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CHAPTER 29

FISH AND GAME

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

(1) "Approval" means any type of approval or authorization issued by the department or a county clerk under this chapter including any license, permit, certificate, card, stamp or tag unless the context requires a different meaning.

(1m) "Attending boat" means an open boat used to transport equipment, crew or catch of a licensed boat, provide assistance in the operation of fishing gear by the licensed boat or provide other assistance in the commercial fishing operations of a boat licensed under s. 29.33.

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(2) "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.

(2m) "Documented boat" means a licensed commercial fishing boat with valid federal documentation under s. 30.51 (2) (c) 2.

(3) "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.

(4) "Fur-bearing animals" includes otter, beaver, mink, muskrat, marten, fisher, skunk, raccoon, fox, weasel, opossum, badger, wolf, coyote, wildcat and lynx.

(5) "Game" includes all varieties of wild mammals or birds; "game fish" includes all varieties of fish except rough fish and minnows; "rough fish" includes dace, suckers, carp, goldfish, redhorse, freshwater drum, burbot, bowfin, garfish, buffalo fish, lamprey, alewife, gizzard shad, smelt, goldeye, mooneye, carpsucker and quill back, in all waters and chub in inland waters only; "minnows" includes suckers, mud minnows, madtom, stonecat, killifish, stickleback, trout-perch, darters, sculpin and all minnow family cyprinids except goldfish and carp.

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

(7) "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.

(8) "Hunt" or "hunting" includes shooting, shooting at, pursuing, taking, catching or killing any wild animal or animals, except that for the purposes of ss. 29.1085, 29.109 and 29.114, "hunt" or "hunting" does not include shooting, shooting at, taking, catching or killing any bear.

(9) "Inland waters" means all waters not classified as outlying waters, including the bays, bayous and sloughs of the Mississippi river bottoms.

(9m) "Licensed boat" means a boat, other than an attending boat, included under a commercial fishing license.

(10) "Nongame species" means any species of wild animal not classified as a game fish, game animal, game bird or fur-bearing animal.

(11) "Outlying waters" means Lake Superior, Lake Michigan, Green Bay, Sturgeon Bay, Sawyer's harbor and the Fox river from its mouth up to the dam at De Pere.

(11m) "Registered boat" means a boat having a valid certificate of number issued under s. 30.51.

(12) "Resident" means a person who has maintained his or her place of permanent abode in this state for a period of 30 days immediately preceding his or her application for an approval. Domiciliary intent is required to establish that a person is maintaining his or her place of permanent abode in this state. Mere ownership of property is not sufficient to establish domiciliary intent. Evidence of domiciliary intent includes, without limitation, the location where the person votes, pays personal income taxes or obtains a driver's license.

(12m) "Resident senior citizen" means a resident who has attained the age of 65 years.

(13) "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.

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

History: 1971 c. 129, 266; 1975 c. 39, 199; 1977 c. 370, 447; 1979 c. 187, 221; 1983 a. 27; 1985 a. 29, 270; 1987 a. 27; 1989 a. 190.

Cross Reference: See definitions in 24.01.

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 northerly 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

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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.

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 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, as a result of the violation, to the state. In either case, any such wild animal, or carcass or part thereof, may be seized forthwith, wherever found, by the department or its wardens.

(3) This section shall not permit seizure of nor prohibit possession or sale of lawfully obtained wild birds and animals which are mounted or in the process of being mounted for a private collection.

(4) Agents of the department may, after making reasonable efforts to notify the owner or occupant, enter upon private lands to retrieve, diagnose or otherwise determine if there are dead or diseased wild animals upon such lands, and take actions reasonably necessary to prevent the spread of contagious disease in such wild animals.

History: 1973 c. 214; 1975 c. 181; 1979 c. 110.

29.025 Hunting, trapping and fishing by American Indians. American Indians hunting, trapping or fishing off Indian reservation lands are subject to this chapter.

History: 1983 a. 27.

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 setline, cable, rope, or line, with more than one fish line attached thereto; or any licensed setline 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 long tunnel pound net or similar entrapping net other than the legal fyke net, drop net, submarine trap 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 department.

(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 s. 167.31; or any boat, floating raft, box, or blind set in open water and used in hunting game birds.

(7) 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.

(10) Any blind used in hunting waterfowl in violation of s. 29.27.

History: 1977 c. 443; 1983 a. 192 s. 303 (6); 1985 a. 36.

29.05 Police powers; searches; seizures. (1) WARRANTS, ARRESTS. The department and its wardens may execute and serve warrants and processes issued under any law enumerated in ss. 23.50 (1), 167.31, 346.19, 940.24, 941.20, 948.60 and 948.61 in the same manner as any constable may serve and execute such process; and may arrest, with or without a warrant, any person detected in the actual violation, or whom such officer has probable cause to believe guilty of a violation of any of the laws cited in this subsection, whether such violation is punishable by criminal penalties or civil forfeiture and may take such person before any court in the county where the offense was committed and make proper complaint. For the purpose of enforcing any of the laws cited in this subsection, any such officer may stop and board any boat and stop any automobile, snowmobile or other vehicle, if the officer reasonably suspects there is a violation of such sections.

(1m) WARRANTS, ARRESTS; HARASSMENT. The department and its wardens may execute and serve warrants and processes issued for violations of s. 947.013 (1) (b) if the victim of the harassment is intentionally selected because of the victim's race in the same manner as any constable may serve and execute such process; and may arrest, with or without a

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warrant, any person detected in the actual violation, or whom the warden has probable cause to believe guilty of a violation of s. 947.013 (1) (b), whether the violation is punishable by criminal penalties or civil forfeiture and may take such person before any court in the county where the offense was committed and make proper complaint. For the purpose of enforcing s. 947.013 (1) (b), any warden may stop and board any boat and stop any automobile, snowmobile or other vehicle, if the warden reasonably suspects there is a violation of such section.

(1v) WARRANTS, ARRESTS; TRIBAL CODE ENFORCEMENT. If a federally recognized American Indian tribe or band consents to the enforcement of its conservation code by the department or if a federal court order authorizes or directs such enforcement, the department and its wardens may execute and serve warrants and processes issued for violations of the tribe's or band's conservation code that occur outside the exterior boundaries of American Indian reservations; and may arrest a person, with or without a warrant, who is detected committing such a violation, or whom the warden has probable cause to believe is guilty of such a violation, and may take the person before the tribal court of appropriate jurisdiction and make proper complaint. For the purpose of enforcing a tribe's or band's conservation code, any warden may stop and board any boat and may stop any automobile, snowmobile or other vehicle, if the warden reasonably suspects there is a violation of such a conservation code.

(2) ADDITIONAL ARREST POWERS. In addition to the arrest powers under sub. (1), a conservation warden who has completed the program of law enforcement training approved by the law enforcement standards board, has been certified as qualified to be a law enforcement officer under s. 165.85 (4) (b) 1 and has complied with any applicable requirements under s. 165.85 (4) (bn) 1 while on duty and in uniform or on duty and upon display of proper credentials may assist another law enforcement agency as defined under s. 165.83 (1) (b) including making an arrest at the request of the agency, may arrest a person pursuant to an arrest warrant concerning the commission of a felony or may arrest a person who has committed a crime in the presence of the warden. If the conservation warden makes an arrest without the presence of another law enforcement agency, the conservation warden shall cause the person arrested to be delivered to the chief of police or sheriff in the jurisdiction where the arrest is made, along with the documents and reports pertaining to the arrest. The conservation warden shall be available as a witness for the state. A conservation warden may not conduct investigations for violations of state law except as authorized in sub. (3) and s. 23.11 (4). A conservation warden acting under the authority of this subsection is considered an employe of the department and is subject to its direction, benefits and legal protection. The authority granted in this section does not apply to county conservation wardens or special conservation wardens.

(3) INVESTIGATIONS. Such officers shall, upon receiving notice or information of the violation of any laws cited in sub. (1), as soon as possible make a thorough investigation thereof, and cause proceedings to be instituted if the proofs at hand warrant it.

(4) DRIVING WITHOUT HEADLIGHTS. In the performance of their law enforcement duties under this chapter, duly authorized wardens may operate vehicles owned or leased by the department upon a highway, other than an interstate, a state trunk highway or any highway within the limits of any incorporated area, during hours of darkness without lighted headlamps, tail lamps or clearance lamps, contrary to s. 347.06, if the driving will aid in the accomplishment of a lawful arrest for violation of this chapter or rules promulgated under this chapter or in ascertaining whether a violation of this chapter or rules promulgated under this chapter has been or is about to be committed. Any civil action or proceeding brought against any warden operating a motor vehicle under this subsection is subject to ss. 893.82 and 895.46.

(5) OPENING PACKAGES. The department and its wardens may examine and open any package in the possession of a common carrier which they have probable cause to believe contains contraband wild animals, or carcasses or parts thereof, or is falsely labeled in violation 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.

(6) 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 subject to ss. 66.122 and 66.123; and the owner or occupant, or the agent, servant, or employe of the owner, shall deliver to any such officer any wild animal, or carcass or part thereof, in his or her possession during the closed season therefor, whether taken within or without the state.

(7) 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 the officer has probable cause to believe that wild animals, taken or held in violation of this chapter, are to be found.

(8) SEIZURE AND CONFISCATION OF APPARATUS, ETC.; SALE OF PERISHABLE PROPERTY. (a) The department and its wardens shall seize and hold subject to the order of the court for the county in which the alleged offense was committed, any apparatus, appliance, vehicle or device, declared by this chapter to be a public nuisance, which they have probable cause to believe is being used in violation of this chapter, an administrative rule promulgated under this chapter or s. 159.81, 167.31, 940.24, 941.20, 948.60 or 948.61. If it is proven that within 6 months previous to the seizure the apparatus, appliance, vehicle or device was used in violation of this chapter or an administrative rule promulgated under this chapter or s. 159.81, 167.31, 940.24, 941.20, 948.60 or 948.61, it shall be confiscated if the court directs in its order for judgment.

(b) Any perishable property seized by the department or its wardens may be sold at the highest available price, and the proceeds of the sale turned into court to await disposition of the proceeds as the court directs. A conservation warden or other officers charged with the enforcement of the laws dealing with the conservation of the natural resources of the state may kill a dog found running, injuring, causing injury to, or killing any deer, or destroying game birds, their eggs or nests, if immediate action is necessary to protect the deer or game birds, their nests or eggs, from injury or death.

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

(10) EXEMPTION FROM LIABILITY. Members of the natural resources board, and each warden, in the performance of official duties, shall be exempt from any and all liability to

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any person for acts done or permitted or property destroyed by authority of law. In any action brought against any board member or warden involving any official action the district attorney of the county in which the action is commenced shall represent such board member or warden. No taxable costs or attorney fees shall be allowed to either party in said action.

History: 1971 c. 40, 42, 164; 1971 c. 211 s. 126; 1971 c. 277; 1973 c. 198; 1975 c. 365; 1977 c. 425, 449; 1979 c. 221, 289; 1981 c. 98, 285; 1983 a. 27 s. 2202 (32); 1983 a. 451; 1985 a. 36 s. 27; 1985 a. 135; 1987 a. 332 s. 64; 1989 a. 31, 335, 336.

A game warden who kills a dog which he believes is wounding or worrying a domestic animal is not exempt from liability under 29.05 (9), Stats. 1967, under all circumstances. Munyon v. Moe, 46 W (2d) 629, 176 NW (2d) 324.

29.055 Fish and game law violation hotline. (1) The department shall maintain a toll free telephone number at department headquarters during normal business hours to receive reports of violations of this chapter. The department shall relay these reports to the appropriate warden or officer for investigation and enforcement action. The department shall publicize the toll free telephone number as widely as possible in the state.

(2) The department shall maintain records which permit the release of information provided by informants while protecting the identity of the informant. Any records maintained by the department which relate to the identity of informants shall be only for the confidential use of the department in the administration of this section, unless the informant expressly agrees to release the records. Appearance in court as a witness shall not be considered consent by an informant to release confidential records maintained by the department.

History: 1979 c. 34.

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 department or its wardens, or by an agent on commission under the written authority and supervision of the department. 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 department; 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 with the department. Of the remittance from such sales of confiscated apparatus, appliances or devices, 18% shall be paid into the conservation fund to reimburse it for expenses incurred in seizure and sale, and the remaining 82% 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 security interest perfected by filing with such motor vehicle as security, satisfies (and the burden of proof shall be upon the holder of a security interest) the court, or after judgment of confiscation, the department, that the violation that led to such confiscation was not with his or her knowledge, consent or connivance or with that of some person employed or trusted by the holder of a security interest, there shall also be deducted the amount due under the security agreement 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. The department shall make a reasonable effort within 10 days after seizure to ascertain if a security interest in the seized motor vehicle exists, and shall within 10 days after obtaining actual or constructive notice of such security interest give the secured party 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 such secured party at least 10 days' notice of the time and place of sale. Constructive notice shall be limited to security interests perfected by filing. In all such cases the time of sale of the confiscated motor vehicle shall be within 20 days after judgment of confiscation provided in s. 29.05 (8). This subsection shall not apply to a deer killed, or so injured that it must be killed, by a collision with a motor vehicle on a highway. Such deer carcass shall be released free of charge to the motor vehicle operator under s. 29.40 (5) by the department or its agent, but shall be retained by the department or its agent if the motor vehicle operator declines to accept the carcass.

(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 department, 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 department, but shall not be resold, bartered, or exchanged, in whole or in part, to any other person, except as provided in sub. (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.

History: 1975 c. 97, 199; 1981 c. 98 s. 3.

29.07 Assistance of police officers. All sheriffs, deputy sheriffs, coroners, and other police officers are deputy conservation wardens, and shall assist the department and its wardens in the enforcement of this chapter whenever notice of a violation thereof is given to either of them by the department or its wardens.

History: 1979 c. 110.

29.08 Interstate comity. (1) Whenever any other state confers upon the officers of this state reciprocal powers, any officer of such other state, who is by the laws of that state authorized or directed to enforce the laws of that state relating to the protection of wild animals, is hereby designated an agent of that 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 the department or its wardens. Expenses for such assistance shall be a lien upon such wild animal or carcass or part thereof, or the proceeds thereof.

(2) Except as provided in sub. (1), the department or its wardens 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

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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 department may 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 wardens of this state, but without compensation from this state.

History: 1971 c. 164.

29.085 Department to regulate hunting and fishing in interstate waters. The department may regulate hunting and fishing on and in all interstate boundary waters, and outlying waters specified in s. 29.01 (9) and (11). Any act of the department 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 ss. 23.09 (2) and 29.174.

History: 1983 a. 27 s. 2202 (38).

29.09 Hunting, trapping and fishing; licenses and other approvals; issuance. (1) LICENSE OR OTHER APPROVAL REQUIRED FOR HUNTING, TRAPPING OR FISHING. Except as specifically provided otherwise by s. 29.155 (1) or another section of this chapter, no person may hunt any wild animal, trap any game or fish for fish in the waters of this state unless the appropriate approval is issued to the person. A person shall carry the required approval with him or her at all times while hunting, trapping or fishing unless otherwise required by another section of this chapter or unless otherwise authorized or required by the department. A person shall exhibit the approval to the department or its wardens on demand.

(1m) CONDITIONS AND RESTRICTIONS ON LICENSES AND OTHER APPROVALS. A hunting, trapping or fishing approval may be issued only to and obtained only by a natural person entitled to the approval. Except as provided under sub. (12) (a), a resident hunting, trapping or fishing approval may be issued only to a person who presents to the county clerk or issuing agent definite proof of his or her identity and that he or she is a resident. No more than one of the same series of approval may be issued to the same person in any year. Except as provided under s. 29.33 (2) (d), no person may transfer his or her approval or permit the use of any approval by any other person and no person while hunting, trapping or fishing may use or carry any approval issued to another person. No person may obtain a hunting, trapping or fishing approval for another person. No approval authorizing hunting may be issued to any person who is prohibited from obtaining this type of approval under s. 29.226 or 29.227 (1) (c).

(2) FORM OF APPLICATION. The application for an approval shall be on the form and contain the information required by the department and no approval may be issued until the applicant complies with these requirements.

(3) FORM OF LICENSE. (a) *Date, expiration.* Each license or stamp shall state for what period the license or stamp is effective and the date of expiration.

(b) *Name, description, signature.* Each license issued shall state the name and residence of the licensee, a description of the licensee and such other matter as may be determined by the department. Each license 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 English and in ink.

(c) *Wild turkey hunting stamps.* Each wild turkey hunting stamp shall bear upon its face a true signature of the person to whom it is issued.

(4) DUPLICATES. If any license, permit, certificate or card is lost, the person to whom the license, permit, certificate or card was issued may apply to the department for a duplicate, submitting an affidavit proving loss. The department shall make an inquiry and investigation as it deems necessary. If the department is satisfied that the facts are as stated in the affidavit, the department may issue a duplicate license, permit, certificate or card to the applicant. Back tags and other tags issued with a license, permit, certificate or card are parts of the license, permit, certificate or card and loss of any part is deemed to be loss of the entire license, permit, certificate or card. Upon applying for a duplicate approval the applicant shall surrender all parts of the original approval remaining in his or her possession to the department. No duplicate stamp may be issued and if a stamp is lost, the person to whom it was issued is required to apply and pay the regular fee in order to receive a new stamp.

(5) BLANKS. The department shall prepare, procure the printing of and supply all necessary blanks for approvals issued under this chapter and related applications. Approval blanks and applications may be numbered consecutively, at the time of printing, in a separate series for each kind of approval. Each license blank shall be provided with a corresponding stub numbered with the serial number of the license. Each requisition for the printing of approval blanks shall specify any serial numbers to be printed on the blanks. The department or a county clerk may issue approvals only on blanks supplied by the department.

