, operate and maintain on, in or about such pond, lake, or slough, a private hatchery and fishery for the purpose of hatching, propagating and fishing therein rough fish, including buffalo fish and carp.

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

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

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

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

(6) The failure at any time for a period of two years to operate or maintain any such hatchery or fishery for which a certificate has been issued hereunder for propagating or fishing rough fish therein shall work a forfeiture of such certificate and of all right thereunder. Such certificate and all rights thereunder shall be assignable and shall pass with

the title or leasehold stated in the declaration upon which the same was issued and, if issued upon a leasehold merely, shall terminate with such leasehold.

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

29.535 Introducing foreign fish and game. (1) It shall be unlawful for any person, firm or corporation, to bring into the state of Wisconsin for the purpose of planting or introducing, or to plant or introduce into any of the inland or outlying waters of the state, any fish or the spawn thereof that are not native to such waters, or to bring into the state of Wisconsin, for the purpose of releasing or introducing, or to release or introduce in the state any wild bird or animal of any kind that is not found in, or is not native to, the state of Wisconsin at the present time, unless they shall first apply in writing to the state conservation commission for a permit therefor. Such permit shall be granted only after the state conservation commission or its duly authorized agents have made such investigation and inspection of the fish, birds or animals as they may deem necessary and approve such planting, releasing or introduction.

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

29.536 Municipal fish hatcheries. (1) Any city, town or village, upon direction and supervision of the conservation commission, is authorized to appropriate money for and may acquire, lease or contract for any land, pond, lake or slough for a fish hatchery, and to erect, establish, operate and maintain on, in or about such pond, lake or slough, a fish hatchery and fishery for the purpose of hatching, propagating and fishing therein game fish.

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

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

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

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.

29.545 Removal of aquatic plants from waters. No person shall cut, harvest or remove wild rice, wild celery, sago or other aquatic plants of any variety whatsoever from Lakes Partridge, Partridge Crop, Poygan, Winneconne, Big Lake Butte des Morts, and the Wolf River from the mouth of the Rat River to its outlet from Big Lake Butte des Morts, except that wild celery and sago may be cut, harvested or removed from Big Lake Butte des Morts and from the Fox River from its junction with the Wolf River to where it empties into Lake Winnebago and except that such growth of aquatic plants of any variety may be cut, removed or controlled in any portion of the above named waters on authorization from the conservation commission if the state board of health determines that they constitute a menace to public health, or by authorization from the conservation

commission to such extent and during such periods of the time as the conservation commission may, after a public hearing, determine that any such aquatic plants either are not reasonably necessary for propagation of fish or wildlife or that property or esthetic values are unreasonably impaired, provided that such cutting or other control activities are conducted in compliance with the rules and regulations of the public service commission so as not to create an obstacle or hazard to navigation.

History: 1953 c. 234.

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 Wild life refuge. No person shall at any time or in any manner hunt or trap within the boundaries of any wild life refuge, nor have in his possession or under his control therein, any gun or rifle unless the same is unloaded and knocked down or inclosed within a carrying case. The taking of predatory game birds and animals shall be done as the conservation commission directs. All state wild life refuge boundary lines shall be marked by posts placed at intervals of not over 500 feet and bearing signs with the words "Wisconsin Wild Life Refuge."

History: 1953 c. 295.

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 native within this state, it may by order designate and establish the said lands as a wild life refuge.

(2) **SIGNS.** Within thirty days after the date of such order the owner or owners of the said lands shall post or erect signs or notices as required and furnished by the 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 inclosed within its carrying 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.

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

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

(3) The conservation commission shall purchase or acquire by condemnation proceedings the land known as the Horicon marsh, or as much thereof as it deems necessary, and may construct such buildings thereon and provide such equipment as is reasonably required to carry out the purposes of this section.

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

(5) All proceeds derived from the fur farm on the Horicon marsh and all other income from said state property shall be paid, within one week after receipt, into the conservation fund of the state treasury. One-fourth of the income received after July 1, 1944 from the sale of furs taken on state lands in Horicon marsh shall be paid annually to Dodge county. As soon as feasible after August 1 of each year the conservation commission shall certify to the secretary of state the amount due said county under this section for the preceding fiscal year and the amount so certified shall be paid to the county. The county treasurer shall retain one-half of such sum for the county and shall apportion and pay the remainder to the town treasurers on the basis of acreage within the Horicon marsh project owned by the state in each town, as certified to him by the conservation commission.

