

CHAPTER 322, Laws of 1975

AN ACT to repeal 29.12 (4), 29.574 (8) (b), 29.576, 29.577 and 29.58; to amend 29.12 (1), 29.573 (1), (3), (4) (a) and (c) and (7), 29.574 (1), (3) and (4) and 29.578 (7); to repeal and recreate 29.573 (4) (b), 29.574 (8) (a) and 29.575; and to create 29.573 (8) of the statutes, relating to shooting preserves, game farms, fur animal farms, hunting without a license in certain areas and increasing certain license fees.

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

SECTION 1. 29.12 (1) of the statutes is amended to read:

29.12 (1) Nonresident hunting licenses shall be either general, deer and bear, small game, or archer (bow and arrow) hunting, ~~or shooting preserve hunting~~, and shall be issued by the department or by the county clerk, subject to s. 29.09, to persons duly applying therefor who are not residents of this state. The fee for each general license is \$100, for each deer and bear license \$70, for each small game license \$50, and for each archer hunting license \$25 ~~and for each shooting preserve hunting license \$10.~~

SECTION 2. 29.12 (4) of the statutes is repealed.

SECTION 3. 29.573 (1), (3) and (4) (a) of the statutes are amended to read:

29.573 (1) The department may issue licenses for shooting preserves and the releasing, shooting, possession and use of pheasants and quail thereon when in the judgment of the department operations under such licenses will result in a net increase in the supply of pheasants and quail in the state, and will otherwise be in the public interest. A fee of ~~\$5~~ \$20 shall be collected for each such license ~~when the area for which the license is granted shall be 320 acres or less, and the fee shall be \$10 when the area is in excess of 320 acres.~~ All such licenses shall expire on June 30 of each year.

(3) The department shall determine the minimum number of pheasants and quail 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 and quail shall have been certified to and accepted by the department it shall be unlawful to shoot, attempt to shoot or to otherwise take pheasants or quail on premises licensed under this section, but when said release shall have been certified and accepted by the department, 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 or quail by gift.

SECTION 4. 29.573 (4) (b) of the statutes is repealed and recreated to read:

29.573 (4) (b) Each licensee shall keep a correct and complete book record of licensed birds as required by the department on forms furnished by the department. The licensed area and records may be inspected by the department or its wardens at any time. Copies of the records under oath shall be furnished to the department on request.

SECTION 5. 29.573 (4) (c) and (7) of the statutes are amended to read:

29.573 (4) (c) No pheasant or quail 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 department, and such seal shall remain attached to said birds until they are finally prepared for consumption. Such seal shall be supplied by the department at a cost of ~~5 cents each~~.

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

SECTION 6. 29.573 (8) of the statutes is created to read:

29.573 (8) Notwithstanding any other provision of the statutes to the contrary, no person hunting upon a licensed shooting preserve may be required to hold a hunting license for hunting those game species for which the preserve has been licensed under this section.

SECTION 7. 29.574 (1), (3) as affected by chapter 94, laws of 1975, and (4) of the statutes are amended to read:

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

(3) Upon the filing of such declaration the department 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 department thereupon shall appoint one member, the applicant one member, and these ~~two~~ 2 shall select a 3rd member, the 3 to act as a board to go upon the lands embraced within the proposed license and determine as near as possible the number of wild birds and animals of the desired species thereon at the time of the granting of the license. The necessary expenses of all of the members of such board shall be paid by the licensee. Within 30 days after the date of such determination as accepted by the department the licensee shall pay to the department a specified sum as may be determined by the department 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~~ appears 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 department 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 department may direct. After the complete installation of such fence and after the department has satisfied itself that it is satisfactory and complies with the law, it shall issue a license to the applicant describing such lands, and certifying that the licensee is lawfully entitled to use the same for the breeding, propagating, killing and selling of such game birds and animals thereon according to this section. When such license has been granted, the~~

licensee shall become the owner of all such game birds or animals thereon of the species licensed and of all of their offspring actually produced thereon and remaining thereon, subject however to the jurisdiction of the department over all game.

(4) The holder of any such license shall pay an initial annual license fee of ~~\$\$~~ \$10. Such license shall expire on December 31 of each year, ~~but may be renewed each year upon the payment by the licensee of the renewal license fee of \$2.~~

SECTION 8. 29.574 (8) (a) of the statutes is repealed and recreated to read:

29.574 (8) (a) Each licensee shall keep a correct and complete book record of licensed animals and birds as required by the department of natural resources on the forms furnished by the department. The licensed area and records may be inspected by the department or its wardens at any time. Copies of the records under oath shall be furnished to the department on request.