(6) APPROVALS ISSUED BY A COUNTY CLERK. A county clerk shall retain the stub of each license under this chapter issued by the county clerk's office in a record in the clerk's office. The county clerk shall file the stubs in numerical order immediately after licenses are issued. A county clerk shall retain a portion of any other approval issued by the county clerk's office and keep a record of that issuance as the department requires. The department or its wardens may examine at any time records required under this subsection.

(7) RETURN OF FEES BY COUNTY CLERK. (a) Any fees for approvals collected by the county clerk except any issuing fee shall be remitted to the department by the 20th of each month, with a report of the number of licenses issued by the clerk and his or her deputies during the preceding month with a report on the issuance of other approvals, as required by the department, and with a statement of the amount of money remitted. If the clerk does not remit, the clerk shall forfeit not more than $100.

(b) All unused approval blanks shall be returned by the county clerk to the department at the close of the effective period for which the blanks were supplied. The department shall determine the disposition of license stubs and other portions of approvals by county clerks at the close of the year for which the licenses and approvals are issued.

(7m) COUNTY CLERK ACCOUNTS. (b) If a county retains issuing fees established under s. 29.092 (15) as permitted under sub. (7) or (10), the county clerk shall deposit collections of fees for approvals with the county treasurer within one week after receipt. Payment to the department of the monthly remittance specified under sub. (7) shall then be made by the county treasurer upon written order of the county clerk.

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(c) The department shall prescribe a minimum standard for accounting records which shall be maintained by each county clerk for approval transactions.

(8) RECORD OF APPROVALS ISSUED. The department shall keep a complete record of all approvals issued. The department is accountable for all unused approval blanks.

(8m) DISABLED PERSONS; TROLLING PERMITS. (a) After proper application, the department shall, after due investigation and without charging a fee, issue a trolling permit to any person who meets the requirements under sub. (9) (c) or s. 29.104 (4) (a) 2 or 4.

(b) A person holding a current fishing license and a trolling permit may fish or troll in the waters of this state using an electric motor with no more than 36 pounds of thrust, notwithstanding any municipal ordinances or local regulations adopted under s. 30.77 (3) that prohibit the use of motor boats on navigable waters.

(9) DISABLED PERSONS; HUNTING PERMITS. (a) *Definitions.* As used in this subsection:

1. "Accompanied" means being subject to continuous visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid.

2. "Class A permit" means a permit issued to a person with a permanent physical disability which authorizes the permit holder to shoot or hunt from a stationary vehicle.

3. "Class B permit" means a permit issued to a person with a permanent or a temporary physical disability which allows the permit holder to shoot or hunt from a stationary vehicle that is parked off a highway, as defined under s. 340.01 (22), and parked more than 50 feet from the center of the roadway, as defined under s. 340.01 (54).

4. "Vehicle" means a self-propelled vehicle, including any automobile, truck, snowmobile, all-terrain vehicle or other vehicle which travels on or off roads or highways.

5. "Visually handicapped" means blind, as defined in s. 47.01 (1).

(b) *Issuance of permit.* 1. After proper application, the department shall, after due investigation and without charging a fee, issue a Class A, Class B or Class C permit to any person, as provided in this subsection.

2. An applicant shall submit on a form prepared and furnished by the department, as part of the application, a written statement or report prepared and signed by a licensed physician or licensed chiropractor, prepared no more than 6 months preceding the application and verifying that the applicant is physically disabled.

3. As part of the application for a Class A or Class B permit under this subsection, the applicant shall authorize the department by written release to examine all medical records regarding the applicant's physical disability.

(c) *Eligibility.* 1. The department shall issue a Class A permit under this subsection to an applicant who is handicapped in any of the following ways:

a. Has a permanent or irreversible physical disability, is unable to ambulate and requires a wheelchair, walker, one leg brace or external prosthesis above the knee, 2 leg braces or external prostheses below the knees, 2 crutches or 2 canes for mobility.

b. Suffers significantly from lung disease, to the extent that forced expiratory volume for one second when measured by spirometry is less than one liter or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest.

c. Suffers significantly from cardiovascular disease, to the extent that functional limitations are classified in severity as class 3 or 4, according to standards accepted by the American heart association on May 3, 1988, and where ordinary physical activity causes discomfort, fatigue, palpitation, dyspnea or anginal pain.

2. The department shall issue a Class B permit under this subsection to an applicant who has a temporary disability which restricts mobility or ambulation due to injury or operative procedures and who either has a leg, hip or back, or any part thereof, casted by a licensed physician due to a fracture or has leg, hip or back surgery after August 31 immediately preceding the hunting season to which the permit will first apply. The department may also issue a Class B permit to a person as provided in subd. 3.

3. The department may issue a Class B permit to an applicant who is ineligible for a permit under subd. 1 or 2 or who is denied a permit under subd. 1 or 2 if, upon review and after considering the physical condition of the applicant and the recommendation of a licensed physician selected by the applicant from a list of licensed physicians compiled by the department, the department finds that issuance of a permit complies with the intent of this subsection. The use of this review procedure is discretionary with the department and all costs of the review procedure shall be paid by the applicant.

4. The department shall issue a Class C permit to any person who is visually handicapped.

(cg) *Approval required.* In order to hunt after receiving a permit under this section, the permit holder must apply for and be issued, or must already hold, any type of approval required under this chapter for the type of hunting he or she will be doing.

(cr) *Authorization.* A person holding a current resident or nonresident deer hunting license and a Class A or Class C permit may hunt deer of either sex with a firearm during any season open to hunting of deer with firearms that is established by the department.

(d) *Assistance.* 1. A holder of a Class A or Class B permit may be accompanied by a person who is not eligible to apply for a Class A or Class B permit. The accompanying person may not hunt or carry a firearm, bow or crossbow unless authorized to do so. The assistance rendered by an accompanying person who is not authorized to hunt or carry a firearm, bow or crossbow is limited to field dressing, tagging and retrieving deer or other game for the permit holder.

2. A holder of a Class C permit shall be accompanied by a person who is not eligible to apply for a permit under this section. The accompanying person may not hunt or carry a firearm, bow or crossbow unless authorized to do so. The assistance rendered by an accompanying person may include sighting the firearm, bow or crossbow, identifying the deer or other game and field dressing, tagging and retrieving deer or other game for the permit holder.

(e) *Review of decisions.* An applicant denied a permit under this subsection, except a permit under par. (c) 3, may obtain a review of that decision by a licensed physician or a licensed chiropractor designated by the department and with an office located in the department district in which the applicant resides. The department shall pay for the cost of a review under this paragraph unless the denied application on its face fails to meet the standards set forth in par. (c) 1 or 2. A review under this paragraph is the only method of review of a decision to deny a permit under this subsection and is not subject to further review under ch. 227.

(10) ISSUING FEE REQUIRED. (a) *Collection of issuing fee.* A person authorized to issue any license or stamp prescribed by this chapter shall collect, in addition to the statutory license or stamp fee, an issuing fee for each license and each stamp the person issued to compensate for services in issuing the license or stamp.

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(b) *Department employes.* An issuing fee collected by any employe of the department shall be remitted to the department together with the statutory license or stamp fee.

(c) *Nonpublic issuing agents.* Deputies appointed by county clerks, other than county employes, are entitled to retain 60% of the issuing fee. Deputies appointed by the department, other than state employes, are entitled to retain 60% of the issuing fee.

(11) BOND REQUIRED. The department shall provide and pay the cost of a blanket surety bond covering county clerks performing duties under this chapter. The bond shall be conditioned, among other things, upon the faithful performance of the clerk's duties according to law and shall provide for the payment to the parties entitled to payment, damages, not exceeding the amount provided in the bond, as may be suffered by them in consequence of a failure on the part of any clerk to discharge his or her duties. The amount of the bond shall be determined by the department.

(12) ARMED FORCES; STUDENTS. (a) *Certain resident licenses may be issued to students and members of the armed forces.* Notwithstanding sub. (1m) and s. 29.14 (1) (a), the department and the county clerk of each county shall issue a resident fishing license, resident small game hunting license or resident deer hunting license to a qualified student or qualified member of the armed forces applying for the license. A qualified student is a person who exhibits proof that he or she is a registered full-time undergraduate student in residence at a public or private college or university located in this state and offering a bachelor's degree or that he or she is a citizen of a foreign country temporarily residing in this state while attending a high school located in this state or an agricultural short course at the university of Wisconsin system. A qualified member of the armed forces is a person who exhibits proof that he or she is in active service with the U.S. armed forces and that he or she is stationed in this state.

(b) *Resident armed forces fishing license.* An annual fishing license shall be issued by the department or a county clerk to any member of the U.S. armed forces applying for this license who exhibits proof that he or she is in active service with the armed forces and that he or she is a resident on furlough or leave.

(c) *Resident armed forces small game hunting license.* A small game hunting license shall be issued by the department or by a county clerk to any member of the U.S. armed forces applying for this license who exhibits proof that he or she is in active service with the armed forces and that he or she is a resident on furlough or leave.

(13) STAMPS; ARTWORK. The department shall design and produce waterfowl hunting stamps, wild turkey hunting stamps, inland waters trout stamps and Great Lakes trout and salmon stamps. The department may select artwork for stamps through a contest or otherwise may acquire original artwork for stamps.

History: 1971 c. 213 s. 5; 1971 c. 215; 1973 c. 90; 1975 c. 365; 1977 c. 69; 1979 c. 34; 1981 c. 226; 1983 a. 27, 368, 420, 538; 1985 a. 29 ss. 656, 3202 (39) (f); 1985 a. 36, 326; 1987 a. 27, 353; 1987 a. 403 s. 256; 1989 a. 31, 56, 73.

Treaty of 1854 construed to allow Chippewa Indians fishing rights in Lake Superior by methods reasonably conforming to aboriginal methods. State v. Gurnoe, 53 W (2d) 390, 192 NW (2d) 892.

See note to 23.53, citing State v. Peterson, 98 W (2d) 487, 297 NW (2d) 52 (Ct. App. 1980).

Changes made to (7m) by 1987 Wisconsin Act 27 did not alter county board's authority to permit county clerk to keep issuing fees prescribed by 29.09 (10) and 29.092 (15) as part of compensation. 77 Atty. Gen. 267.

29.092 Fish, wildlife and wild plant fee schedule. (1) IMPOSITION OF FEES. Unless another section of this chapter specifically provides otherwise, a person who applies for an approval issued under this chapter shall pay the fees specified under subs. (2) to (15).

(2) HUNTING LICENSES; PERMITS; STAMPS; CERTIFICATE; TAGS. (a) *Resident small game.* The fee for a resident small game hunting license is $8.

(b) *Resident armed forces small game.* There is no fee for a small game hunting license issued to a member of the U.S. armed forces under s. 29.09 (12) (c).

(c) *Resident deer.* The fee for a resident deer hunting license is $13.75.

(d) *Resident bear.* The fee for a resident bear hunting license is $5.

(e) *Resident archer.* The fee for a resident archer hunting license is $14.

(f) *Nonresident annual small game.* The fee for a nonresident annual small game hunting license is $65.

(g) *Nonresident 5-day small game.* The fee for a nonresident 5-day small game hunting license is $35.

(h) *Nonresident deer.* The fee for a nonresident deer hunting license is $105.

(i) *Nonresident bear.* The fee for a nonresident bear hunting license is $20.

(j) *Nonresident fur-bearing animal.* The fee for a nonresident fur-bearing animal hunting license is $135.

(k) *Nonresident archer.* The fee for a nonresident archer hunting license is $75.

(kg) *Resident bear harvest permit.* The fee for a resident bear harvest permit is $25.

(kr) *Nonresident bear harvest permit.* The fee for a nonresident bear harvest permit is $100.

(L) *Wild turkey hunting stamp.* The fee for a wild turkey hunting stamp is $5.

(m) *Waterfowl hunting stamp.* The fee for a waterfowl hunting stamp is $3.

(n) *Hunter education and firearm safety, instruction fee, certificate of accomplishment.* The instruction fee for the hunter education and firearm safety course provided in s. 29.225 is $3. There is no fee for the original issuance of a certificate of accomplishment if the instruction fee is paid.

(o) *Deer tag and back tag.* There is no fee for a deer tag or back tag issued with a resident deer hunting license, resident archer hunting license, nonresident deer hunting license, nonresident archer hunting license, sports license or conservation patron license.

(om) *Bear carcass tag.* There is no fee for a bear carcass tag issued with a resident bear harvest permit or nonresident bear harvest permit.

(p) *Car kill deer tags.* There is no fee for a tag issued under s. 29.40 (5).

(3) FISHING LICENSES; STAMPS. (a) *Resident annual.* The fee for a resident annual fishing license is $8.50.

(b) *Resident annual husband and wife.* The fee for a resident annual husband and wife fishing license is $15.

(c) *Resident daily sports fishing.* The fee for a resident daily sports fishing license is $5.50.

(d) *Resident armed forces.* There is no fee for an annual fishing license issued to a member of the U.S. armed forces under s. 29.09 (12) (b).

(e) *Resident senior citizen.* There is no fee for a permanent license issued to a resident senior citizen under s. 29.145 (1a).

(f) *Resident disabled person.* There is no fee for a fishing license issued to a resident disabled person under s. 29.145 (1c).

(g) *Fishing licenses for certain patients and institutionalized persons, related stamps.* Notwithstanding pars. (a) to (c) or (h) to (L), there is no fee for a fishing license issued under s. 29.145 (1b).

(h) *Nonresident annual.* The fee for a nonresident annual fishing license is $23.50.

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(i) *Nonresident annual family.* The fee for a nonresident annual family fishing license is $41.

(j) *Nonresident 15-day.* The fee for a nonresident 15-day fishing license is $14.50.

(k) *Nonresident 15-day family.* The fee for a nonresident 15-day family fishing license is $25.

(L) *Nonresident 4-day.* The fee for a nonresident 4-day fishing license is $11.50.

(m) *Nonresident daily sports fishing.* The fee for a nonresident daily sports fishing license is $5.50.

(n) *Sturgeon spearing license.* The fee for a sturgeon spearing license is $6.50.

(o) *Inland waters trout stamp.* The fee for an inland waters trout stamp is $3.

(p) *Great Lakes trout and salmon stamp.* The fee for a Great Lakes trout and salmon stamp is $3.

(3m) WAIVER OF FEES; SPECIAL FEES. The department may, by rule, on no more than one day per year, waive the fees under sub. (3) or charge fees in addition to or instead of those fees for special scheduled fishing events or programs.

(3r) VOLUNTARY CONTRIBUTIONS; LAKE RESEARCH. (a) Any applicant for a fishing license under sub. (3) (a) to (m) may, in addition to paying any fee charged for the license, elect to make a voluntary $1 contribution to be used for lake research.

(b) All moneys collected under par. (a) shall be deposited into the account under s. 20.370 (1) (is) to be used exclusively for research conducted by the department to determine methods of improving the quality of the lakes in this state.

(4) COMBINATION LICENSES. (a) *Resident sports license.* The minimum fee for a resident sports license is $31. Any applicant, at the applicant's option, may pay a greater or additional fee for this license.

(b) *Resident conservation patron license.* The fee for a resident conservation patron license is $100 if that license is issued by the department from its central office. If a conservation patron license is not issued by the department from its central office, the fee for this license is $99.40.

(5) GUIDE AND SPORT TROLLING LICENSES. (a) *Guide license.* The fee for a guide license is $5.

(b) *Resident sport trolling license.* The fee for a resident sport trolling license is $100.

(c) *Nonresident Lake Michigan and Green Bay sport trolling license.* The fee for a nonresident sport trolling license for Lake Michigan and Green Bay is $400.

(d) *Nonresident Lake Superior sport trolling license.* The fee for a nonresident sport trolling license for Lake Superior is $400.

(6) TRAPPING AND FUR DEALER LICENSES AND TAXIDERMIST PERMITS. (a) *Resident trapping.* The fee for a resident trapping license is $13.

(b) *Resident fur dealer, Class A.* The fee for a resident fur dealer, Class A, license is $25.

(c) *Resident fur dealer, Class B.* The fee for a resident fur dealer, Class B, license is $10.

(d) *Fur dresser or dyer.* The fee for a fur dresser or dyer license is $25.

(e) *Itinerant fur dealer.* The fee for an itinerant fur buyer license is $200.

(f) *Fur auctioneer.* The fee for a fur auctioneer license is $250.

(g) *Resident taxidermist.* The fee for a resident taxidermist permit is $50.

(h) *Nonresident taxidermist.* The fee for a nonresident taxidermist permit is $100.

(7) COMMERCIAL FISHING, COMMERCIAL CLAMMING AND WHOLESALE FISH DEALER LICENSES; TAGS. (a) *Resident outlying waters license.* The fees for resident commercial fishing licenses for the outlying waters are:

1. The license fee for each licensed boat not exceeding 25 feet in overall length or for fishing without a boat is $60 if issued for an effective period ending June 30, 1986.

2. The license fee for each licensed boat exceeding 25 feet in overall length is $200 plus $5 for each foot in excess of 40 feet, but in no case may the fee for any boat exceed $300, if issued for an effective period ending June 30, 1986.

3. The license fee for each licensed boat or for fishing without a boat is $300 if issued for an effective period ending June 30, 1987.

4. The license fee for each licensed boat or for fishing without a boat is $500 if issued for an effective period ending June 30, 1988, or any June 30 thereafter.

5. For fishing only for the harvest of rough fish from outlying waters if the fish are taken under contract issued under s. 29.62 or 29.625, the license fee is $25 for each licensed boat or for fishing without a boat.

(b) *Nonresident outlying waters license.* The fees for nonresident, as defined under s. 29.33 (2), commercial fishing licenses for the outlying waters are:

1. The license fee for fishing without a boat is $300 if issued for an effective period ending June 30, 1986.

2. The license fee for each licensed boat not exceeding 25 feet in overall length is $300 plus $3 for each foot of the overall length if issued for an effective period ending June 30, 1986.