History: 1951 c. 261 s. 10.

29.573 Pheasant farms; commission control; shooting license. (1) The conservation commission is hereby authorized to issue licenses for shooting preserves and the releasing, shooting, possession and use of pheasants thereon when in the judgment of the commission operations under such licenses will result in a net increase in the supply of pheasants in the state, and will otherwise be in the public interest. A fee of five dollars shall be collected for each such license when the area for which the license is granted shall be three hundred twenty acres or less, and the fee shall be ten dollars when the area is in excess of three hundred twenty acres. All such licenses shall expire on June thirtieth of each year.

(2) No license shall be granted unless the applicant shall own or have under lease the area for which the license is granted. Boundaries of the area licensed shall be clearly defined by at least one strand of wire and such posting as shall be described by the conservation commission.

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

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

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

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

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

(6) (a) The conservation commission is authorized to make such rules and regulations as shall be necessary to carry out the intents and purposes of this section.

(b) Any person violating any of the above provisions shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars for each offense or by imprisonment in the county jail for a period not exceeding thirty days, or by both such fine and imprisonment in the discretion of the court.

29.574 Game bird and animal farms. (1) The owner or lessee of any lands within the state of Wisconsin suitable for the breeding and propagating of upland game or ornamental birds, waterfowl, shorebirds, rabbits, hares and squirrels, or such additional species as may be approved by the conservation commission shall have the right upon complying with the provisions of this section, to establish, operate and maintain a game bird and animal farm for the purpose of breeding, propagating, killing and selling game birds and game animals on such lands, the acreage and size of which shall be determined by the conservation commission. Such game bird and animal farm must be completely inclosed by a fence.

(2) Such owner or lessee desiring to establish, operate and maintain a game bird and animal farm in conformity with this section, shall file with the conservation commission a

verified declaration, describing the lands which such applicant for a license desires to use for the purpose of breeding and propagating such game birds or animals and setting forth also the title and leasehold of the applicant and the number of acres embraced in said tract.

(3) Upon the filing of such declaration the conservation commission shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. It will be necessary for the licensee to purchase all wild game within the boundaries of the proposed farm of the species designated in the license, and to effect this purpose the conservation commission thereupon shall appoint one man, the applicant one man, and these two shall select a third man, the three to act as a board to go upon the lands embraced within the proposed license and determine as near as possible the number of wild birds and animals of the desired species thereon at the time of the granting of the license. The necessary expenses of all of the members of such board shall be paid by the licensee. Within thirty days after the date of such determination as accepted by the conservation commission, the licensee shall pay to the conservation commission a specified sum as may be determined by the commission for those species of wild birds or wild animals on the said lands that are desired for propagation purposes, the title of which rests in the state. If upon such examination it shall appear that the applicant is the owner or lessee of said lands, and the applicant intends in good faith to establish, operate and maintain a game bird and animal farm, the commission shall inform him that as soon as he has built a suitable fence around the area to be included within the license, it will issue the same. Said fence shall be built as the conservation commission may direct. After the complete installation of such fence and after the commission has satisfied itself that it is satisfactory and complies with the law, it shall issue a license to the applicant describing such lands, and certifying that the licensee is lawfully entitled to use the same for the breeding, propagating, killing and selling of such game birds and animals thereon according to the provisions of this section. When such license has been granted, the licensee shall become the owner of all such game birds or animals thereon of the species licensed and of all of their offspring actually produced thereon and remaining thereon, subject however to the jurisdiction of the conservation commission over all game.

(4) The holder of any such license shall pay an initial license fee of five dollars. Such license shall expire on December thirty-first of each year, but may be renewed each year upon the payment by the licensee of the renewal license fee of two dollars.

(5) Such license shall be prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named, his or its successors or assigns, for the term of the license, to establish and operate such a game bird and animal farm upon said premises, and shall entitle the licensee therein named or his successors or assigns, to the exclusive right for and during said term to breed and propagate such game birds and animals thereon, and to the exclusive and sole ownership of any property in all such licensed game birds and animals caught or taken therefrom.