SECTION 9. 29.574 (8) (b) of the statutes is repealed.

SECTION 10. 29.575 of the statutes is repealed and recreated to read:

29.575 Fur animal farms. (1) The owner or lessee of any lands suitable for the breeding and propagating of fur animals may, upon complying with this section, establish, operate and maintain on such lands a fur animal farm, for the purpose of breeding, propagating, trapping and dealing in fur animals. Fur animal farms as licensed under this section shall be of one or more of the following categories as specified in the license:

- (a) Beaver.
- (b) Muskrat.
- (c) Mink, except domestic mink as defined in s. 29.579.
- (d) Otter, raccoon and skunk.

(2) Such owner or lessee desiring to establish, operate and maintain a fur animal farm, in conformity with this section, shall file with the department a verified declaration describing the lands which such applicant desires to use for the purpose of breeding and propagating fur animals and setting forth the title or leasehold of the applicant and the number of acres which will be maintained as a fur animal farm. Acres under one license need not be contiguous.

(3) Upon the filing of such declaration the department shall investigate and may require the applicant to produce satisfactory evidence of the facts stated in the declaration. If it appears that the applicant is the owner or lessee of the lands, and that the applicant intends in good faith to establish, operate and maintain a fur animal farm, the department shall issue a license to the applicant. The license shall describe the lands and shall certify that the licensee is entitled to use the same for dealing, breeding, propagating and trapping fur animals on the land described in the license.

(4) Upon issuance of the license, the department shall appoint one person, the applicant shall appoint one person, and these 2 shall select a 3rd person to enter the lands and determine the number of fur animals thereon at the time of the granting of the license. The necessary expenses of these persons shall be paid by the licensee. Within 10 days after the date of such determination, the licensee shall pay to the department \$2.50 for each beaver, 50 cents for each muskrat, \$2.50 for each mink, \$2.50 for each otter, \$1 for each raccoon, and 50 cents for each skunk so found on such lands. Only those animals to be licensed under the fur animal farm are to be paid for. When such payment has been made the licensee shall become owner of such fur animals on said lands and of all of their offspring remaining thereon. He shall have the right to manage and control said lands and the licensed fur animals thereon, to take the same at any time or in any manner which he sees fit and deems to be the best

advantage of his business, and to sell and transport at any time said fur animals or the pelts taken from them.

(5) The holder of such license shall pay an annual license fee of \$10.

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

(7) Such license shall be prima facie evidence in all courts and proceedings of the right of the licensee, his successors or assigns, for the term of the license, to establish and operate a fur animal farm upon the premises, and entitles the licensee, his successors or assigns, to the exclusive right during the term to breed and propagate fur animals thereon, and to the exclusive and sole ownership of any property in all fur animals caught or taken. Such licenses shall expire on December 31 of each year.

(8) Any person, other than the licensee or his agents, who hunts or traps fur animals upon any lands described in any such license shall be liable to the licensee in the sum of \$100, in addition to all damage which he may do to the farm or to the fur animals and property, but all actions for such trespass shall be brought by such licensee.

(9) Each licensee shall keep a correct and complete book record of licensed animals as required by the department on the forms furnished by the department. The licensed area and records may be inspected by the department or deputies at any time. Certified copies of such records shall be furnished to the department on request.

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

SECTION 11. 29.576 and 29.577 of the statutes are repealed.

SECTION 12. 29.578 (7) of the statutes is amended to read:

29.578 (7) Deer on a deer farm shall be killed only by the licensee or his bona fide regular employes except that on licensed deer farms, not less than 10 acres in area, deer may be killed by persons expressly authorized by the licensee who are otherwise qualified under this chapter to hunt deer except that no person hunting upon a licensed deer farm shall be required to hold a hunting license for deer; and all such deer killed shall be distinctly tagged with a tag to be furnished by the department to the licensee at cost not exceeding 5 cents each. The licensee shall pay to the department \$1 for each deer so killed. Before any deer on a licensed deer farm shall be killed, the licensee shall notify the department or one of its representatives in advance of the taking of such deer, and the department 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 department or any of its duly authorized representatives may be present while the taking of such deer is in progress.

SECTION 13. 29.58 of the statutes is repealed.

SECTION 14. **Cross reference section.** Wherever the reference "or 29.58" appears in section 29.572 (1) and (3) of the statutes, the reference is deleted.