3. The license fee for each licensed boat exceeding 25 feet in overall length is $800 plus $3 for each foot of the overall length, but in no case may the fee for any boat exceed $900, if issued for an effective period ending June 30, 1986.

4. The license fee for each licensed boat or for fishing without a boat is $600 if issued for an effective period ending June 30, 1987.

5. The license fee for each licensed boat or for fishing without a boat is $1,000 if issued for an effective period ending June 30, 1988, or any June 30 thereafter.

(c) *Commercial fishing license transfer fee.* The fee for each transfer of an outlying waters commercial fishing license between boats or individuals as provided under s. 29.33 (2) is $25.

(d) *Outlying waters crew license.* There is no fee for a commercial fishing crew license.

(e) *Mississippi and St. Croix rivers net licenses and tags.* The fees for commercial net licenses and tags for the Mississippi and St. Croix rivers are:

1. For seine nets: a license fee of $20 for the first 500 lineal feet of net, $10 for the 2nd 500 lineal feet and $2 for each additional 100 lineal feet or fraction thereof, plus 25 cents for each metal tag for each 500 lineal feet of net or fraction thereof.

2. For gill nets: a license fee of $10 for the first 2,000 lineal feet of net and $1 for each additional 100 lineal feet or fraction thereof, plus 25 cents for each metal tag for each 2,000 lineal feet of net or fraction thereof.

3. For bait nets: the license fee is $20, plus the metal tag for each bait net is 25 cents each.

4. For buffalo and frame nets: the license fee is $10, plus the metal tag for each buffalo or frame net is 50 cents each.

5. For slat nets: the license fee is $20, plus the metal tag for each slat net is 50 cents each, not to exceed 50 slat nets per licensee.

6. For trammel nets: the license fee is $20 for each net, not to exceed 300 lineal feet, including one metal tag.

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(f) *Inland waters set or bank pole license.* The fee for a set or bank pole license for inland waters is $2.25 including 5 metal tags, one for each set or bank pole allowed.

(g) *Inland waters setline license.* The fee for a setline license for inland waters is $10, plus the metal tag for each setline is 25 cents each.

(h) *Wholesale fish dealer license.* The fee for a wholesale fish dealer license is $100.

(i) *Clam buyer license.* The fee for a clam buyer license is $300.

(k) *Assistant clam buyer license.* There is no fee for an assistant clam buyer license.

(L) *Clam helper license.* There is no fee for a clam helper license.

(m) *Commercial clam sheller license.* The fee for a commercial clam sheller license is $30.

(8) BAIT DEALER AND FISH HATCHERY LICENSES. (a) *Resident bait dealer, Class A.* The fee for a Class A bait dealer license is $25.

(b) *Resident bait dealer, Class B.* The fee for a Class B bait dealer license is $5.

(c) *Private fish hatchery, Class A.* The fee for a private fish hatchery, Class A license is $50.

(d) *Private fish hatchery, Class B.* The fee for a private fish hatchery, Class B license is $25.

(e) *Private fish hatchery, Class C.* The fee for a private fish hatchery, Class C license is $5.

(f) *Private fish hatchery, Class D.* The fee for a private fish hatchery, Class D license is $5.

(9) BIRD AND GAME FARMS, RELATED ACTIVITIES AND WILDLIFE IN CAPTIVITY; LICENSES; TAG; PERMITS. (a) *Pheasant and quail farm license.* The fee for a pheasant and quail farm license is $20.

(b) *Game bird and animal farm license.* The fee for a game bird and animal farm license is $10.

(c) *Fur animal farm license.* The fee for a fur animal farm license is $10.

(d) *Deer farm license.* The fee for a deer farm license is $25.

(e) *Deer farm sales license.* The fee for a deer farm sales license is $50.

(f) *Deer farm sales tag.* The fee for each deer farm sales tag is 5 cents.

(g) *Special retail deer sale permit.* The fee for a special retail deer sale permit is $5 for each deer sold.

(h) *Venison serving permit.* The fee for a venison serving permit is $5.

(i) *Bird and game farms; late fee.* The late fee for any license filed after the expiration date of a license issued under ss. 29.573 to 29.578 is $10 in addition to the regular fee.

(j) *Wildlife exhibit license.* The fee for a wildlife exhibit license is $10.

(10) SCIENTIFIC COLLECTOR PERMIT. There is no fee for a scientific collector permit.

(11) WILD RICE AND GINSENG; CARD AND LICENSES. (a) *Wild rice identification card.* There is no fee for a wild rice identification card.

(b) *Wild rice harvest license.* The fee for a wild rice harvest license is $7.50.

(c) *Wild rice dealer, class A.* The fee for a class A wild rice dealer license is $15.

(d) *Wild rice dealer, class B.* The fee for a class B wild rice dealer license is $50.

(e) *Wild rice dealer, class C.* The fee for a class C wild rice dealer license is $100.

(f) *Wild rice dealer, class D.* The fee for a class D wild rice dealer license is $150.

(g) *Wild ginseng harvest license.* The fee for a wild ginseng harvest license is $5, except that there is no fee for a license issued to a person for cutting, rooting up, gathering or destroying wild ginseng only on the person's own land.

(h) *Wild ginseng dealer license.* The fee for a wild ginseng dealer license is $100.

(12) SENIOR CITIZEN RECREATION CARD. The fee for a senior citizen recreation card is $15.

(13) FEES FOR DUPLICATE APPROVALS. (a) *Duplicate deer hunting license.* The fee for a duplicate resident deer hunting license or a nonresident deer hunting license is $6.50.

(b) *Duplicate archer hunting, sports or conservation patron license.* The fee for a duplicate resident archer hunting license, nonresident archer hunting license, sports license or conservation patron license is $6.50 if the duplicate license includes any deer tags and $3 if the duplicate license is issued after the open season for hunting deer and does not include any deer tags.

(c) *Duplicate hunting license; other.* The fee for a duplicate hunting license not specified under par. (a) or (b) is $3.

(cm) *Duplicate bear harvest permit.* The fee for a duplicate resident bear harvest permit or a duplicate nonresident bear harvest permit is $13.

(d) *Duplicate fishing license.* The fee for a duplicate fishing license is $3.

(e) *Duplicate senior citizen recreation card.* The fee for a duplicate senior citizen recreation card is $2.

(f) *Duplicate certificate of accomplishment.* The fee for a duplicate certificate of accomplishment is $2.

(g) *Duplicate; other approvals.* The fee for a duplicate license, permit, certificate or card not specified under pars. (a) to (f) is $2 if there is a fee for the original approval or application.

(14) WILDLIFE DAMAGE SURCHARGE. (a) *Surcharge generally.* In addition to the fees specified under subs. (2) (a) and (c) to (k) and (4) (a), a person who applies for a resident small game, resident deer, resident bear, resident archer, nonresident annual small game, nonresident 5-day small game, nonresident deer, nonresident bear, nonresident fur-bearing animal, nonresident archer license or resident sports license shall pay a wildlife damage surcharge of $1.

(b) *Addition of surcharge.* The wildlife damage surcharge shall be added to the fee provided in sub. (2) (a) or (c) to (k) or (4) (a).

(c) *Use of surcharge fees.* The wildlife damage surcharge shall be collected as are other approval fees and the surcharge fees shall be deposited in the conservation fund to be used for the wildlife damage abatement program, the wildlife damage claim program and for removal activities by the department under s. 29.59.

(15) ISSUING FEE. (a) *Issuing fee generally.* In addition to the fees specified for licenses and stamps under subs. (2) to (9), (11) and (13) and any surcharge fee imposed under sub. (14), a person who applies for a license or stamp or for a duplicate license or stamp issued under this chapter shall pay an issuing fee.

(b) *License.* Except as provided under par. (c), the issuing fee for each license is 60 cents.

(c) *Conservation patron license.* There is no issuing fee for a conservation patron license issued by the department from its central office. If a conservation patron license is not issued by the department from its central office, the issuing fee for this license is 60 cents.

(d) *Stamp.* The issuing fee for each stamp is 25 cents.

(e) *No issuing fee for senior citizen recreation card.* There is no issuing fee for a senior citizen recreation card.

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(f) *Addition of issuing fee to be shown with license or stamp fee as one amount.* The issuing fee shall be added to the fee provided in subs. (2) to (9), (11) and (13) and any surcharge fee imposed under sub. (14). Any amount shown on the printed license form or stamp shall be the total of the issuing fee and other fees.

(16) FEES HELD IN TRUST. All fees collected under this section for approvals issued under this chapter shall be held in trust for the state. Any person who collects, possesses or manages fees for approvals acts in a fiduciary capacity for the state.

History: 1983 a. 27; 1983 a. 192 ss. 68 to 70, 303 (6); 1983 a. 420, 538; 1985 a. 29 ss. 656d to 658, 3202 (39) (f); 1985 a. 270, 289, 326; 1987 a. 27, 290, 399; 1989 a. 31, 336.

29.093 Fish and wildlife; effective periods; restrictions. (1) SPECIFICATION OF EFFECTIVE PERIODS; RESTRICTIONS. Unless an approval issued under this chapter is suspended or revoked or unless another section of this chapter specifically provides otherwise, the approval is valid for the period specified under subs. (2) to (14). In addition to any other restriction under this chapter, no license may be issued if that issuance is restricted under sub. (2) or (3).

(2) HUNTING LICENSES; PERMIT; STAMPS; CERTIFICATE. (a) *General effective period.* Except as provided under pars. (b) and (c), a hunting license is valid from September 1 or the date of issuance, whichever is later, until August 31 of the following year.

(b) *Archer hunting license; issuance after the beginning of the open season for hunting deer.* Except as provided in par. (i) 2, a resident archer hunting license, a nonresident archer hunting license or a conservation patron license issued during the open season for the hunting of deer with a bow and arrow does not authorize such hunting until 3 days after it is issued, excluding the date of issuance.

(c) *Nonresident 5-day small game hunting license.* A nonresident 5-day small game hunting license is valid for the 5-day period specified on the license.

(cm) *Bear harvest permits.* A bear harvest permit is valid for the bear hunting season indicated on the permit.

(cr) *Hunting permits.* 1. A Class A or Class C permit issued under s. 29.09 (9) is valid for the 5-year period specified on the permit.

2. A Class B permit issued under s. 29.09 (9) (c) 2 or 3 is valid from September 1 or the date of issuance, whichever is later, until the following August 31, unless otherwise authorized by the department and specified on the permit.

3. A special hunting permit issued under s. 29.09 (9) before May 3, 1988, is valid until January 1, 1994.

4. A crossbow permit is valid for the 5-year period specified on the permit.

5. A special permit to hunt with a crossbow issued under s. 29.104 (4) (a) before and in effect on August 9, 1989, is valid for 5 years after August 9, 1989.

(d) *Wild turkey hunting stamp.* A wild turkey hunting stamp is valid for the one-year period specified on the stamp.

(e) *Waterfowl hunting stamp.* A waterfowl hunting stamp is valid from September 1 or the date of issuance, whichever is later, until August 31 of the following year.

(f) *Certificate of accomplishment.* Except as provided under s. 29.227 (1) (d), a certificate of accomplishment issued under s. 29.225 is valid for the hunting of small game in place of a small game hunting license for one year beginning on September 1 following the issuance of the certificate and ending on August 31 of the following year.

(g) *Restriction on the issuance of deer hunting licenses during the open season.* Except as provided under par. (i) 1, no resident deer hunting license, nonresident deer hunting license, sports license or conservation patron license may be issued during the open season for the hunting of deer with firearms.

(i) *Exceptions for service members.* 1. A resident deer hunting license may be issued before or after the opening of the season for hunting deer with firearms to a person who is a member of the U.S. armed forces who exhibits proof that he or she is in active service with the armed forces and that he or she is stationed in this state or a resident of this state on furlough or leave.

2. A resident archer hunting license or a conservation patron license issued during the open season for hunting deer with a bow and arrow authorizes such hunting beginning on the date of issuance if issued to a person who is a member of the U.S. armed forces who exhibits proof that he or she is in active service with the armed forces and that he or she is stationed in this state or is a resident of this state on furlough or leave.

3. A resident deer hunting license may be issued during a season for hunting deer with firearms to a person who is a resident and who has attained the age of 12 during that season.

(3) FISHING LICENSES; STAMPS. (a) *Generally.* Except as provided under pars. (b) to (f), a fishing license is valid from January 1 or the date of issuance, whichever is later, until December 31.

(b) *Resident senior citizen fishing license.* A permanent fishing license issued to a resident senior citizen under s. 29.145 (1a) is valid from the date of issuance and remains valid if the licensee is a resident.

(c) *Resident disabled person fishing license.* A permanent fishing license issued to a disabled person is valid from the date of issuance and shall remain valid as long as the licensee is a resident and his or her handicap continues.

(d) *Nonresident 15-day and nonresident 15-day family fishing licenses.* A nonresident 15-day fishing license or a nonresident 15-day family fishing license is valid for the 15-day period specified on the license.

(e) *Nonresident 4-day fishing license.* A nonresident 4-day fishing license is valid for the 4-day period specified on the license.

(f) *Resident and nonresident daily sports fishing licenses.* A resident daily sports fishing license or a nonresident daily sports fishing license is valid only for the date specified on the license.

(fm) *Trolling permits.* A trolling permit is valid for the 5-year period specified on the permit.

(g) *Fishing stamps.* An inland waters trout stamp or Great Lakes trout and salmon stamp is valid from January 1 or the date of issuance, whichever is later, until December 31.

(h) *Restrictions on issuance of sturgeon spearing licenses during the open season.* No sturgeon spearing license may be issued during the open season for the spearing of rock or lake sturgeon.

(4) COMBINATION LICENSES. A sports license or a conservation patron license is valid from September 1 or the date of issuance, whichever is later, until August 31 of the following year.

(5) GUIDE AND SPORT TROLLING LICENSES. A guide license or sport trolling license is valid from January 1 or the date of issuance, whichever is later, until December 31.

(6) TRAPPING AND FUR DEALER LICENSES AND TAXIDERMIST PERMITS. (a) *Trapping license.* A trapping license is valid from September 1 or the date of issuance, whichever is later, until the following August 31.

(b) *Fur dealer and related licenses.* A resident fur dealer, Class A license; resident fur dealer, Class B license; fur dresser or dyer license; itinerant fur dealer license or fur auctioneer

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license is valid from September 1 or the date of issuance, whichever is later, until the following August 31.

(c) *Taxidermist permit.* A resident or nonresident taxidermist permit is valid from September 1 or the date of issuance, whichever is later, until August 31 of the 2nd year following the year of issuance.

(7) COMMERCIAL FISHING, COMMERCIAL CLAMMING AND WHOLESALE FISH DEALER LICENSES. (a) *Outlying waters.* A commercial fishing license or a related crew license is valid from July 1 or the date of issuance, whichever is later, until the following June 30.

(b) *Mississippi and St. Croix rivers net license.* A net license for the Mississippi and St. Croix rivers authorizing the use of seine, gill, bait, buffalo, frame, slat or trammel nets is valid from April 16 or the date of issuance, whichever is later, until the following April 15.

(d) *Inland waters set or bank pole or setline license.* A set or bank pole license or setline license is valid from January 1 or the date of issuance, whichever is later, until December 31.

(e) *Wholesale fish dealer license.* A wholesale fish dealer license is valid from January 1 or the date of issuance, whichever is later, until December 31.

(f) *Assistant clam buyer license.* An assistant clam buyer license is valid from January 1 or the date of issuance, whichever is later, until December 31.

(g) *Clam buyer license.* A clam buyer license is valid from January 1 or the date of issuance, whichever is later, until December 31.

(h) *Clam helper license.* A clam helper license is valid from January 1 or the date of issuance, whichever is later, until December 31.

(i) *Commercial clam sheller license.* A commercial clam sheller license is valid from January 1 or the date of issuance, whichever is later, until December 31.

(8) BAIT DEALER AND FISH HATCHERY LICENSES. (a) *Bait dealer.* A bait dealer, Class A license or a bait dealer, Class B license is valid from January 1 or the date of issuance, whichever is later, until December 31.

(b) *Fish hatcheries.* A private fish hatchery, Class A, Class B, Class C or Class D license is valid from January 1 or the date of issuance, whichever is later, until December 31.

(9) BIRD AND GAME FARMS, RELATED ACTIVITIES AND WILDLIFE IN CAPTIVITY; LICENSES AND PERMITS. (a) *Pheasant and quail farm license.* A pheasant and quail farm license is valid from July 1 or the date of issuance, whichever is later, until the following June 30.

(b) *Game bird and animal farm license.* A game bird and animal farm license is valid from January 1 or the date of issuance, whichever is later, until December 31.

(c) *Fur animal farm license.* A fur animal farm license is valid from January 1 or the date of issuance, whichever is later, until December 31.

(d) *Deer farm license.* A deer farm license is valid from January 1 or the date of issuance, whichever is later, until December 31.

(e) *Deer farm sales license.* A deer farm sales license is valid from January 1 or the date of issuance, whichever is later, until December 31.

(f) *Special retail deer sale permit.* A special retail deer sale permit is valid for the limited period specified on the permit.

(g) *Venison serving permit.* A venison serving permit is valid for a period not to exceed 30 days after the date of issuance.

(h) *Bird and game farms, late filing.* Notwithstanding pars. (a) to (e), the rights and privileges of a person issued a license under ss. 29.573 to 29.578 may be continued for 45 days as provided under s. 29.572 (3).

(i) *Wildlife exhibit license.* A wildlife exhibit license is valid from January 1 or the date of issuance, whichever is later, until December 31.

(10) SCIENTIFIC COLLECTOR AND ENDANGERED SPECIES PERMITS. (a) *Scientific collector permit.* A scientific collector permit is valid from January 1 or the date of issuance, whichever is later, until December 31.