(6) (a) Such game birds on said farm, except pheasants which have been distinctly marked in a manner prescribed by the conservation commission, shall be killed only by the licensee, his bona fide regular employes, provided, the daily limit of all game except deer may be taken on a licensed game bird and animal farm during the regular open season for such game by persons qualified under chapter 29 to hunt thereon, and each game bird killed shall be distinctly tagged with a tag to be furnished by the conservation commission to the licensee at a cost of not exceeding two cents each. No such game bird killed on said farm and no live game birds to be consumed as food shall be removed therefrom until there shall have been securely attached and locked to each bird a metallic tag in such manner as is prescribed by the conservation commission, the type and design of said tag shall be designated by the conservation commission and shall remain attached to said birds until they are finally prepared for consumption. Live birds or animals may be sold and transported, provided that each container carrying such live birds or animals has attached thereto a tag as above set forth, provided that no empty container may have affixed thereto a locked tag unless on the game farm premises.

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

(7) Any person other than the licensee, his bona fide regular employes, or persons having permission from the licensee who are otherwise qualified under chapter 29 to hunt thereon, who shall hunt or shoot game birds or animals upon any lands described in any such license, shall be liable to the licensee in the sum of one hundred dollars, in addition to all damage which he may do to said farm or to the game birds or animals, and property thereon, but all actions for such trespass shall be brought by such licensee.

(8) (a) On or before the tenth day of January of each year, each such licensee shall make a report, verified by affidavit, to the conservation commission, covering the period from the first day of January to the thirty-first day of December of the previous year,

upon blanks furnished by the commission, stating the number and kinds of game birds or animals killed and sold and live game birds or animals sold during such period.

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

(9) Any person who shall violate any of the provisions of this section shall be punished by a fine of not less than \$25 or more than \$50.

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

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

(3) Upon the filing of such declaration the conservation commission shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. If upon such examination it shall appear that the applicant is the owner or lessee of said lands, and that the applicant intends in good faith to establish, operate and maintain a muskrat farm, the commission shall issue a license to the applicant describing such lands, and certifying that the licensee is lawfully entitled to use the same for the breeding, propagating, trapping and dealing in of muskrats thereon.

(4) Thereupon the commission shall appoint one man, the applicant one man, and these 2 shall select a third man to act as a board to go upon the lands embraced within the license, and determine as near as possible the number of muskrats thereon at the time of the granting of the license. The necessary expenses of all of the members of such board shall be paid by the licensee. Within 10 days after the date of such determination, the licensee shall pay to the conservation commission 50 cents for each muskrat so found on such lands. When such payment has been made the licensee shall become the owner of all of the muskrats on said lands and of all of their offspring remaining thereon. He shall have the right to manage and control said lands and the rats thereon, to take and trap the same at any time or in any manner which he sees fit and deems to the best advantage of his business, and to sell and transport at any time said muskrats or the pelts taken from them.

(5) The holder of any such license shall pay an annual license fee of \$3.75 for any such farm of 10 acres or under, and an additional fee for any additional land actually devoted to muskrat farming as follows: 22½ cents per acre for the next 30 acres; 15 cents per acre for the next 40 acres and 7½ cents per acre for any additional land so used.

(6) Within 30 days after the date of the issuance of any such license, the licensee shall erect posts or stakes at intervals of not more than 12 rods along the boundary of the land embraced in said license, wherever the same are not already inclosed, and shall post and maintain upon said posts, stakes or other inclosures notices proclaiming the establishment of a muskrat farm. Such notices shall be furnished by the conservation commission to the licensee at cost.

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

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

(9) On or about the first day of March of each year, each such licensee shall make a report, verified by affidavit, to the conservation commission, covering the period from the first day of January to the thirty-first day of December of the previous year, upon blanks furnished by the commission, stating the number of his license and the total number and value of muskrats killed, transported or sold from said muskrat farm, and such other information as the commission may require.

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

(11) Any person operating a muskrat farm under licenses granted by the provisions of this chapter shall not trap any animals for pelting purposes during the close season provided for by this chapter, except on a permit granted by and under supervision of the state conservation commission; and all skins of such animals so taken during close season shall be tagged with a tag to be furnished by the conservation commission to the licensee at cost, not exceeding one cent each. No muskrats on licensed farms shall be killed at any time by gun shot or spear.

29.576 Beaver farms. (1) The owner or lessee of any lands within the state of Wisconsin suitable for the breeding and propagating of beavers shall have the right upon complying with the provisions of this section to establish, operate and maintain on such lands a beaver farm, for the purpose of breeding, propagating, trapping and dealing in beavers.