(b) *Endangered species permit.* A permit issued under s. 29.415 (6) is valid for the period designated by the department.

(11) WILD RICE AND GINSENG. (a) *Wild rice licenses.* A wild rice harvest license or any class A, class B, class C or class D wild rice dealer license is valid from May 1 or the date of issuance, whichever is later, until the following April 30.

(b) *Wild ginseng harvest license.* A wild ginseng harvest license is valid from September 1 or the date of issuance, whichever is later, until November 1 of that same year.

(c) *Wild ginseng dealer license.* A wild ginseng dealer license is valid from July 1 or the date of issuance, whichever is later, until the following June 30.

(12) SENIOR CITIZEN RECREATION CARD. A senior citizen recreation card is valid from the date of issuance and shall remain valid as long as the person is a resident.

(13) DUPLICATES. A duplicate approval is valid from the date of issuance until the expiration of the original approval.

(14) OTHER. A license or stamp not mentioned under subs. (2) to (13) is valid from September 1 or the date of issuance, whichever is later, until the following August 31.

History: 1983 a. 27; 1983 a. 192 s. 303 (6); 1983 a. 420; 1985 a. 29, 270, 289; 1987 a. 27, 353, 399; 1989 a. 31, 216, 336.

29.095 Senior citizen recreation card. (1) The department and the county clerk of each county shall issue a senior citizen recreation card, subject to s. 29.09, to any resident senior citizen who presents satisfactory proof of age.

(2) The recreation card entitles the holder to exercise all of the combined rights and privileges conferred by a resident small game hunting license and resident fishing license, subject to all duties, conditions, limitations and restrictions prescribed under this chapter and by department order. The card permits any vehicle, except a motor bus, as defined in s. 340.01 (31), having a card holder as an occupant to enter any vehicle admission area under s. 27.01 (7) without having an admission sticker affixed to it and without paying a fee. The card permits a card holder to enter Heritage Hill state park or a state trail without paying an admission fee.

(3) Except as provided in this section, possession of a recreation card shall not entitle the holder to obtain any other privileges or services for free if the privileges or services may be obtained only through payment of a fee.

(5) The department shall allocate the proceeds from recreation card sales among the various affected programs at its discretion.

(6) (a) The department shall annually distribute materials, as provided by the department, explaining the voluntary program that is specified in s. 71.55 (10) (b) to a senior citizen who is issued a senior citizen recreation card under sub. (1).

(c) Beginning in 1991, the department shall annually submit a report to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) concerning the numbers of individuals, by counties in this state, to whom the department distributed explanatory materials under par. (a).

History: 1977 c. 424; 1979 c. 34; 1983 a. 27; 1987 a. 27; 1989 a. 294.

NOTE: Section 29.145 (1a) allows a resident senior citizen to receive a permanent fishing license without cost.

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29.10 Resident small game hunting license. A resident small game hunting license shall be issued subject to s. 29.09 by the department or by a county clerk to any resident applying for this license. The resident small game hunting license does not authorize the hunting of bear or deer.

History: 1973 c. 90 s. 538; 1973 c. 315; 1979 c. 34; 1983 a. 27.

29.101 Lead shotshell restrictions. No person may hunt waterfowl or coots with any firearm utilizing lead shotshells or any other shotshell classified by the federal government as toxic or harmful to wildlife or the environment.

History: 1985 a. 155, 332.

29.102 Waterfowl hunting stamp. (1) REQUIREMENT; ISSUANCE; EXCEPTIONS. (a) *Requirement.* Except as provided under par. (c), no person may hunt waterfowl unless he or she is issued a conservation patron license or unless he or she is issued a waterfowl hunting stamp which is affixed by the stamp's adhesive to the person's hunting license which authorizes the hunting of small game or to the person's sports license.

(b) *Issuance.* The waterfowl hunting stamp shall be issued by the department and its agents and by county clerks subject to s. 29.09. The waterfowl hunting stamp shall be designed and produced by the department as provided under s. 29.09 (13).

(c) *Exemptions.* Any person who is under 16 years of age is exempt from the requirements of this subsection. Any person who is exempt from the requirement to have a hunting license or who is not required to pay a fee for a hunting license is exempt from the requirements of par. (a).

(2) USE OF MONEY FROM FEES. (a) *Habitat.* The department shall expend 67% of the money received from fees for waterfowl hunting stamps for developing, managing, preserving, restoring and maintaining wetland habitat and for producing waterfowl and ecologically related species of wildlife.

(b) *Propagation.* The department shall expend 33% of the money received from fees for waterfowl hunting stamps for the development of waterfowl propagation areas within Canada which will provide waterfowl for this state and the Mississippi flyway. Money for the development of waterfowl propagation areas shall be provided only to nonprofit organizations. Before providing any money the department shall obtain evidence that the proposed waterfowl propagation project is acceptable to the appropriate provincial and federal governmental agencies of Canada.

History: 1977 c. 376; 1979 c. 34; 1983 a. 27.

29.103 Wild turkey hunting; stamp; zones; permit. (1) DEFINITIONS. As used in this section:

(a) "Family member" means a person who is related to another person as a parent, child, spouse or sibling.

(b) "Landowner" means the owner of record of a parcel of land or the purchaser of land under a land contract who has the right to occupy and the right to use the land.

(c) "Operator" means a resident who is residing on a parcel of land under a rental agreement, lease, agreement or contract and who is engaged in farm activities or other operations on the land.

(d) "Resident applicant" includes a qualified resident landowner who applies for a wild turkey hunting permit.

(2) WILD TURKEY HUNTING STAMP. (a) *Requirement.* Except as provided under par. (e), no person may hunt wild turkey unless he or she has a valid wild turkey hunting stamp stapled or affixed by the stamp's adhesive to the person's hunting license which authorizes the hunting of small game, to the person's sports license or to the person's conservation patron license.

(b) *Issuance.* The wild turkey hunting stamp shall be issued by the department or a county clerk subject to s. 29.09. The department shall design and produce wild turkey hunting stamps as provided under s. 29.09 (13).

(c) *Tags.* The department may provide tags to be issued with a wild turkey hunting stamp.

(d) *Authorization.* A wild turkey hunting stamp authorizes the hunting of wild turkey in open zones during the open season but only if any turkey hunting permit required by the department is also issued to the person with the wild turkey hunting stamp.

(e) *Exemptions.* Any person who is exempt from the requirement to have a hunting license or who is not required to pay a fee for a hunting license is exempt from the requirements of par. (a).

(3) TURKEY HUNTING ZONES. The department may establish by rule wild turkey hunting zones where turkey hunting is permitted. The department may establish by rule closed zones where wild turkey hunting is prohibited. No person may hunt wild turkeys in a closed zone.

(4) TURKEY HUNTING PERMITS. (a) *Requirement.* The department may require by rule a wild turkey hunting permit for any person who hunts wild turkeys. If a wild turkey hunting permit is required, no person may hunt wild turkeys unless the person is issued that permit. The department may require by rule a wild turkey hunting permit which is valid for a designated wild turkey hunting zone for any person who hunts wild turkeys in that zone. No person may hunt wild turkeys in a wild turkey hunting zone unless the person is issued a wild turkey hunting permit which is valid for that zone.

(b) *Landowner preference.* 1. If the department requires wild turkey hunting permits, the department shall give first preference in the issuance of these permits to applicants applying under the landowner preference system. The number of permits issued under this section for a season for an established wild turkey hunting zone may not exceed 30% of all permits issued for that season in that zone.

2. A qualified resident landowner may apply for a wild turkey hunting permit under the landowner preference system. A qualified resident landowner is a resident who owns at least 50 acres in one parcel in an established wild turkey hunting zone and who agrees to allow other persons to hunt wild turkeys on that land if those persons first obtain permission to hunt from the landowner. If more than one individual is the landowner of a single parcel of land, only one individual may be considered a qualified resident landowner.

3. A qualified resident landowner may assign his or her eligibility to apply for a wild turkey hunting permit under the landowner preference system to a family member, to an operator or to a family member of the operator. The department may specify the procedures and forms which are required to be followed and completed to effect this assignment. After this assignment, the assignee may apply for a wild turkey hunting permit under the landowner preference system and the qualified resident landowner may not, notwithstanding subd. 2.

(c) *Other preferences.* If the department requires wild turkey hunting permits, the department shall give, in the issuance of these permits:

1. Second preference to resident applicants who applied for but who were not issued wild turkey hunting permits:

a. For the previous season if the department establishes one open season per year; or

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b. For the previous corresponding season if the department establishes more than one open season per year.

2. Third preference to all other resident applicants.

3. Fourth preference to nonresident applicants.

(d) *Permit limitation.* No person may apply for or receive more than one wild turkey hunting permit during one season.

History: 1981 c. 262; 1983 a. 27, 192; 1985 a. 332 s. 253; 1987 a. 399; 1989 a. 31, 73.

29.104 Resident archer hunting license. (1) A resident archer hunting license shall be issued subject to s. 29.09 by the department or by a county clerk to any resident applying for this license.

(2) A resident archer hunting license authorizes the hunting of all game, except bear, during the open seasons for hunting that game with bow and arrow established by the department. This license authorizes hunting with a bow and arrow only, unless hunting with a crossbow is authorized under sub. (4).

(3) The department or county clerk shall issue to each person who is issued a resident archer hunting license a deer tag and a back tag in the form and numbered as required by the department.

(4) (a) After proper application, the department shall issue to any person a crossbow permit to hunt with a crossbow meeting the specifications of par. (b) if the person is unable to use a bow and arrow and if the person meets any of the following:

1. Possesses a Class A permit under s. 29.09 (9).

2. Has an amputation or other loss of one or more arms above the wrist.

3. Has an amputation or other loss of the index or middle finger on the draw and release hand.

4. Has a permanent substantial loss of function in one or both arms or one or both hands and fails to meet the minimum standards of the standard upper extremity pinch, grip and 9-hole peg tests, administered under the direction of a licensed physician.

5. Has a permanent substantial loss of function in one or both shoulders and fails to meet the minimum standards of the standard shoulder strength tests, administered under the direction of a licensed physician.

(b) Crossbows used in hunting under this subsection shall meet all of the following specifications:

2. Shall have a minimum draw weight of 100 pounds.

4. Shall have a working safety.

5. Shall be used with bolts or arrows of not less than 14 inches in length with a broadhead.

History: 1973 c. 90 s. 538; 1977 c. 232; 1979 c. 34; 1983 a. 27; 1985 a. 270; 1987 a. 353; 1989 a. 31.

29.105 Resident deer hunting license. (1) *Issuance.* A resident deer hunting license shall be issued subject to s. 29.09 by the department or by a county clerk to any resident applying for this license.

(2) AUTHORIZATION. A resident deer hunting license authorizes the hunting of deer with firearms only.

(3) DEER TAG AND BACK TAG. The department or county clerk shall issue to each person who is issued a resident deer hunting license a deer tag and a back tag in the form and numbered as required by the department.

History: 1973 c. 90 s. 538; 1979 c. 34; 1983 a. 27; 1985 a. 270.

29.106 Deer hunting by practitioners of Winnebago religion. (1) Persons who are enrolled members of the Winnebago Indian tribe and residents of this state and who practice the traditional Winnebago religion may hunt deer during daylight hours for the members' use in religious ceremonies without obtaining licenses under this chapter. Each hunting party shall be designated by the respective clan. Each clan leader shall obtain permission for deer hunting under this section from the department not less than 24 hours prior to each hunt.

(2) The department shall promulgate rules necessary to control the conditions and location under which hunting under this section may take place. The department may deny permission for hunting under this section when it determines that such a denial is necessary to effectively manage the deer population. The number of deer taken by all of the Winnebago clans for religious purposes during any calendar year shall be established by the department, by rule, when necessary to effectively manage the deer population. Hunting privileges under this section may not be exercised during the regular open season for deer.

(3) Nothing in this section may be construed to eliminate any requirement that a landowner's permission must be obtained prior to hunting on his or her land.

History: 1977 c. 242.

29.107 Special deer hunting permits. (1) ISSUANCE. The department may issue a hunter's choice deer hunting permit, a deer hunting party permit or other special deer hunting permit to a person with a valid deer hunting license who applies for the permit.

(2) AUTHORIZATION. A hunter's choice deer hunting permit may authorize or require the permit holder to take deer of a sex or type not authorized by a regular deer hunting license. A deer hunting party permit may authorize members of a deer hunting party to take additional deer not authorized by a regular deer hunting license. Except as authorized by rule, a person may not apply for or be issued more than one special deer hunting permit in a single season. The department shall specify by rule the type and number of deer which may be taken, the deer management areas where special permits are valid, the number of special permits to be issued and other restrictions and conditions concerning special deer hunting permits.

(3) FINDINGS. The department may issue hunter's choice deer hunting permits, deer hunting party permits or other special deer hunting permits only in those years in which the department finds that the size or characteristics of the deer population of this state require additional or special types of deer to be taken for proper game management.

(4) PREFERENCE SYSTEM; RANDOM SELECTION. If the number of applications for a type of special deer hunting permit in a deer management area exceeds the number of available special permits, the department shall issue those special permits according to the preference system established under this subsection and sub. (5). If the number of qualified applicants exceeds the number of special permits available in a preference category, the department shall select at random the applicants to be issued special permits.

(5) PREFERENCE CATEGORIES. (a) *Qualified landowners.* The department shall give first preference in the issuance of special deer hunting permits to applicants who are qualified landowners, but not more than 30% of the available special permits for a deer management area for one season may be issued under this preference category.

(b) *Unsuccessful resident applicants.* After issuing special deer hunting permits under par. (a), the department shall give next preference in the issuance of those special permits to resident applicants who applied for but were not issued a special permit in the preceding year.

(c) *Other resident applicants.* After issuing special deer hunting permits under pars. (a) and (b), the department shall

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give next preference in the issuance of those special permits to residents.

(6) QUALIFIED LANDOWNER. In order to apply for a special deer hunting permit as a qualified landowner a person is required to be a resident, the owner of record or a vendee under a land contract of at least 50 acres in one parcel located in whole or in part in the deer management area for which the special permit is valid and a resident of the county in which that parcel is located or a resident of a county adjacent to the county in which that parcel is located. No more than one person may apply as a qualified landowner for one parcel of land in one season and if the parcel of land is located in more than one deer management area, the owner or vendee may apply as a qualified landowner in only one of the deer management areas in which the parcel of land is located in one season.

History: 1985 a. 29; 1987 a. 274, 353, 399; 1989 a. 31.

29.1085 Bear harvest permits. (1) DEPARTMENT AUTHORITY. The department may regulate and limit the number of bear hunters and bear harvested in any area of the state.

(2) PERMITS. (a) *Requirement.* No person may shoot, shoot at, kill, take, catch or possess a bear unless the person is issued a valid bear harvest permit.

(b) *Authorization.* A bear harvest permit is valid only for the area specified in the permit.

(c) *License requirement.* The department may not issue a bear harvest permit to a person unless the person has a valid bear hunting license.

(3) ISSUANCE. (a) *Application.* A person who seeks a bear harvest permit shall hold a bear hunting license valid for the applicable bear hunting season at the time of application and shall apply to the department on forms provided by the department. The department may specify information to be included in the application and other requirements and procedures for application.

(b) *Continuous preference system; random selection.* If the number of qualified applications for bear harvest permits exceeds the number of available permits, the department shall select applicants to be issued bear harvest permits based upon a continuous preference system. This system shall establish preference categories for those applicants who applied for but did not receive a bear harvest permit in the previous season, with the highest preference category for those who applied for but did not receive the permit in the most consecutive preceding seasons. The department shall select at random the applicants to be issued bear harvest permits within each preference category.

(c) *Notification, issuance; payment.* The department shall issue a notice of approval to those qualified applicants selected to receive a bear harvest permit. A person who receives a notice of approval and who pays the fee as required by the department shall be issued a bear harvest permit.

(4) USE OF FEES. Fees received from the issuance of bear harvest permits shall be paid into the conservation fund to be used for administering bear hunting licenses and bear harvest permits and for bear management activities.

(5) CARCASS TAG. The department shall issue a bear carcass tag to each person who is issued a bear harvest permit. A person who kills a bear shall immediately validate and attach the carcass tag to the bear. The carcass tag shall be attached and validated according to rules promulgated by the department.

(6) RULES. The department may promulgate rules to administer and interpret this section.

History: 1985 a. 270.

29.109 Resident bear hunting license. (1) ISSUANCE. A resident bear hunting license shall be issued subject to s. 29.09 by the department or by a county clerk to any resident applying for this license.

(2) AUTHORIZATION. No person issued a resident bear hunting license may:

(a) *Bear harvest permit required.* Shoot, shoot at, kill, take, catch or possess a bear unless the person also holds a bear harvest permit issued under s. 29.1085.

(b) *Assisting a permit holder.* Pursue a bear unless the person is assisting a person who holds a bear harvest permit issued under s. 29.1085.

(3) USE OF FEES. Fees received from the issuance of resident bear hunting licenses shall be paid into the conservation fund to be used for administering bear hunting licenses and bear harvest permits and for bear management activities.

History: 1985 a. 270.

29.11 Nonresident annual small game hunting license. A nonresident annual small game hunting license shall be issued subject to s. 29.09 by the department or by a county clerk to any nonresident applying for this license. The nonresident annual small game hunting license authorizes the hunting of small game during the appropriate open season but does not authorize the hunting of deer, bear or fur-bearing animals.

History: 1983 a. 27.

29.112 Nonresident 5-day small game hunting license. A nonresident 5-day small game hunting license shall be issued subject to s. 29.09 by the department or by a county clerk to any nonresident applying for this license. The nonresident 5-day small game hunting license authorizes the hunting of small game for which there is an open season during the 5-day period for which it is issued but does not authorize the hunting of deer, bear or fur-bearing animals.

History: 1983 a. 27.

29.113 Nonresident deer hunting license. (1) ISSUANCE. A nonresident deer hunting license shall be issued subject to s. 29.09 by the department or by a county clerk to any nonresident applying for this license.

(2) AUTHORIZATION. A nonresident deer hunting license authorizes the hunting of deer with firearms only.

(3) DEER TAG AND BACK TAG. The department or county clerk shall issue to each person who is issued a nonresident deer hunting license a deer tag and a back tag in the form and numbered as required by the department.

History: 1983 a. 27.

29.114 Nonresident bear hunting license. (1) ISSUANCE. A nonresident bear hunting license shall be issued subject to s. 29.09 by the department or by a county clerk to any nonresident applying for this license.

(2) AUTHORIZATION. No person issued a nonresident bear hunting license may:

(a) *Bear harvest permit required.* Shoot, shoot at, kill, take, catch or possess a bear unless the person also holds a bear harvest permit issued under s. 29.1085.

(b) *Assisting a permit holder.* Pursue a bear unless the person is assisting a person who holds a bear harvest permit issued under s. 29.1085.

(3) USE OF FEES. Fees received from the issuance of nonresident bear hunting licenses shall be paid into the conservation fund to be used for administering bear hunting licenses and bear harvest permits and for bear management activities.

History: 1985 a. 270.

29.116 Nonresident fur-bearing animal hunting license. A nonresident fur-bearing animal hunting license shall be issued

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subject to s. 29.09 by the department or a county clerk to any nonresident applying for this license. The nonresident fur-bearing animal hunting license authorizes the hunting of skunk, raccoon, fox, weasel, opossum, coyote and wildcat during the appropriate open season but does not authorize the hunting of other fur-bearing animals, other small game, deer or bear.

History: 1983 a. 27.

29.117 Nonresident archer hunting license. (1) ISSUANCE. A nonresident archer hunting license shall be issued subject to s. 29.09 by the department or by a county clerk to any nonresident applying for this license.

(2) AUTHORIZATION. The nonresident archer hunting license authorizes the hunting of all game, except bear and fur-bearing animals, during the open season for the hunting of that game with a bow and arrow. This license authorizes hunting with a bow and arrow only and does not authorize hunting with a crossbow.

(3) DEER TAG AND BACK TAG. The department or county clerk shall issue to each person who is issued a nonresident archer hunting license a deer tag and a back tag in the form and numbered as required by the department.

History: 1983 a. 27; 1985 a. 270.

29.123 Disabled veterans, Great Lakes Naval Hospital. Notwithstanding any other statute, any disabled veteran who is a patient at the Great Lakes Naval Hospital, Great Lakes, Illinois, may hunt pheasant in this state in Columbia county on any one day in November in each year, the day to be specified by the administrator of the hospital to the department, without obtaining a resident or nonresident hunting license under this chapter.

History: 1971 c. 127; 1973 c. 243 s. 81.

29.125 Reports of hunters. Each person to whom a hunting or trapping license has been issued under this chapter shall, when requested to do so by the department, report to the department, on forms furnished by it, the number of his license, the number and kind of each animal taken by the licensee and such other information as the department requires.

29.13 Trapping licenses. (1) (a) *Issuance.* A trapping license shall be issued subject to s. 29.09 by the department or by a county clerk to any resident applying for this license.

(b) *Authorization.* A trapping license authorizes the use of traps for trapping fur-bearing animals.

(c) *Individual licenses required.* If a trapper employs any person in trapping, a license is required for each person employed.

(d) *Tags.* Each trap used under a trapping license shall be tagged with a metal tag stamped with the name and address of the owner. All untagged traps shall be seized and confiscated, and the owner or person using or attending the untagged traps shall be punished as provided under s. 29.99 (4) and (12).

(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 department, by affidavit, on blanks furnished by the department, the number of his license, the number and value of each variety of animals taken during the previous 12 months ending May first, and such other information as may be required on the blanks furnished.

(5) (a) No person may molest, take or appropriate a trap belonging to another person when the trap is lawfully placed. No person may take or appropriate the animal or contents of any lawfully placed trap belonging to another person.

(b) A person who violates this subsection shall be fined not less than $300 nor more than $1,000 or imprisoned not more than 90 days or both. In addition, if a person violates this subsection, the court shall revoke all licenses issued to the person under this chapter for 5 years.

History: 1973 c. 90; 1975 c. 365 s. 62; 1979 c. 34; 1979 c. 190 s. 4; 1981 c. 236; 1981 c. 243 s. 7; 1981 c. 391; 1983 a. 27.

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

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

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

(c) "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.

(d) "Itinerant fur buyers" means persons 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.

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

(f) "Resident fur dealer, Class A" means persons 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 $2,000 or more each year.

(g) "Resident fur dealer, Class B" means persons 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.

(2) No person 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 this section.

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

(5) Persons 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 resident fur dealer, Class A; resident fur dealer, Class B; fur dresser or dyer; itinerant fur dealer or fur auctioneer license shall bear upon its face the date of issuance. The license shall be shown to the department or its wardens 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

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department and its agents and wardens at all reasonable hours. The records shall be kept intact for a period of 2 years after the expiration of any license issued under 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 department 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 department 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 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 department or its wardens, and such department or its wardens shall stamp or mark said furs with a stamp or tag furnished by the department 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 department or its wardens for permits to buy such furs.

(11) Any person who violates this section shall be fined not more than $1,000, or imprisoned not more than 9 months, or both. Any person violating sub. (6m) shall forfeit not more than $100.

History: 1975 c. 365; 1983 a. 27.

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

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

(b) "Fish" means any processed or unprocessed fish of those species which are found in the waters of this state as defined in s. 144.01 (19), including parts of fish or fish products. "Fish" does not include minnows produced and sold or purchased as bait.

(c) 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.

(d) "Seafood" 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 lutefisk.

(e) "Wholesale fish dealer" means any person who buys, barters, sells or solicits fish in any manner for himself or any other person for sale to anyone other than a consumer; but no established retail store or locker plant is deemed a "wholesale fish dealer" solely as the result of the sale of fish to a restaurant, hotel or tavern at no reduction in the retail price charged other retail customers. 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.

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

(3) ISSUANCE. The department shall issue a wholesale fish dealer license to any person 18 years of age or older who applies for this license, if that person is not otherwise prohibited from being issued a license under s. 29.99 or 29.995.

(4) ROCK AND LAKE STURGEON. A wholesale fish dealer license does not authorize a person to sell, buy, barter, trade, possess, control or transport rock or lake sturgeon.

(5) TAGGING AND LABELING REQUIREMENTS. (a) *Tag, label or receipt required.* No wholesale fish dealer may sell, buy, barter, trade, possess, control or transport any fish unless the fish are tagged and labeled in accordance with the law of the state or country where they were taken or, if no label or tag is required under the law of that state or country, unless the fish are accompanied by a receipt from the person from whom the fish were purchased or obtained.

(b) *Special tagging requirements for lake trout.* Effective July 1, 1986, no wholesale fish dealer or producer of fish may sell, buy, barter, trade, possess, control or transport any lake trout unless the lake trout is tagged with a valid, current commercial fish tag issued or authorized by the department or by a governmental agency of another state or country. If a licensed wholesale fish dealer gives the department at least 12 hours notice of the date, time and location of arrival at the state line of lawfully possessed, untagged lake trout which are intended for importation into this state by the licensed wholesale fish dealer, the department or its representatives shall meet the shipment of lake trout and attach a "foreign lake trout tag" to each fish or seal the shipment with a department seal which may not be removed prior to delivery to the licensed wholesale fish dealer. The department or its representative shall tag the lake trout in a timely and orderly manner, and so as not to create any damage or spoilage to the fish. The tag shall be attached through the gills and mouth of whole lake trout, or in a manner which results in 2 complete fillets joined by the tag. For tagging of other forms of lake trout, the department shall promulgate rules to determine the manner in which the tag shall be attached to or accompany the trout, and the conditions, if any, under which the tag may be separated from the trout.

(c) *Failure to tag or label.* Fish which are not tagged, labeled or accompanied by a receipt showing the fish were taken in another state or country as required under par. (a) or (b) are presumed to have been taken from the waters of this state.

(d) *Package labeling requirements.* No wholesale fish dealer or producer of fish may transport or cause to be transported, or deliver or receive for transportation, any package or box containing any fish unless it is labeled legibly in a manner which discloses the name, address and license number of the consignor which shall be identical to that on the license; the name and address of the consignee; and each kind of fish contained in the package or box. If such shipment of fish is accompanied by an invoice containing the complete name,

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address and license number of the consignor, which shall be identical to that on the license; the complete name, address and license number, if any, of the consignee; the date of shipment from the consignor; the kinds of fish, the pounds of each kind and the description of the fish being shipped; and the signature of the person completing the invoice, the kinds of fish contained may be omitted from the package or box labels. Producers shall only be required to label or provide invoices for packages or boxes of fish being transported by motor vehicle for purposes of sale. This paragraph does not apply to a producer of fish on the Mississippi river.

(6) RECORDS AND REPORTS. (a) *Records.* Each wholesale fish dealer shall keep a complete, legible and accurate record of all fish purchased or obtained in his or her capacity as a wholesale fish dealer, in the manner required and on forms provided by the department. The record shall include the complete name, address and fish dealer license number of the purchaser; the complete name, address and wholesale fish dealer or commercial fishing license number of the person from whom the fish were purchased or obtained; the date of the transaction; the kinds of fish, the pounds of each kind and the description of the fish purchased or obtained; and the signature of the person completing the record.

(b) *Reports.* On or before the 10th day of each month, each wholesale fish dealer shall submit the records for the preceding month to the department. If the records are mailed to the department, the date of the postmark constitutes the date of submission.

(7) INSPECTION. (a) *Subjects of inspection.* Fish stored or in the possession of a wholesale fish dealer, records and reports of a wholesale fish dealer and buildings, structures, vessels, equipment and materials related to a wholesale fish dealer's business are subject to inspection by the department as provided in this subsection.

(b) *Inspection authority; entry; inspection.* For the purpose of enforcing this subsection, a conservation warden or a representative of the department, upon presentation of his or her credentials to a wholesale fish dealer, a person operating a vehicle for a wholesale fish dealer or an employe or person acting on behalf of a wholesale fish dealer, is authorized during any time when business is being conducted on the premises:

1. To enter any building or structure, except a dwelling place, where fish are stored, processed, packed or held, where a wholesale fish dealer's records or reports are kept, where vehicles, equipment or materials used in a wholesale fish dealer's business are located or where activities related to a wholesale fish dealer's business are conducted and to enter any vehicle used to transport or hold fish.

2. To inspect fish stored or in the possession of a wholesale fish dealer, records or reports of a wholesale fish dealer and buildings, structures, vessels, vehicles, equipment and materials related to a wholesale fish dealer's business.

(c) *Failure to permit inspection.* No wholesale fish dealer, operator of a vehicle for a wholesale fish dealer or employe or person acting on behalf of a wholesale fish dealer may prohibit entry or prohibit an inspection to be conducted as authorized under this subsection unless a court restrains or enjoins the entry or inspection.

History: 1975 c. 365; 1979 c. 142; 1983 a. 27; 1985 a. 29.

29.136 Taxidermists. (1) DEFINITION. In this section, "taxidermist" means a person who mounts or preserves the carcass of any wild animal for consideration.

(2) PERMIT REQUIREMENTS. No person may engage in business as a taxidermist after August 31, 1986, unless he or she is issued a taxidermist permit subject to s. 29.09 by the department. This subsection does not apply to agents or employes of taxidermists while working under the direct supervision of a taxidermist permit holder.

(3) PERMITS; PREREQUISITES. The department shall not issue a taxidermist permit to any person unless that person has a seller's permit issued by the department of revenue and the number of the seller's permit is reported on the application form.

(4) AUTHORIZATION. Subject to this section and rules promulgated under this section, a taxidermist permit authorizes the permit holder to possess and transport wild animals or carcasses in connection with his or her business. This authority supersedes restrictions on the possession and transportation of wild animals and carcasses regardless of bag limits, rest days, closed seasons and similar restrictions, notwithstanding s. 29.174 and rules promulgated by the department under that section. Subject to this section and rules promulgated under this section, a taxidermist permit entitles the permit holder to the same privileges as a Class A fur dealer's license.

(5) PROHIBITION ON COMMINGLING CARCASSES; CARCASS IDENTIFICATION. (a) *Commingling.* No person may commingle, store, possess or transport carcasses of wild animals received in connection with his or her business with carcasses of wild animals received for any other purpose. This paragraph does not require separate refrigeration units for carcasses of wild animals received in connection with a person's business, if properly identified and recorded under par. (b), and carcasses of wild animals received for any other purpose.

(b) *Carcass identification; owner information.* A person who receives the carcass of any wild animal in connection with his or her business as a taxidermist shall attach an identification tag to the carcass and record information concerning the owner of the carcass. The identification tag shall remain with the carcass while it is in the possession or under the control of the taxidermist. Each identification tag shall have an identification number which corresponds with the information record of the owner of the carcass. The information record of the owner shall include the owner's name, address and signature, a description of the carcass and the date the carcass is received by the taxidermist. This paragraph does not apply to salvage or spare parts of any carcass owned by a taxidermist that are used for repair or replacement purposes.

(6) RECORDS. A taxidermist shall maintain records on sales forms, in triplicate, as required by the department. These records shall include information records of the owner as required under sub. (5) (b), records of all other wild animal carcasses received in his or her place of business and records of deliveries and shipments of wild animal carcasses. Records related to the effective period of a taxidermist permit shall be maintained for 2 years following the end of that effective period. This subsection does not apply to salvage or spare parts of any carcass owned by a taxidermist that are used for repair or replacement purposes.

(7) INSPECTIONS. (a) *Departmental authority; limitations.* A conservation warden may enter a taxidermist's place of business for inspection purposes as provided under par. (b) only:

1. Between the hours of 8 a.m. and 8 p.m.

2. On weekdays, excluding legal holidays.

3. Upon presentation of his or her credentials to the taxidermist or an employe or agent of the taxidermist.

(b) *Items subject to inspection.* All records required under subs. (5) (b) and (6) or related to the taxidermist's business are subject to departmental inspection as provided under par. (a). A taxidermist or an employe or agent of the taxidermist shall

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cooperate with and exhibit items subject to inspection to a conservation warden or any other agent of the department.

(c) *Report.* If requested, the department shall issue a report concerning any inspection conducted under this subsection.

(8) PENALTIES. Any person who violates this section or any rules promulgated under this section is subject to the following penalties:

(a) For a first conviction for any violation, a forfeiture of not more than $25.

(b) For a 2nd or subsequent conviction for any violation within 3 years of any previous violation, a forfeiture of not less than $25 nor more than $500.

History: 1985 a. 29.

29.137 Bait dealer license. (1) A bait dealer license may be issued by the department to any resident of this state who has complied with the department's rules 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 buys for resale, barters, gives or sells bait to the amount of $2,000 or more each year.

(c) "Bait dealer, Class B" means any person who buys or gives for resale, barters, or sells bait to the amount of less than $2,000 each year.

(3) No person shall engage in the business of bait dealer without obtaining a license therefor from the department issued pursuant to this section, except that resident children under 16 years of age, without license or permit, may barter or sell bait to consumers and shall be allowed to have a possession limit of 5,000 of each species of bait, but no such resident child shall make bait sales totaling more than $500 annually.

(5) In accordance with the public policy declared in s. 29.174 (1), the department may promulgate rules pursuant to s. 29.174, governing the methods of taking, handling and storing bait, specification of equipment used, and making of reports.

(5m) Each licensee shall keep a correct and complete book record in the English language of all transactions in the production, buying and selling of bait carried on by him, except that retail sales to consumers need not be recorded. This record shall show the name and post-office address from whom bait was purchased and to whom sold, together with the date of each transaction and the value of such bait. This record shall be open to the inspection of the department and its wardens at all reasonable hours. The record shall be kept intact for a period of 2 years after the expiration of any license issued under this section, as to all transactions carried on while such license was effective.

(7) The department may issue permits for the taking of bait from specified waters and 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 department.

(8) This section does not apply to bait produced in a private fish hatchery licensed under s. 29.52.

(9) Any person who molests, damages, destroys or takes the bait traps of another, regardless of intent, shall forfeit not more than $100.

History: 1975 c. 365; 1981 c. 226; 1983 a. 27; 1985 a. 332 s. 251 (3); 1989 a. 359.

29.14 Nonresident fishing licenses. (1) FISHING LICENSE REQUIREMENT; EXCEPTIONS. (a) *Requirement.* Except as provided under pars. (b) and (c) or s. 29.155 (1), except for persons with resident licenses under s. 29.09 (12) (a) and except as otherwise specifically provided by another section of this chapter, no nonresident may fish in the waters of this state unless a valid nonresident fishing license is issued to the person subject to s. 29.09 by the department or by a county clerk.

(b) *Exception; nonresidents under 16 years of age.* No fishing license is required for a nonresident under the age of 16 years to fish with a hook and line or a rod and reel for fish of any variety, subject to all other conditions, limitations and restrictions prescribed in this chapter.

(c) *Exception; nonresident obtaining bait.* No separate or other fishing license is required for a nonresident who is issued a valid nonresident fishing license to take minnows for bait or smelt for food under the same conditions and rules governing residents but minnows or smelt taken by a nonresident may not be sold, traded or bartered in any manner.

(2) NONRESIDENT ANNUAL FISHING LICENSE. The department or a county clerk shall issue a nonresident annual fishing license, subject to s. 29.09, to any nonresident who applies for this license.

(3) NONRESIDENT 15-DAY LICENSE. The department or a county clerk shall issue a nonresident 15-day fishing license, subject to s. 29.09, to any nonresident who applies for this license.