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

(3) Upon the filing of such declaration the conservation commission shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. If upon such examination it shall appear that the applicant is the owner or lessee of said lands, and that the applicant intends in good faith to establish, operate and maintain a beaver farm, the commission shall issue a license to the applicant, describing such lands, and certifying that the licensee is lawfully entitled to use the same for the breeding, propagating, trapping and dealing in of beavers thereon.

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

(5) The holder of any such license shall pay an annual license fee of \$3.75 for any such farm of 10 acres or under, and an additional fee for any additional land actually devoted to beaver farming as follows: 22½ cents per acre for the next 30 acres; 15 cents per acre for the next 40 acres and 7½ cents per acre for any additional land so used. Where such a farm is operated in conjunction with a licensed muskrat farm then only the annual license fee for operating the beaver farm must be paid but no additional acreage fee is required. No license shall be issued unless the applicant shall execute and deliver to the conservation commission a bond in a penal sum of not less than \$100 nor more than \$300 within the discretion of the commission, conditioned that he will conduct such beaver farm for a period of not less than 2 breeding seasons; that if at any time he shall discontinue said beaver farm he will have thereon as many beavers as were estimated to be thereon at the time the investigation was made under the provisions of subsection (4), and that the applicant will not dynamite or otherwise injure the beaver dam or destroy the beaver colony. Such bond shall run to the state and any action thereon shall be begun in the name of the state, under the direction of the attorney-general.

(6) Within thirty days after the date of the issuance of any such license, the licensee shall erect posts or stakes at intervals of not more than twenty rods along the boundary of the lands embraced in said license, whenever the same are not already inclosed, and shall post and maintain upon said posts, stakes or other inclosures, at intervals of not more than twenty rods, notices furnished by the conservation commission proclaiming the establishment of a beaver farm. For such notices the licensee shall pay to the conservation commission the sum of twelve cents each.

(7) Such license shall be prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named, his or its successors or assigns, for the term of

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

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

(9) On or about the first day of March of each year, each such licensee shall make a report, verified by affidavit, to the conservation commission, covering the period from the first day of January to the thirty-first day of December of the previous year, upon blanks furnished by the commission, stating the number of his license and the total number and value of beavers killed, transported or sold from said beaver farm, and such other information as the commission may require.

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

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

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

(3) Upon the filing of such declaration the conservation commission shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. If upon such examination it shall appear that the applicant is the owner or lessee of said lands, and that the applicant intends in good faith to establish, operate and maintain an otter, raccoon or skunk farm, the commission shall issue a license to the applicant describing such lands and certifying that the licensee is lawfully entitled to use the same for the breeding, propagating, trapping and dealing in of otter, raccoon or skunk thereon.

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

(5) The holder of any such license shall pay an annual license fee of \$3.75 for any such farm of 10 acres or under, and an additional fee of 37½ cents per acre for any additional land actually devoted to otter, raccoon or skunk farming.

(6) Within 30 days after the date of the issuance of any such license the licensee shall erect posts or stakes at intervals of not more than 20 rods along the boundary of the lands embraced in said license, wherever the same are not already inclosed, and shall post and maintain upon said posts, stakes or other inclosures at intervals of not more than 20 rods notices furnished by the conservation commission proclaiming the establishment of an otter, raccoon or skunk farm. For such notices the licensee shall pay to the conservation commission the sum of 12 cents each.

(7) Such license shall be prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named, his or its successors or assigns, for the term of the license, to establish and operate an otter, raccoon or skunk farm upon said premises, and shall entitle the licensee therein named or his successors or assigns, to the exclusive right for and during said term to breed and propagate otter, raccoon or skunk thereon, and to the exclusive and sole ownership of any property in all otter, raccoon or skunk

caught or taken therefrom. Such licenses shall expire on December 31 of each year, but may be renewed from year to year upon payment by the licensee of the annual license fee.

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

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

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

29.578 Deer farm. (1) The owner or lessee of any lands within the state of Wisconsin suitable for breeding and propagating of deer shall have the right upon complying with the provisions of this section to establish, operate and maintain a deer farm for the purpose of breeding, propagating, killing and selling deer on such lands, the acreage and size of which shall be determined by the conservation commission. Such deer farm must be completely inclosed by a fence. Any streams whether meandered or not, flowing into or out of an inclosed deer farm, and of a swampy, marshy or boggy character and not navigable in fact at all times of the year by ordinary boats or pleasure craft, and which are not of any substantial beneficial use to the public, shall not be considered navigable so as to prevent erection and maintenance over them, of the type of fence prescribed and permitted by this section.

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

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

(4) The licensee shall pay to the conservation commission twenty-five dollars for each deer so found on such lands. When such payment has been made and the license issued, the licensee shall become the owner of all deer on said lands and of all their offspring. He shall have the right to manage and control said lands and the deer thereon, to kill and sell the same as provided by this section. If upon examination it shall appear that the applicant is the owner or lessee of said lands, and that the applicant intends in good faith to establish, operate and maintain a deer farm, the commission may inform him that as soon as he has built a suitable deer fence around the area to be included within the license, it will issue the same. Said deer-tight fence shall be built in accordance with specifications prescribed by the conservation commission; provided, the commission may issue a license for such deer farms heretofore established if the fence actually inclosing said farm is in fact sufficient to hold deer therein. After the complete installation of such fence and after the commission has satisfied itself that it is satisfactory and complies with the law, it may issue a license to the applicant describing such lands, and certifying that the licensee is lawfully entitled to use the same for the breeding, propagating, killing and selling of deer thereon according to the provisions of this section.

(5) The holder of any such license shall pay an annual license fee of twenty-five dollars. Such license shall expire on December thirty-first of each year, but shall be renewed each year if the licensee has not violated any of the provisions under which it was granted.

(6) Such license shall be prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named, his or its successors or assigns, for the term of the license, to establish and operate a deer farm upon said premises, and shall entitle the licensee therein named or his successors or assigns, to the exclusive right for and during said term to breed and propagate deer thereon, and to the exclusive and sole ownership of any property in all deer caught or taken therefrom.

(7) Deer on a deer farm shall be killed only by the licensee or his bona fide regular employes; and all such deer killed shall be distinctly tagged with a tag to be furnished by the commission to the licensee at cost not exceeding five cents each. The licensee shall pay to the commission one dollar for each deer so killed. Before any deer on a licensed

deer farm shall be killed, the licensee shall notify the conservation commission or one of its representatives in advance of the taking of such deer, and the conservation commission or its representatives shall make acknowledgment of receipt of said notice and such acknowledgment when received by the licensee shall be his authority for taking deer. The conservation commission or any of its duty authorized representatives may be present while the taking of such deer is in progress.

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

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

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

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

(12) On or before the first day of January of each year, each such licensee shall make a report, verified by affidavit, to the conservation commission, covering the period from the first day of January to the thirty-first day of December of the previous year, upon blanks furnished by the commission, stating the number of deer killed and sold and live deer sold during said period, the names and addresses of the persons to whom the same were sold and the dates of shipment.

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

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

(15) Any person who shall unlawfully and without the permission of the owner, hunt within the inclosure of said deer farm or who shall violate any of the provisions of this

chapter shall be punished by a fine of not less than one hundred dollars nor more than two hundred dollars or by imprisonment in the county jail not less than sixty days nor more than six months, or by both such fine and imprisonment.

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

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

History: 1953 c. 212.

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

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

(3) Upon the filing of the declaration, the conservation commission shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. If upon such examination it appears that the applicant is the owner or lessee of said lands, and that the applicant intends in good faith to establish, operate and maintain a mink farm, the commission shall issue a license to the applicant describing such lands, and certifying that the licensee is lawfully entitled to use the same for the breeding, propagating, trapping of and dealing with mink.

(4) Thereupon the commission shall appoint one man and the applicant one man, and these 2 shall select a third man, the 3 men to act as a board to go upon the lands embraced within the license, and determine as near as possible the number of nondomesticated mink thereon at the time of the granting of the license. Such estimates shall only be made during that part of the year when there is snow on the ground. The necessary expenses of the members of such board shall be paid by the licensee. Within 10 days after the date of such determination, the licensee shall pay to the conservation commission \$2.50 for each mink so found on such lands. When such payment has been made the licensee shall become the owner of all of the mink on said lands and of all of their offspring remaining thereon. He shall have the right to manage and control said lands and the mink thereon, to take and trap the same at any time or in any manner which he sees fit and deems to the best advantage of his business, and to sell and transport at any time said mink or the pelts taken from them, as provided in sub. (11).