(4) NONRESIDENT 4-DAY FISHING LICENSE. The department or a county clerk shall issue a nonresident 4-day fishing license, subject to s. 29.09, to any nonresident who applies for this license.

(5) NONRESIDENT ANNUAL FAMILY FISHING LICENSE. The department or a county clerk shall issue a nonresident annual family fishing license, subject to s. 29.09, to any nonresident who applies for this license. This license entitles the husband, wife and any minor children to fish under this license.

(6) NONRESIDENT 15-DAY FAMILY LICENSE. The department or a county clerk shall issue a nonresident 15-day family fishing license, subject to s. 29.09, to any nonresident who applies for this license. This license entitles the husband, wife and any minor children to fish under this license.

(7) NONRESIDENT DAILY SPORTS FISHING LICENSE. (a) *Issuance.* The department or a county clerk shall issue a nonresident daily sports fishing license, subject to s. 29.09, to any nonresident who applies for this license.

(b) *Authorization.* Unless otherwise specifically prohibited, a nonresident daily sports fishing license authorizes fishing in the outlying waters or inland waters.

(c) *Use of fees.* The department shall deposit receipts from the sale of nonresident daily sports fishing licenses in the conservation fund. The department shall expend up to 50% of these receipts to supplement and enhance the trout and salmon rearing and stocking program for outlying waters and up to 50% of these receipts to improve and maintain trout habitat in the inland trout waters of the state, calculated by the department to be relatively proportionate to the number of nonresident daily sports fishing licenses issued for fishing in the outlying waters or the inland waters, respectively.

History: 1971 c. 22, 42, 125; 1973 c. 90 s. 538; 1973 c. 145; 1979 c. 34; 1983 a. 27; 1985 a. 326; 1987 a. 27.

29.145 Resident fishing licenses. (1) FISHING LICENSE REQUIREMENT; EXCEPTIONS. (a) *Requirement.* Except as provided under pars. (b) and (c) or s. 29.155 (1) and except as specifically provided otherwise by another section of this chapter, no resident may fish in the waters of this state unless a valid resident fishing license is issued to the person subject

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to s. 29.09 by the department or by a county clerk or unless the person is issued a valid license, permit or card which authorizes fishing or entitles the holder to the rights and privileges of a fishing license.

(b) *Exception; residents under 16 or over 65 years of age and certain physically and mentally handicapped persons.* No fishing license is required for any resident under the age of 16 years or over the age of 65 years or any physically or mentally handicapped individual committed to the north, south or central centers for the developmentally disabled, during the period of the individual's commitment, to fish for fish subject to all other provisions of law.

(c) *Exception; residents using nets for nongame fish.* No fishing license is required for any resident to set, place or use any landing net, dip net, minnow seine or minnow dip net for fish other than game fish.

(1a) PERMANENT FISHING LICENSE FOR SENIOR CITIZENS. The department shall issue a permanent fishing license to any resident senior citizen who applies for this license.

(1b) FISHING LICENSES FOR CERTAIN PATIENTS AND INSTITUTIONALIZED PERSONS. The department shall issue fishing licenses to inmates of county hospitals, state or federal mental hospitals, state correctional institutions and to patients or inmates resident at nonprofit institutions sponsored by religious organizations and located in this state for rehabilitation purposes upon request of the superintendent of the institution.

(1c) PERMANENT FISHING LICENSE FOR DISABLED PERSONS. The department shall issue a permanent fishing license to any resident who applies for this license and who:

(a) Produces a certificate from a licensed physician or optometrist stating that his or her sight is impaired to the degree that he or she cannot read ordinary newspaper print with or without corrective glasses; or

(b) Produces evidence indicating he or she was determined to be 75% disabled or more for purposes of social security, retirement or other disability benefits.

(2) RESIDENT ANNUAL FISHING LICENSE. A resident annual fishing license shall be issued subject to s. 29.09 by the department or by a county clerk to a resident of the state applying for this license.

(3) RESIDENT DAILY SPORTS FISHING LICENSE. (a) *Issuance.* The department or a county clerk shall issue a resident daily sports fishing license, subject to s. 29.09, to any resident who applies for this license.

(b) *Authorization.* Unless otherwise specifically prohibited, a resident daily sports fishing license authorizes fishing in the outlying waters or inland waters.

(c) *Use of fees.* The department shall deposit receipts from the sale of resident daily sports fishing licenses in the conservation fund. The department shall expend up to 50% of these receipts to supplement and enhance the trout and salmon rearing and stocking program for outlying waters and up to 50% of these receipts to improve and maintain trout habitat in the inland trout waters of the state, calculated by the department to be relatively proportionate to the number of resident daily sports fishing licenses issued for fishing in the outlying waters or the inland waters, respectively.

History: 1971 c. 22, 282; 1973 c. 90 s. 538; 1975 c. 39; 1975 c. 189 s. 99 (2); 1975 c. 216, 421; 1977 c. 29, 418; 1979 c. 34, 221; 1981 c. 130; 1983 a. 27 ss. 749 to 761; 1985 a. 326; 1987 a. 27.

29.146 Husband and wife fishing licenses. A combined husband and wife resident fishing license shall be issued subject to s. 29.09 by the department or a county clerk to residents applying for this license. This license confers upon both husband and wife the privileges of resident fishing licenses issued under s. 29.145.

History: 1973 c. 90 s. 538; 1979 c. 34; 1983 a. 27.

29.147 Sports licenses; application. (1) A sports license shall be issued subject to s. 29.09 by the department or by a county clerk to any resident who is over the age of 12 years, a U.S. citizen, and who applies for this license and pays the minimum fee.

(2) A sports license confers upon the licensee all the combined privileges conferred by a resident small game hunting license, resident fishing license and resident deer hunting license subject to all the duties, conditions, limitations and restrictions prescribed in this chapter and by department order.

(3) The department or its duly authorized agents shall issue to each person who is issued a sports license a deer tag and back tag in the form and numbered as the department requires during years of open season for hunting deer.

History: 1973 c. 90 ss. 166, 538; 1973 c. 145; 1979 c. 34; 1983 a. 27.

29.1475 Conservation patron license. (1) ISSUANCE. A conservation patron license shall be issued subject to s. 29.09 by the department to any resident 14 years old or older who applies for this license.

(2) AUTHORIZATION; HUNTING, FISHING AND TRAPPING PRIVILEGES. A conservation patron license confers upon the licensee all the combined privileges conferred by a resident small game hunting license, resident deer hunting license, resident bear hunting license, resident archer hunting license, a waterfowl hunting stamp, resident annual fishing license, sturgeon spearing license, an inland waters trout stamp, a Great Lakes trout and salmon stamp and trapping license.

(3) AUTHORIZATION; ADMISSION TO STATE PARKS AND RELATED AREAS. A conservation patron license permits any vehicle, except a motor bus, as defined in s. 340.01 (31), having a conservation patron license holder as an occupant to enter any vehicle admission area under s. 27.01 (7) without having an admission sticker affixed to it and without paying a fee. The conservation patron license permits the license holder to enter Heritage Hill state park or a state trail without paying an admission fee.

(4) DEER TAG AND BACK TAG. The department shall issue to each person who is issued a conservation patron license a deer tag and back tag in the form and numbered as the department requires.

(5) SUBSCRIPTION. At the time the department issues a conservation patron license, it shall provide the licensee with an annual subscription to the Wisconsin natural resources magazine without any additional fee or charge.

(6) ADMISSION STICKER. At the same time the department issues a conservation patron license, it may issue an annual resident vehicle admission sticker or a special sticker for admission to state parks and similar areas. Alternatively or in addition, the department may issue an annual resident vehicle admission sticker or a special sticker for admission to state parks and similar areas to a person who has a conservation patron license on location at the state park or similar area. A person who is issued a sticker under this subsection shall affix the sticker by its own adhesive to the interior surface of the lower left-hand corner of the windshield of the vehicle. A sticker issued under this section is not considered part of a conservation patron license for the purpose of issuing a duplicate and no duplicate sticker shall be issued unless the license holder provides evidence that the vehicle upon which the sticker is affixed is no longer usable or that the vehicle was

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transferred to another person and the license holder presents the original sticker or remnants of it to the department.

History: 1983 a. 27; 1987 a. 27.

29.148 Sturgeon spearing licenses. (1) A sturgeon spearing license shall be issued subject to s. 29.09 by the department or by a county clerk to any person applying for this license who:

(a) Is 14 or 15 years of age;

(b) Is at least 14 years of age and holds a sports license issued under s. 29.147; or

(c) Holds a resident fishing license issued under s. 29.145, or a nonresident fishing license issued under s. 29.14.

(2) Such license shall be accompanied by sturgeon tags in such quantity to correspond with the season bag limit for spearing rock or lake sturgeon established by the department. The serial numbers of such tags shall be entered on the license by the issuing agent.

(3) A sturgeon spearing license authorizes the spearing of rock or lake sturgeon only during the open season for spearing these sturgeon established by the department. No person may fish for sturgeon by means of a spear unless the person is issued a conservation patron license or unless the person is issued a sturgeon spearing license. The conservation patron license or the sturgeon spearing license shall be carried on the person of the licensee at all times while fishing for sturgeon by means of a spear.

(4) Any person having taken a rock or lake sturgeon by means of a spear shall immediately attach and lock, and leave attached and locked to the tail of such sturgeon, a sturgeon tag issued to him with his sturgeon spearing license and it is unlawful for any person to have in his possession or under his control or have in storage or as a common carrier any such sturgeon or part thereof without such tag attached and locked thereto.

History: 1979 c. 34; 1983 a. 27.

29.149 Inland waters trout stamps. (1) DEFINITION. As used in this section, "inland trout waters" means inland waters except that this term excludes:

(a) Any harbor on Lake Michigan or Lake Superior;

(b) Any river or stream tributary of Lake Michigan or Green Bay, except the Kewaunee river, from its mouth upstream to the first dam or lake; and

(c) The Kewaunee river from its mouth upstream to the CTH "C" bridge in southeast quarter of section 29, township 24 north, range 24 east.

(2) REQUIREMENT. Except as provided under sub. (4), no person may fish for trout in inland trout waters unless he or she is issued a conservation patron license or unless he or she is issued an inland waters trout stamp which is affixed by the stamp's adhesive to the person's fishing license or sports license.

(3) ISSUANCE. The department or a county clerk shall issue an inland waters trout stamp subject to s. 29.09 to each person holding or applying for a fishing license under s. 29.09 (12) (a), 29.14, 29.145 or 29.146 or a sports license under s. 29.147 if the person uses or intends to use the license for trout fishing in inland trout waters of the state. The trout stamp shall be designed and produced by the department as provided under s. 29.09 (13).

(4) EXEMPTION. Any person who is exempt from the requirement to have a fishing license or who is not required to pay a fee for a fishing license is exempt from the requirements under sub. (2).

(5) USE OF MONEYS FROM FEES. The department shall expend the receipts from the sale of inland waters trout stamps on improving and maintaining trout habitat in the inland trout waters of the state and administering this section.

History: 1983 a. 27 ss. 758 to 760, 772; 1985 a. 29.

29.15 Great Lakes trout and salmon stamps. (1) DEFINITION. As used in this section:

(a) "Outlying trout and salmon waters" means any outlying waters except this term includes:

1. Any river or stream tributary of Lake Michigan or Green Bay, except the Kewaunee river, from its mouth upstream to the first dam or lake; and

2. The Kewaunee river from its mouth upstream to the CTH "C" bridge in the southeast quarter of section 29, township 24 north, range 24 east.

(b) "Salmon" includes coho and chinook salmon.

(2) REQUIREMENT. No person may fish for trout or salmon in the outlying trout and salmon waters of the state unless the person is issued a resident or nonresident daily sports fishing license, unless the person is issued a conservation patron license or unless the person is issued a Great Lakes trout and salmon stamp which is affixed by the stamp's adhesive to the person's fishing license or sports license.

(3) ISSUANCE. The Great Lakes trout and salmon stamp shall be issued subject to s. 29.09 by the department or a county clerk to any person holding or applying for a fishing license under s. 29.09 (12) (a), 29.14 (2) to (6), 29.145 (1a) to (2), 29.146 or a sports license under s. 29.147. The department shall design and produce Great Lakes trout and salmon stamps as provided under s. 29.09 (13).

(4) EXEMPTIONS. This section does not apply to a person who is exempt from the payment or requirement for a fishing license.

(5) USE OF FEES. The department shall expend the receipts from the sale of Great Lakes trout and salmon stamps to supplement and enhance the existing trout and salmon rearing and stocking program for outlying waters and to administer this section.

History: 1981 c. 95, 130; 1983 a. 27.

29.155 Waiver of fishing license requirement. (1) WAIVER. The department may, by rule, on no more than one day per year, waive the requirement that a person be issued a fishing license under ss. 29.14 and 29.145 in order to fish in the waters of this state in the case of special scheduled fishing events or programs. The department shall, by rule, designate in which inland or outlying waters and during which events or programs fishing licenses are not required and shall, in cooperation with and with the assistance of the department of development, publicize this information.

(2) LIMITATION. Persons who fish during events or programs designated under sub. (1) may not sell, trade or barter fish taken during the event or program and are subject to all other conditions, limitations and restrictions prescribed in this chapter.

(3) EXCLUSION. No person who holds a commercial fishing license issued under s. 29.33 may fish during events or programs designated under sub. (1).

History: 1985 a. 326.

29.16 Interstate license privileges. (1) FISHING PRIVILEGES. Whenever and so long as the states of Michigan, Minnesota or Iowa confer upon the fishing licensees of this state reciprocal rights, privileges and immunities, any hook and line or other fishing 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

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liabilities imposed on its own licensees by the laws of this state.

(2) COMMERCIAL CLAMMING PRIVILEGES. Whenever and so long as the states of Michigan, Minnesota, Iowa, Illinois or Missouri confer upon the commercial clamming licensees of this state reciprocal rights, privileges and immunities, any commercial 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 Michigan and this state, between Minnesota and this state and between Iowa 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: 1985 a. 289.

29.165 Guide licenses. (1) No person may engage or be employed for any compensation or reward to guide, direct or assist any other person in hunting, fishing or trapping unless a guide license is duly issued to the person by the department subject to s. 29.09. No guide license may be issued to or obtained by any person who is not a resident of this state. No guide license may be issued to any person under the age of 18 years. The applicant shall deliver to the department an oath of office that he or she will well and faithfully perform the duties and responsibilities as a guide licensed by the department and observe and comply with all the requirements of this chapter and the rules of the department.

(2) Any person violating this section shall forfeit not more than $100 and upon such conviction the person's guide license shall be revoked for one year.

History: 1975 c. 365; 1981 c. 390 s. 252; 1983 a. 27.

29.166 Outlying water sport trolling licenses. (1) No person may be engaged or be employed for any compensation or reward to guide any other person in sport trolling for trout or salmon in and upon the outlying waters of Lake Michigan, Green Bay or Lake Superior unless the person is duly issued a sport trolling license by the department subject to s. 29.09. No sport trolling license may be issued to any person under the age of 18 years. The application shall include the name and address of the applicant, the name of the home port from which the applicant will operate, the applicant's U.S. coast guard operator's license number and other information as required by the department for statistical purposes. The licensee and all persons on board the licensee's boat shall comply with all the requirements of this chapter and the rules of the department. Boats used by the licensee shall meet minimum U.S. coast guard and this state's boat licensing and safety requirements.

(2) Each licensee shall keep an accurate record and account as to the number of each variety of fish taken under his or her sport trolling license and such other information as the department requires, and shall report to the department on forms provided by the department on or before the 10th day of each month on the records for the preceding calendar month. The licensee is responsible for the number of fish taken and shall be held to account for the number.

History: 1973 c. 173; 1975 c. 365; 1977 c. 418; 1981 c. 390 s. 252; 1983 a. 27; 1985 a. 29.

29.17 Scientific collector permit. (1) The department may issue a scientific collector permit to a qualified natural person as provided under this section. This permit authorizes the permittee to collect or salvage for scientific purposes only, the eggs, nest and wild animals specified in the permit subject to the conditions and limitations specified in the permit and the rules of the department. The permittee may use the specimens for the scientific purposes collected or salvaged and may transport them or cause them to be transported by common carrier. Possession of these specimens may not be transferred to any other person except these specimens may be exchanged for other specimens for scientific purposes.

(2) Application for a scientific collector permit shall be made to the department.

(3) Upon receipt of an application for a scientific collector permit, the department shall investigate the matter. If the department is satisfied that the applicant is engaged in a bona fide program leading to increased, useful scientific knowledge, it may issue a scientific collector permit to the applicant. This permit shall state the name and address of the permittee, the date of issue, the purposes for which it is issued, the type, species and number of specimens authorized to be collected or salvaged, the area and period of time in which the specimens may be collected or salvaged, the place the specimens shall be kept and other conditions and limitations as the department deems reasonable. A scientific collector permit is not transferable.

(4) A scientific collector permit may authorize the use of net guns and tranquilizer guns for activities related to the purposes for which the permit is issued.

(5) The department may promulgate rules regulating all operations and activities conducted under the authority of such permits.

(6) Any person convicted of a violation of this chapter or of any rule of the department shall forfeit his permit and such permit is thereby revoked, in addition to all other penalties. Any person so convicted shall not be eligible for a permit under this section for the period of one year following the date of such conviction.

History: 1981 c. 246; 1983 a. 27, 114; 1985 a. 332 s. 251 (5).

29.174 Conservation of fish and game; powers of department. (1) The department shall establish and maintain open and close seasons for the several species of fish and game and any bag limits, size limits, rest days and conditions governing the taking of fish and game as will conserve the fish and game supply and ensure the citizens of this state continued opportunities for good fishing, hunting and trapping.