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

(6) The licensee shall maintain at intervals of not more than 12 rods along the boundary of the land embraced in said license, wherever the same are not already inclosed, notices proclaiming the establishment of a muskrat or mink farm. Such notices shall be furnished by the conservation commission to the licensee at cost.

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

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

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

(10) Nothing in this section shall be construed to affect any public right of hunting, trapping, fishing or navigation except as herein expressly provided, nor shall this section apply to mink raised in captivity.

(11) Any person operating a mink farm under licenses granted by the provisions of this chapter shall not trap any animals for pelting purposes during the closed season provided for by this chapter, except on a permit granted by and under supervision of the conservation commission; and all skins of such animals so taken during closed season shall be tagged with a tag to be furnished by the conservation commission to the licensee at cost, not exceeding one cent each. No mink on licensed farms shall be killed at any time by gun shot or spear.

History: 1953 c. 105.

29.59 Beaver, causing damage. (1) 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. If, upon inspection, investigation, hearing or otherwise, it shall appear to the satisfaction of the commission that the facts stated in such complaint are true, it may, by written permit, authorize any conservation warden or other employe of the conservation commission to capture and remove such beaver. Any beaver dam or beaver house causing damage shall not be removed until consent is given by the owner or occupant of the land on which it is located. The owner or occupant of the land failing to give such consent after receiving notice and solicitation shall be liable for all damages arising thereafter by reason of the continuing existence of beaver structures.

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

History: 1951 c. 340.

As used in (1), as amended by ch. 340, Laws 1951, "land on which it is located," is construed as limited to land on the banks of the navigable stream, and does not apply to submerged lands lying within the bed of the stream, and therefore does not deprive the state of its inherent power to remove a beaver dam obstructing a navigable stream, provided it does not trespass on the lands of the riparian owner other than those lying within the bed of the stream, which deprivation would be unconstitutional as abdicating the police power of the state. *State v. Sensenbrenner*, 262 W 118, 53 NW (2d) 773.

Conservation commission is vested with exclusive jurisdiction to capture and remove beaver causing damage to private property. 39 Atty. Gen. 116.

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

(2) **CLAIMS FOR DEER OR BEAR DAMAGE.** (a) Any person claiming damage to property caused by deer or bear shall file a verified statement of his claim with the commission within 10 days from the time such damage is alleged to have been done. However, if the condition causing damage is in the nature of a continuing trespass, the claimant may, in lieu of a claim, file with the commission, within 10 days from the time such damage first occurs, a notice of claim, stating the nature of the condition and that damages will be claimed as soon as the total damage can be ascertained. In such case, the claimant is entitled to recover the total damages sustained during the continuance of the condition but not beyond 6 months after the date of the notice, provided he files a verified statement of his claim with the commission within 10 days after the abatement of the condition but not after 6 months of the date of the notice if the condition persists. No person shall be entitled to damage under this section who shall have posted his lands against trespass or hunting.

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

awards of the judge are subject to review on petition of either party as provided in ch. 227.

(c) All claims for deer and bear damage shall be filed with the commission and shall be paid on a pro rata basis at the end of each fiscal year from the funds provided in section 20.20 (19).

(3) DEER FENCES. If, upon careful examination by the commission, it appears that a deer proof fence can be built or that other appropriate preventive measures can be taken at less cost than the estimated damage that might be done by deer in any area inhabited by deer, the commission may pay any part or all of the costs of a deer proof fence around such area or any part thereof, or take such other measures as it may deem advisable and necessary to prevent deer damage in such area. Expenditures hereunder shall be charged against the funds provided by section 20.20 (19).

History: 1953 c. 129.

29.60 Bounties on wild animals; use of poison and explosives. (1) Any person who shall kill any wolf or coyote cub between March 1 and September 1 next following shall be entitled to a reward of \$10, or any mature wolf or coyote at any time \$20, or any wildcat \$5, or any lynx \$5, to be paid out of the state treasury under the provisions of s. 20.205 (1); any person who shall kill any red or gray fox kit between March 1 and September 1 next following shall be entitled to a reward of \$1, or any mature red or gray fox at any time \$2.50 to be paid out of the state treasury under the provisions of s. 20.205 (1). At the end of each fiscal year the conservation fund shall reimburse the general fund for one-half of all bounties paid for red or gray fox under this subsection during such fiscal year. Where a wolf, coyote or fox while being chased by dogs belonging to one person, is killed by another person, the bounty shall be divided equally between such persons. There shall be no payment made on unborn pups or kits.