(2) (a) The department shall establish open and closed 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 sub. (1), but all fishing seasons on inland waters shall open on a Saturday. 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.

(b) The department may regulate and limit the number of hunters and the maximum harvest of wild turkeys as provided under s. 29.103 or in any other manner consistent with the purposes and procedures specified under this section.

(c) 1. The department may regulate and limit the number of hunters and the maximum harvest of Canada geese in any area, by:

a. Requiring hunters to tag each goose killed with a tag issued by the department; or

b. Requiring registration of each farm on which Canada goose hunting is allowed and registration of each goose killed at the farm.

2. No preference may be given in the distribution of such tags, except that any applicant who unsuccessfully applied for tags in the previous year shall be given priority over any applicant who successfully applied for tags in the previous year.

(d) The department may limit the number of trappers and the maximum harvest of wild fisher in any area.

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(e) The department may limit the number of trappers and hunters and the maximum harvest of beaver in any area.

(f) In addition to the types and manner of hunting authorized under ss. 29.09 (9) and 29.104 (4) for disabled persons and persons who are visually handicapped, as defined in s. 29.09 (9) (a) 5, the department may establish special hunting seasons or opportunities for persons who are physically disabled or visually handicapped and may limit the number of persons involved.

(3) The department may promulgate rules under sub. (2) either on its own motion or on petition from any group of citizens. Provided, that upon petition of not less than 1,000 citizens in case of a contemplated rule affecting the entire state or a part thereof larger than 2 counties, or of not less than 50 citizens residing in the county if but a single county or part thereof is affected, or of not less than 100 citizens residing in the 2 counties if not more than 2 counties or parts thereof are affected, the department shall conduct one or more public hearings upon such proposed rule, at a place convenient to the petitioners. Notice of such hearing shall be published in the community affected as a class 3 notice, under ch. 985. The department shall send prior written notice of any hearing held under this section to the Wisconsin conservation congress delegates for the area affected by the proposed rule.

(4) The department shall make such investigations relative to any petition or proceedings under this section as it deems necessary, and may 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.

(4a) The secretary may make emergency rules pursuant to s. 227.24.

(6) All rules of the department in conformity with law are prima facie reasonable and lawful.

(7) Every rule 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 rule, as provided in this section.

(8) Any rule of the department is subject to review in the manner provided in ch. 227, except that if the rule 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 rules of the department, as provided in this section, or by subsequent acts of the legislature.

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

(13) This state 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 department is authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife-restoration and cooperative 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 this state 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 department.

(14) The department shall establish the open season for hunting raccoon 2 weeks earlier for persons with resident licenses than for persons with nonresident licenses.

History: 1971 c. 179; 1975 c. 181; 1979 c. 34; 1981 c. 136, 262; 1983 a. 27, 415; 1985 a. 182 s. 57; 1987 a. 27; 1989 a. 31, 359.

29.175 Nongame species. (1) The department may conduct investigations of nongame species in order to develop scientific information relating to population, distribution, habitat needs, and other biological data in order to determine necessary conservation measures. On the basis of these scientific determinations the department may promulgate rules and develop conservation programs designed to ensure the continued ability of nongame species to perpetuate themselves. The rules may require harvest information and establish limitations relating to taking, possession, transportation, processing and sale or offer for sale, in order to conserve nongame species.

(2) No rules promulgated or programs developed under this section may impede, hinder or prohibit the utilization of lands for the construction, operation or maintenance of utility facilities otherwise authorized or permitted.

History: 1977 c. 370; 1979 c. 154; 1985 a. 332 s. 251 (1).

29.22 General restrictions on hunting. (1) HUNTING RESTRICTED AREAS. No person shall hunt within 1700 feet of any hospital, school grounds or sanatorium. The department 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) COLOR OF CLOTHING. In the areas in which there is a season for the hunting of deer with firearms, no person may hunt any game except waterfowl during the season for the hunting of deer with firearms unless at least 50% of the person's outer clothing above the waist is of a highly visible color commonly referred to as hunter orange, blaze orange, fluorescent orange, flame orange or fluorescent blaze orange. Any person violating this subsection is subject to a forfeiture of not more than $10.

(3) BACK TAG, DISPLAY. No person may hunt deer unless there is attached to the center of the person's coat, shirt, jacket or similar outermost garment where it can clearly be seen the back tag issued to the person with the license authorizing the hunting of deer.

History: 1975 c. 360, 365, 421; 1979 c. 39.

29.221 Duties on accidental shooting. (1) Any person who, while hunting any wild animal or bird, discharges a firearm or arrow, and thereby injures or kills another person, shall forthwith give his name and address to such person if injured and render such assistance to him as may be necessary and obtain immediate medical or hospital care, and shall immediately thereafter report such injury or death to the sheriff or police of the locality in which such shooting took place.

(2) Any person intentionally failing to comply with sub. (1) shall be fined not more than $5,000, or imprisoned in the county jail not more than one year, or both. Any person who neglects to comply with sub. (1) shall be fined not more than $5,000 or imprisoned not more than 9 months or both.

History: 1975 c. 365.

29.222 Hunting accident; failure to report. (1) Every person who shall have caused or been involved in an accident in which a human being has been injured by gunfire or by bow

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and arrow while hunting or trapping, or shall have inflicted an injury upon himself with firearm or with a bow and arrow while hunting or trapping, shall render a report to the department at any of its field offices within 10 days after such injury unless such person be physically incapable of making the required report in which event the person or persons involved in the accident shall designate an agent to file the report within the specified time.

(2) Any person who has been involved in an accident with firearm or bow and arrow while hunting or trapping, and who fails to submit the report required by this section shall forfeit not more than $50. In addition, the court may revoke any license issued to such person under this chapter and may further provide that no license shall be issued to such person under this chapter for such fixed period of time that the court may deem just.

History: 1975 c. 365.

29.223 Interference with hunting, fishing or trapping. (1) DEFINITION. In this section, "activity associated with lawful hunting, fishing or trapping" means travel, camping or other acts that are preparatory to lawful hunting, fishing or trapping and that are done by a hunter, fisher or trapper or by a member of a hunting, fishing or trapping party.

(2) PROHIBITIONS. (a) No person may interfere or attempt to interfere with lawful hunting, fishing or trapping with the intent to prevent the taking of a wild animal by doing any of the following:

1. Harassing a wild animal or by engaging in an activity that tends to harass wild animals.

2. Impeding or obstructing a person who is engaged in lawful hunting, fishing or trapping.

3. Impeding or obstructing a person who is engaged in an activity associated with lawful hunting, fishing or trapping.

4. Disturbing the personal property of a person engaged in lawful hunting, fishing or trapping.

5. Disturbing a lawfully placed hunting blind.

(b) No person may knowingly fail to obey the order of a warden or other law enforcement officer to desist from conduct in violation of par. (a) if the order is based on any of the following:

1. The warden or other law enforcement officer personally observed such conduct by the person.

2. The warden or other law enforcement officer has reasonable grounds to believe that the person has engaged in such conduct that day or that the person intends to engage in such conduct that day.

(3) EXEMPTIONS. This section does not apply to actions under sub. (2) (a) 1 to 5 performed by wardens and other law enforcement officers if the actions are authorized by law and are necessary for the performance of their official duties.

(3m) AFFIRMATIVE DEFENSE. It is an affirmative defense to the prosecution for violation of this section if the defendant's conduct is protected by his or her right to freedom of speech under the constitution of this state or of the United States.

(4) CIVIL ACTIONS. (a) A person who is adversely affected by, or who reasonably may be expected to be adversely affected by, conduct that is in violation of sub. (2) (a) may bring an action in circuit court for an injunction or damages or both.

(b) The circuit court may enter an injunction under ch. 813 against conduct in violation of sub. (2) (a) if the court determines any of the following:

1. The defendant is threatening the conduct.

2. The defendant has engaged in the conduct in the past and that it is reasonable to expect that the defendant will engage in the conduct that will adversely affect the plaintiff in the future.

(c) The circuit court may award damages to the plaintiff if the defendant's conduct in violation of sub. (2) (a) has adversely affected the plaintiff. The damages awarded may include punitive damages and any special damages. Special damages may include approval fees, travel costs, camping fees, costs for guides, and costs for equipment or supplies to the extent that the plaintiff did not receive the full value of any of these expenditures due to the unlawful conduct of the defendant.

History: 1989 a. 190.

29.225 Hunter education and firearm safety program; certificate of accomplishment. (1) ESTABLISHMENT; CONTENTS. The department shall establish by rule a statewide hunter education and firearm safety program. The hunter education and firearm safety program shall provide for a course of instruction in each school district or county. The department shall conduct this course of instruction in cooperation with qualified individuals, organizations, groups, associations, public or private corporations and federal, state and local governmental entities. This course shall provide instruction to students in the commonly accepted principles of safety in handling hunting firearms and equipment, the responsibilities of hunters to wildlife, environment, landowners and others, how to recognize threatened and endangered species which cannot be hunted and the principles of wildlife management and conservation.

(2) ADMINISTRATION. The law enforcement administrator shall be the department's authorized agent to administer, supervise and enforce this section. The department shall appoint a qualified person from the law enforcement function, under the classified service, as the hunter education administrator and shall prescribe his or her duties and responsibilities. The department may appoint county directors, master hunter education instructors and regular hunter education instructors necessary for the hunter education and firearm safety program. These appointees are responsible to the department and shall serve on a voluntary basis without compensation.

(3) INSTRUCTION FEE. The department shall collect the instruction fee specified under s. 29.092 (2) (n) from each person who receives instruction under the hunter education and firearm safety program. The department may authorize an instructor conducting a course of instruction meeting standards established by the department to retain 50% of this fee to defray expenses incurred locally to operate the program. The remaining portion of the fee or, if nothing is retained, the entire fee shall be deposited in the conservation fund.

(4) CERTIFICATE OF ACCOMPLISHMENT. (a) *Issuance.* The department shall issue a certificate of accomplishment to a person who successfully completes the course of instruction under the hunter education and firearm safety program and who pays the instruction fee. The department shall prescribe the form and content of the certificate of accomplishment. The certificate may be used by a resident to whom issued in place of a small game hunting license as required in s. 29.09.

(b) *Duplicate.* The department may issue a duplicate certificate of accomplishment to a person who is entitled to a duplicate certificate and who pays the fee specified under s. 29.092 (13) (f). This fee shall be deposited in the conservation fund.

History: 1983 a. 420.

29.226 Requirement for certificate of accomplishment to obtain hunting approval for certain persons born on or after

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January 1, 1973. (1) Except as provided under subs. (2) and (3), no person born on or after January 1, 1973, may obtain any approval authorizing hunting unless the person is issued a certificate of accomplishment.

(2) A person who has a certificate, license or other evidence indicating that he or she has completed a hunter safety course in another state and the course is recognized by the department under a reciprocity agreement may obtain an approval authorizing hunting regardless of whether the person is issued a certificate of accomplishment in this state.

(3) A person who successfully completes basic training in the U.S. armed forces, reserves or national guard may obtain an approval authorizing hunting regardless of whether the person is issued a certificate of accomplishment.

History: 1983 a. 420.

29.227 Restrictions on hunting and use of firearms by persons under 16 years of age. (1) PERSONS UNDER 12 YEARS OF AGE. (a) *Prohibition on hunting.* No person under 12 years of age may hunt with a firearm or bow and arrow.

(b) *Restrictions on possession or control of a firearm.* No person under 12 years of age may have in his or her possession or control any firearm unless he or she is enrolled in a course of instruction under the hunter education and firearm safety program and is carrying the firearm in a case and unloaded to or from that class under the supervision of a parent or guardian or is handling or operating the firearm during that class under the supervision of an instructor.

(c) *Restrictions on obtaining hunting approval.* Except as provided under par. (d), no person under 12 years of age may obtain any approval authorizing hunting.

(d) *Restrictions on validity of certificate of accomplishment.* A person under 12 years of age may obtain a certificate of accomplishment if he or she complies with the requirements of s. 29.225 (4) but that certificate is not valid for the hunting of small game until that person becomes 12 years of age.

(2) PERSONS 12 TO 14 YEARS OF AGE. (a) *Restrictions on hunting.* No person 12 years of age or older but under 14 years of age may hunt unless he or she is accompanied by a parent or guardian.

(b) *Restrictions on possession or control of a firearm.* No person 12 years of age or older but under 14 years of age may have in his or her possession or control any firearm unless he or she:

1. Is accompanied by a parent or guardian; or

2. Is enrolled in a course of instruction under the hunter education and firearm safety program and is carrying the firearm in a case and unloaded to or from that class or is handling or operating the firearm during that class under the supervision of an instructor.

(3) PERSONS 14 TO 16 YEARS OF AGE. (a) *Restrictions on hunting.* No person 14 years of age or older but under 16 years of age may hunt unless he or she:

1. Is accompanied by a parent or guardian; or

2. Is issued a certificate of accomplishment under the hunter education and firearm safety program or a similar certificate issued by another state or province.

(b) *Restrictions on possession or control of a firearm.* No person 14 years of age or older but under 16 years of age may have in his or her possession or control any firearm unless he or she:

1. Is accompanied by a parent or guardian;

2. Is enrolled in a course of instruction under the hunter education and firearm safety program and is carrying the firearm in a case and unloaded to or from that class or is handling or operating the firearm during that class under the supervision of an instructor; or

3. Is issued a certificate of accomplishment under the hunter education and firearm safety program or a similar certificate issued by another state or province.

(4) PARENTAL OBLIGATION. No parent or guardian of a child under 16 years of age may authorize or knowingly permit the child to violate this section.

(5) EXCEPTION. Notwithstanding subs. (1) to (3), a person 12 years of age or older may possess or control a firearm and may hunt with a firearm or bow and arrow on land under the ownership of the person or the person's family if no license is required and if the firing of firearms is permitted on that land.

History: 1983 a. 420.

29.23 Hunting with aid of airplane prohibited. No person shall hunt any animal with the aid of an airplane, including the use of an airplane to spot, rally or drive animals for hunters on the ground.

History: 1971 c. 151.

29.24 Hunting and trapping by landowners. The owner or occupant of any land, and any member of his or her family may hunt or trap beaver, foxes, raccoons, woodchucks, rabbits and squirrels on the land without a license at any time, except that such persons may not hunt during the period of 24 hours prior to the opening date for deer hunting in those counties or parts of counties where an open season for hunting deer with firearms is established. The owner or occupant of any land and any member of his or her family may take beaver, rabbits, raccoons and squirrels on the land at any time by means of live trapping with box traps in cities or villages or other areas where the discharge of a firearm is unlawful.

History: 1979 c. 142; 1987 a. 27.

29.245 Shining animals. (1) DEFINITION. As used in this section:

(a) "Flashlight" means a battery operated light designed to be carried and held by hand.

(b) "Light" includes flashlights, automobile lights and other lights.

(c) "Peace officer" has the meaning designated under s. 939.22 (22).

(d) "Shining" means the casting of rays of a light on a field, forest or other area for the purpose of illuminating, locating or attempting to illuminate or locate wild animals.

(2) PRESUMPTION. A person casting the rays of light on a field, forest or other area which is frequented by wild animals is presumed to be shining wild animals. A person may introduce evidence to rebut this presumption.

(3) SHINING DEER OR BEAR WHILE HUNTING OR POSSESSING WEAPONS PROHIBITED. (a) *Prohibition.* No person may use or possess with intent to use a light for shining deer or bear while the person is hunting deer or bear or in possession of a firearm, bow and arrow or crossbow.

(b) *Exceptions.* This subsection does not apply:

1. To a peace officer on official business.

2. To an employe of the department on official business.

3. To a person authorized by the department to conduct a game census.

(4) SHINING WILD ANIMALS WHILE HUNTING OR POSSESSING WEAPONS PROHIBITED. (a) *Prohibition.* No person may use or possess with intent to use a light for shining wild animals while the person is hunting or in possession of a firearm, bow and arrow or crossbow.

(b) *Exceptions.* This subsection does not apply:

1. To a peace officer on official business, an employe of the department on official business or a person authorized by the department to conduct a game census.

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2. To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot raccoons, foxes or other unprotected animals during the open season for the animals hunted.

(5) SHINING WILD ANIMALS AFTER 10 P.M. DURING CERTAIN TIMES OF THE YEAR PROHIBITED. (a) *Prohibition.* No person may use or possess with intent to use a light for shining wild animals between 10 p.m. and 7 a.m. from September 15 to December 31.

(b) *Exceptions.* This subsection does not apply:

1. To a peace officer on official business, an employe of the department on official business or a person authorized by the department to conduct a game census.

2. To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot raccoons, foxes or other unprotected animals during the open season for the animals hunted.

3. To a person who possesses a flashlight or who uses a flashlight while on foot and training a dog to track or hunt raccoons, foxes or other unprotected animals.

4. If rules promulgated by the department specifically permit a person to use or possess a light for shining wild animals during these times.

(6) COUNTY ORDINANCE. A county may regulate or prohibit the use of or possession with intent to use a light for shining wild animals. A county ordinance may not be less restrictive than the prohibition under sub. (5) (a). The exceptions under sub. (5) (b) apply to a county ordinance adopted under this subsection. A county may provide for a forfeiture of not more than $1,000 for violation of a county ordinance adopted under this subsection.

(7) PENALTIES. (a) A person who violates sub. (3) shall be fined not less than $1,000 nor more than $2,000 or imprisoned not more than 6 months or both and, in addition, the court shall order the revocation of all approvals issued to the person under this chapter and shall prohibit the issuance of any new approval under this chapter to the person for 3 years.

(b) A person who violates sub. (4) or (5) shall forfeit not more than $1,000.

History: 1979 c. 190; 1983 a. 27, 419, 538; 1987 a. 399.
This section is constitutional. 71 Atty. Gen. 49.