(2) Any person claiming such reward shall exhibit the carcass entire with hide attached to the nearest conservation warden or county clerk within 5 days after the killing thereof, and any person presenting a wolf, coyote or fox for bounty shall upon the demand of any conservation warden or county clerk show where such wolf, coyote or fox was killed or trapped, or any den that the said wolf, coyote or fox was taken from, and furnish any other information concerning the capture of such animal that the conservation warden or county clerk might request. Every person claiming a reward under this section shall sign and deliver to the said warden or county clerk in the presence of 2 subscribing witnesses a statement in substantially the following form: The warden or county clerk shall immediately forward this statement to the conservation commission.

STATE OF WISCONSIN, }
County of } ss.

I, the undersigned, being first duly sworn, declare and state that I did personally on the day of, 19.., in the town of, county of, kill or cause to be killed the animal here exhibited to the conservation warden or county clerk and that it is the carcass of a

.....
Claimant.

Subscribed and sworn to before me
this day of, 19...

.....
Notary Public (or) Justice of Peace

(3) Thereupon said conservation warden or county clerk shall punch both ears of said animal and shall slit full length the inside of the right hind leg, and may issue a certificate to the claimant in the following form. Said certificate shall be rendered to the state conservation commission at Madison for payment within 10 days from date of issue. No certificate shall be issued on presentation of the hide of any wild animal separated from the carcass, nor shall any certificate be issued on a carcass on which the ears have been punched or the leg slit as provided. Nor shall a certificate be issued unless the conservation warden or county clerk is positive that it is the carcass of a wolf, coyote, wild cat, lynx or fox.

STATE OF WISCONSIN, }
County of } ss.

I,, conservation warden or county clerk living in said county, hereby certify that on the day of, 19.., exhibited to me the carcass of a, which he claims to have killed as stipulated in his statement under date of,

19.., and which statement I mailed to the state conservation commission. That I punched the ears of said carcass and slit the inside of the right hind leg as provided by law.

.....
Conservation Warden or County Clerk.

Dated at, Wis., this day of, 19...

(4) Upon receipt of both such claims and certificate by the conservation commission within the 10-day period provided, the same shall be presented to the director of budget and accounts and he shall audit such claim and issue his warrant for its payment.

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

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

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

(6) The county board may authorize the payment of an additional bounty for the killing of any animal and may authorize the payment of a bounty by the county or its designated agents for the destruction of any fox, skunk, weasel and other animal or animals when, after careful investigation by competent authorities, they are found to be destructive in any manner. Such action by the county board shall not conflict in any manner with other sections of the statutes or with conservation commission orders and regulations. Any action heretofore taken by any county board authorizing the payment of bounties for the killing of animals hereinbefore mentioned in this subsection, is validated with like effect as if specific authority therefor was provided by law. When any county board indicates by the proper legal procedure that it is their intention to cause a bounty to be paid on any animal hereinbefore mentioned in this subsection, they or their designated agents shall promptly notify the state conservation commission at Madison of that fact by supplying them with a full copy of the procedure dealing with their action in the matter.

History: 1953 c. 319, 388, 626.

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

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

History: 1953 c. 319.

29.61 Destruction of other injurious animals; rewards. (1) The governing body of any county, town, city or village may direct that every person who shall kill any crow, or any sharp-shinned or Cooper's hawk, or any pocket gopher, or any streaked gopher, or any black, brown, gray or Norway rat, commonly known as the house rat or barn rat, or any rattlesnake, or any ground hog or any woodchuck, or any mole, or any red or grey fox, or any wolf, or any coyote, or any wildcat, or any lynx, or any weasel shall be entitled to a reward as determined by the governing board of any county, town, city or village.

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

STATE OF WISCONSIN, }
 County of } ss.

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

Dated this day of, 19...

.....
 (Designation of Officer)

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

(4) Whenever any county has authorized the reward provided for in this section, the treasurers of the various towns, cities and villages shall, at the close of their accounts on the thirtieth day of October in each year certify to the county clerk the amount of money expended by their respective towns, cities 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, city or village has actually expended the amount therein stated. The certificate and affidavit shall be placed on file in the office of the county clerk and the account shall be audited by the county board and the amount thereof paid to the treasurers of the respective towns, cities and villages from any money in the general fund of the county not otherwise appropriated.

History: 1953 c. 87, 319.

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

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

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

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

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

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

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

(a) For the unlawful use of any gill net or trammel in taking, catching or killing fish of any variety in any waters, or for the use of any net in taking, catching or killing trout of any variety in inland waters, by a fine of not less than 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, by a fine of not more than \$100, or by imprisonment not less than 30 days nor more than 6 months, or by both.

(c) For the violation of any provision of the statutes or any conservation commission order relating to the hunting or taking of game or game birds of all kinds, except

deer, bear and sturgeon by a fine of not more than \$100 or by imprisonment not less than 30 days nor more than 6 months, or by both.

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

(e) For the violation of any provision of the statutes or any conservation commission order relating to the hunting of deer by artificial light or with the aid of an airplane and the illegal snaring of deer, or for violation of section 29.13 (5) by a fine not less than \$50 nor more than \$100 or by imprisonment not less than 30 days nor more than 6 months or both.

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

(g) For the violation of any provision of the statutes or any conservation commission order relating to the hunting, transportation or possession of deer, bear and sturgeon by a fine of not less than fifty dollars 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.

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

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

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

(3) REVOCATION OF LICENSE. In addition to all other penalties for a violation of this chapter, or any conservation commission order made pursuant to this chapter, the court in its discretion may upon conviction revoke any license theretofore issued pursuant to this chapter to the person convicted and order that no such license shall be issued to such person for a period of not to exceed one year thereafter.

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

(d) In addition to all other penalties provided, every license issued pursuant to this chapter to any person convicted of a violation of section 340.271 (3) or 340.605 (1) shall be forthwith revoked, and no license shall be issued under this chapter to such person for such period as may be fixed by the court.

(e) Every license issued under this chapter to a person convicted of violating section 340.605 (2) shall be revoked for the period fixed by the court, and no license shall be issued under this chapter to such person for the period fixed by the court.

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

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

History: 1951 c. 487; 1953 c. 556.

29.635 Penalties; repeaters. (1) When any person is convicted of any violation of this chapter or of any conservation commission order, and it is alleged in the indictment, information or complaint, and proved or admitted on trial or ascertained by the court after conviction that he had been before convicted for a violation of this chapter or of a conservation commission order, by any court of this state such person shall be fined not less than \$50 nor more than \$100, or imprisoned not less than 10 days nor more than 6 months or both. In addition thereto, all licenses issued to such person pursuant to this chapter shall be revoked and no license shall be issued to him for a period of one year thereafter.

(2) When any person is convicted and it is alleged in the indictment, information or

complaint and proved or admitted on trial or ascertained by the court after conviction that he had been before convicted 3 times within a period of 3 years for violations of 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.

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

History: 1953 c. 556.

See note to 359.12, citing State v. Meyer, 258 W 326, 46 NW (2d) 341. All violations of the conservation laws after the effective date of ch. 583, Laws 1949, are subject to the penalties therein prescribed, regardless of the date of prior conviction. 39 Atty. Gen. 93.

29.64 Resisting conservation warden. Any person who shall assault or otherwise wilfully resist or obstruct any conservation warden in the performance of his duty shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail not more than 6 months, or by both such fine and imprisonment.

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

- (a) Any moose, elk, fisher, or sand hill crane\$50.00
- (b) Any bear 30.00
- (c) Any deer, marten, black raccoon or wild swan 25.00
- (d) Any beaver or otter 20.00
- (e) Any gray raccoon or mink 5.00
- (f) Any grouse, prairie chicken, wood duck, wood cock, spruce hen, wild goose or brant 5.00
- (g) Any pheasant, Hungarian partridge, quail, rail, Jack snipe or shore bird, or protected song bird or harmless bird 3.00
- (h) Any wild duck, coot, or squirrel 2.00
- (i) Any muskrat 1.00
- (j) Any muskellunge or rock or lake sturgeon 10.00
- (k) Any large or small-mouthed black bass 5.00
- (l) Any brook, rainbow, brown, steel head, Loch Leven or grayling trout 3.00
- (m) Any wall-eyed pike, pike perch, or any other game fish not mentioned in paragraphs (i) to (l) 2.00

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

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

History: 1953 c. 319.