29.255 Training of hunting dogs and rules for dog trials. The department may promulgate, pursuant to s. 23.09, such rules governing the training of hunting dogs and the conduct of dog trials as in its opinion are necessary to encourage the use of hunting dogs and to safeguard wildlife in the state, but such rules shall not be promulgated for the use of dogs for general hunting of small game during general hunting seasons.

History: 1985 a. 332 s. 251 (1), (5).

29.256 Taking homing pigeons. Any person who takes, catches, kills or impedes the progress or otherwise interferes with any homing pigeon shall forfeit not more than $50.

History: 1975 c. 365.

29.27 Regulation of waterfowl blinds. (1) In this section:

(a) "Blind" means a permanent structure used in hunting waterfowl which is not removed at the end of hunting hours each day.

(b) "Waterfowl" means wild geese, brant, wild ducks, rails, coots, gallinules, jacksnipe, woodcock, plovers, sandpipers and wild swan.

(3) A blind situated on state-owned property and used in hunting waterfowl must bear the name of the owner affixed permanently to the blind in lettering one-inch square or larger. The blind may be erected not more than 7 days prior to the opening of the waterfowl hunting season, as prescribed by the department, and must be removed within 7 days after the close of the season. A blind situated on state-owned property which does not bear the name of the owner as prescribed by this section is a public nuisance. The department may seize all such nuisances and may destroy or sell the blinds in the name of the state. The department and its deputies are exempt from all liability to the owner for the seizure and destruction or sale of the blind. The owner is responsible for removing the blind within 7 days after the close of the waterfowl hunting season. Any owner who erects a blind more than 7 days prior to the opening of the waterfowl hunting season or who does not remove a blind within 7 days after the close of the waterfowl season shall be subject to a forfeiture of not less than $10 nor more than $200.

History: 1977 c. 443.

29.283 Fishing shanties on ice, regulation. (1) The department shall promulgate rules 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 department order is a public nuisance. The department 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 department may destroy or sell the same in the name of the state; the department and its deputies shall be exempt from all liability to the owner for such seizure and destruction or sale.

History: 1989 a. 359.

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 department order.

(2) Nothing in this section shall prohibit the department 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 fishers who are operating under the supervision of the department.

History: 1985 a. 332.

29.29 Noxious substances. (1) EXPLOSIVES; STUPEFACTIVES. No person may take, capture or kill fish or game 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 or game, 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 or ice jam; or have in the possession or under the control of such person, 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 or game. Whoever violates this subsection shall be

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fined not more than $500 or imprisoned not more than 90 days or both.

(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. (b) No person may throw or deposit, or permit to be thrown or deposited, into any waters within the jurisdiction of the state any lime, oil, tar, garbage, refuse, debris, tanbark, ship ballast, stone, sand, except where permitted by s. 30.12 (3) (a) 1, slabs, decayed wood, sawdust, sawmill refuse, planing mill shavings or waste material of any kind, 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 department of natural resources under ch. 144, or in compliance with orders of that department. Any such order shall be subject to modification by subsequent orders. Any person violating this paragraph shall forfeit not more than $200. Each day of a continuing violation is a separate offense.

(c) Any person who intentionally violates this subsection shall be fined not more than $200 or imprisoned not more than 90 days or both.

(4) USE OF PESTICIDES. The department of natural resources, after public hearing, may promulgate rules governing the use of any pesticide which it finds is a serious hazard to wild animals other than those it is intended to control, and the making of reports thereon. In making such determinations, the department to the extent relevant shall consider the need for pesticides to protect the well-being of the general public. It shall obtain the recommendation of the pesticide review board and such rules, other than rules to protect groundwater promulgated to comply with ch. 160, are not effective until approved by the pesticide review board. "Pesticide" has the meaning designated in s. 94.67.

(5) DEPARTMENT OF TRANSPORTATION ACTIVITIES; EXCEPTION. This section does not apply to any activities carried out under the direction and supervision of the state department of transportation in connection with the construction, reconstruction, maintenance and repair of highways and bridges accomplished in accordance with s. 30.12 (4).

History: 1971 c. 73; 1975 c. 363, 365; 1977 c. 130; 1981 c. 226 s. 13; 1983 a. 410; 1985 a. 332 s. 251 (1); 1989 a. 335.

Cross Reference: See 134.67 for prohibition of use of DDT and exceptions to the prohibition.

The legislative history and language of (3) indicates that the statute is concerned primarily with the discharge into navigable waters of refuse arising from manufacturing activities and does not attempt to prohibit silting caused by surface water runoff. State v. Deetz, 66 W (2d) 1, 224 NW (2d) 407.

See note to 29.65, citing 62 Atty. Gen. 130.

A proposed rule prohibiting the use of the chemical 2,4,5-T unless a permit has been obtained is within the statutory authority of DNR under (4). 64 Atty. Gen. 126.

Discharging taconite tailings into water of Lake Superior was violation of Federal Water Pollution Control Act and common-law nuisance. United States v. Reserve Mining Co. 380 F Supp. 11.

29.30 Fishing with nets and setlines. (1) LICENSE REQUIRED. Nets and setlines may be used for the purpose of taking, catching, or killing 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 setline, 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 SETLINES. The use of licensed nets and setlines 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 1,000 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 the nets or set hooks. The method of marking the nets shall be as follows: On drop nets, submarine trap 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, the buoys shall have a staff extending at least 3 feet above the surface of the water, upon the upper end of the staff there shall be a flag at least 10 inches square. Upon the bowl of the buoys there shall be maintained in plain figures the license number authorizing the use of the 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 or similar material, which shall bear the license number authorizing the use of the 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 the nets or set hooks.

(e) The licensees of licensed nets or setlines used in outlying waters while engaged in the regular process of lifting nets or setlines shall, on their boats, carry the department's agents to and from their nets or setlines when set and, on demand of the agent, shall raise the nets or setlines for inspection. Any agent may, in the presence or absence of the licensees, at any time, raise any setline or nets, in any waters, with as little damage as may be, for inspection. If a licensee refuses to carry an agent the license shall be revoked.

(f) No licensed net shall be drawn or lifted at any time between one hour after sunset and one hour before sunrise of the following morning, except as otherwise approved by the department or, in the case of an emergency, following notice to the nearest U.S. coast guard station.

(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 department 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 rough fish taken in nets or on setlines shall be brought to shore and buried, sold or otherwise lawfully disposed of, but no rough fish shall be returned to any waters.

History: 1971 c. 266; 1975 c. 360, 422; 1977 c. 418; 1983 a. 192 ss. 77, 303 (6); 1985 a. 29.

See note to 29.09, citing State v. Gurnoe, 53 W (2d) 390, 192 NW (2d) 892.

29.33 Commercial fishing in outlying waters. (1) LICENSE AUTHORIZED. Any person desiring to conduct commercial fishing operations on any of the outlying waters shall first obtain a commercial fishing license. The department may limit the number of licenses issued under this section and designate the areas in the outlying waters under the jurisdiction of this state where commercial fishing operations shall be restricted. The department may establish harvest limits and allocate the harvest limits among commercial fishing licen-

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sees. The department may designate the kind, size and amount of gear to be used in the harvest. The limitations on licenses, restricted fishing areas, harvests and gear shall be based on the available harvestable population of fish and in the wise use and conservation of the fish so as to prevent overexploitation. The department may promulgate rules defining the qualifications of licensees in the reasonable exercise of this authority, giving due consideration to residency, past record including compliance with the reporting requirements of sub. (5), fishing and navigation ability and quantity and quality of equipment possessed. Rules relating to licensing commercial fishers shall be based on criteria provided by the commercial fishing boards under sub. (7). The application for the license shall be made to the department on a blank provided for that purpose, accompanied by the fee specified in s. 29.092 (7). The application shall state the name, birthdate, description and residence of the applicant, the manner in which he or she proposes to fish, the name or number and overall length of his or her boats, the name of the hailing port from which the boats will operate, and the number and kind of nets or other gear he or she intends to use in connection with commercial fishing and any other information required by the department for statistical purposes. The applicant shall provide an itemized listing of commercial fishing gear and equipment with the current values of those items of commercial fishing equipment, sufficient to meet the investment requirements for licensing as established in rules promulgated under this section. "Overall length" means the minimum distance between the extreme outside end of the bow and the stern using the nearest whole number of feet. The license shall be issued in accordance with s. 29.09. No outlying waters commercial fishing license may be issued to a person under the age of 18 years.

(2) RESIDENCY; TRANSFERS; CATCH FEES. (c) *Nonresident defined.* For the purpose of this section, the term "nonresident" shall include any individual who is not a resident under s. 29.01 (12), any individual applying for a license for use of nets on a boat registered or of record at a port outside of the state, or any partnership, association or corporation any of whose stock, boats, nets and fishing equipment has been owned by a nonresident at any time during the 2 years immediately prior to the application for a license.

(d) *Transfer of license.* The department may, upon application, permit the transfer of a license to any similar boat during the time a licensed boat is disabled or undergoing repairs or upon the sale of a licensed boat. The department shall promulgate rules governing the transfer of commercial fishing licenses between individuals equally qualified to hold the licenses and to members of a licensee's immediate family provided the rules assure the wise use and conservation of the fish resources being harvested under the license. The rules shall relate only to those waters in which the number of licenses is limited. The commercial fishing boards, under sub. (7), shall approve or deny transfers of commercial fishing licenses in accordance with the rules promulgated under this section.

(f) *Licensed boats.* Any licensed boat used by a resident licensee shall be from a port of record in this state, its hailing port shall be a port in this state, and it shall be a registered or documented boat of this state. Any licensed boat used by a nonresident licensee shall be a registered or documented boat of the state of residency.

(fm) *Attending boats.* Each licensed boat in excess of 25 feet in overall length may be accompanied by and work with one attending boat without an additional license fee for the attending boat. Any attending boat that is a motorboat under s. 30.50 (2) shall be a registered boat. An attending boat shall bear the name, if any, of the licensed boat and may be used only for attending the licensed boat.

(g) *Reciprocity.* 1. Except as provided under subd. 2, the department may not issue commercial fishing licenses to nonresidents of a particular state in a number which exceeds the number of commercial fishing licenses that that particular state issues to residents of this state.

2. The reciprocity limitation on the issuance of commercial fishing licenses to nonresidents under subd. 1 does not apply to a nonresident who held a commercial fishing license on or before July 1, 1982, or to a nonresident to whom such a commercial fishing license is or was transferred by a member of his or her immediate family if that license was renewed for at least 5 consecutive years by the nonresident or a member of his or her immediate family and subject to compliance with criteria and approvals required under this section.

(h) *Catch fee.* The department may require a catch fee which shall be equivalent to the department's direct costs of providing fish for harvest, for species of fish designated by department order, as further consideration for obtaining the license. The fees shall be charged only for those species of fish whose populations are sustained or supplemented through stocking and only for those fish caught by the licensee. All the fees shall be used exclusively to pay for the stocking, including purchase or propagation, of the fish.

(3) MEANING OF BOAT. In this section the term "boat" includes all types of watercraft.

(4) CREW LICENSES. (a) Any commercial fishing licensee may use licensed crew members when fishing with or without a boat. The number of crew members engaged under a single license may not exceed 4 when fishing with nets under the ice. The department, upon proper application for crew licenses, may issue with each commercial fishing license no more than 4 crew licenses for the specific purpose of fishing with nets under the ice and the number indicated on the application for the purpose of fishing in open water. Each crew license shall bear the number of the commercial fishing license, the purpose for which intended, the year for which issued and the name of the crew member to whom the crew license is issued. The crew license permits a person to engage in commercial fishing only as a member of a crew of a commercial fisher licensed under sub. (1).

(b) Each member of a crew engaged in the setting, lifting or pulling of nets or other devices set under authority of a commercial fishing license shall carry the crew license on his or her person while so engaged and upon demand of any conservation warden shall exhibit the license. Persons using minnow seines and dip nets used for taking smelt and minnows are exempt from this subsection.

(c) In case of illness or unavailability for good cause of a licensed crew member, an unlicensed person may work on a commercial fishing operation for a period not to exceed 48 hours under a temporary crew identification card, after which time he or she must obtain a crew license to engage in commercial fishing operations. Temporary crew identification cards shall be issued by the department to commercial fishing licensees for use as provided in this paragraph. Prior to use, the commercial licensee shall indicate on the temporary crew identification card the license number and name of the commercial fisher for whom the crew member will be working, the time and date the crew member commences work under the card and the crew member's name, address, description and his or her signature. The card shall be presented, upon request, to a conservation warden and must be in the possession of the crew member at all times while engaged in commercial fishing operations. The commercial fisher issuing the temporary crew identification card to an

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unlicensed person shall submit the card to the department with the commercial catch report submitted for the period in which work conducted under the card was performed.

(d) The commercial fishing licensee is responsible for all acts of crew members conducting commercial fishing activities for the licensee. A commercial fishing licensee may be charged with and convicted of a violation committed by his or her crew member while the crew member is conducting commercial fishing activities for the licensee. Upon revocation of a commercial fishing license, all crew member licenses issued under that license are invalid, and no person may be issued a temporary crew identification card under that license.

(5) RECORDS AND REPORTS. (a) *Records and reports.* Each commercial fishing licensee shall maintain records and provide reports as required by the department by rule.

(b) *Fishing records.* The licensee shall keep a complete, legible and accurate record of the licensee's daily fishing activities, in the manner required and on forms provided by the department. The record shall include the complete name, address and commercial fishing license number of the licensee; the name and number of the boat fished from; the location fished; the month and year the record is being kept for; the date of each day's fishing activity; the kind and amount of commercial fishing gear used; the kind of fish caught and the number of pounds of each kind of fish caught; and the signature of the licensee.

(c) *Catch disposition records.* The licensee shall keep a complete, legible and accurate record of the disposition of landed catch, in the manner required and on forms provided by the department. The record shall include the complete name, address and commercial fishing license number of the licensee; for each wholesale sale, the complete name, address and wholesale fish dealer license number, if any, of the buyer and the kinds of fish sold, the number of pounds of each kind and the description of the fish sold and the date of the transaction; for direct retail sales, the kinds of fish sold and the total pounds of each kind; and the signature of the licensee. In this paragraph, "landed catch" means those fish or fish parts caught in commercial fishing operations and brought to shore to sell or otherwise utilize.

(d) *Reports.* On or before the 10th day of each month, each commercial fishing licensee shall submit the reports required under this subsection for the preceding month to the department. If the reports are mailed to the department, the date of the postmark constitutes the date of filing.

(6) INSPECTION. For purposes of enforcement of this section, conservation wardens or department employes duly authorized and designated by the secretary, upon presenting appropriate credentials to the licensee or agent in charge, are authorized:

(a) To enter any building or structure, excluding a dwelling place, in which nets or fish are stored, processed, packed or held, or to enter any vessel or vehicle being used to transport nets or fish when the owner or agent in charge is present or upon 8 hours' notice at other times.

(b) To inspect buildings, structures, vessels or vehicles, all pertinent equipment including nets used or stored in the places to be inspected and any fish stored, processed, packed or held in the places to be inspected.

(6m) INTERFERENCE WITH INSPECTIONS. No licensee, licensed crew member, operator of a vehicle or boat for the licensee or an employe acting on behalf of the licensee may prohibit entry or prohibit an inspection to be conducted as authorized under sub. (6) unless a court restrains or enjoins the entry or inspection.

(7) COMMERCIAL FISHING BOARDS. The Lake Superior and Lake Michigan commercial fishing boards established under s. 15.345 (2) and (3) shall review and consider applications for a transfer of license under this section and shall approve or deny applications on the basis of rules promulgated by the department. The boards shall establish criteria for the allotment of individual licensee catch quotas and shall allot the catch quotas when the department establishes species harvests limits for allocation among licensees. The boards shall assist the department in establishing criteria for identifying inactive licensees. The criteria established for identifying inactive licensees shall be the basis for rules governing the issuance of licenses.

History: 1975 c. 94 s. 91 (9); 1975 c. 199, 317; 1977 c. 29, 418; 1979 c. 32 s. 92 (1); 1979 c. 154, 221; 1983 a. 25; 1983 a. 27 s. 2202 (38); 1985 a. 29; 1985 a. 332 s. 251 (1), (3).

See note to Art. I, sec. 11, citing State v. Erickson, 101 W (2d) 224, 303 NW (2d) 850 (Ct. App. 1981).

Employe was improperly charged with license violation under (1) since burden to obtain licenses for employes is on employer. State v. Filipczak, 132 W (2d) 208, 390 NW (2d) 110 (Ct. App. 1986).

Relationship between Indian fishing rights and commercial fishing quotas discussed. 68 Atty. Gen. 416.

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 boxlike 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

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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 3 sheets of net webbing, one of them of comparatively small mesh and of fine twine being hung between 2 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.

History: 1977 c. 418.

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 s. 29.09 by the department to any resident applying therefor. This subsection as applicable to the St. Croix river shall not become effective until Minnesota has enacted similar legislation.

(2) Each net license authorizes the use of one or more of the following nets only:

(a) Seine nets.

(b) Gill nets.

(c) Bait nets used without leads.

(d) Buffalo nets.

(e) Frame nets.

(4) (a) Except when lifting or setting a gill net, no person may use a seine, gill, bait, buffalo or frame net in the Mississippi and St. Croix rivers unless the net has the required number of metal tags stamped to designate the kind of net and number of the net license covering it securely fastened to it.

(b) The required number of tags is as follows:

1. For a seine net, one tag for each 500 lineal feet, or fraction thereof.

2. For a gill net, one tag for each 2,000 lineal feet, or fraction thereof.

3. For a bait, buffalo or frame net, one tag for each net.

(c) The department or the county clerk shall issue net tags to the licensee at the time of issuing the net license.

(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 department requires; and shall report thereon to the department on or before the 10th day of each month during the license period.

History: 1975 c. 360; 1983 a. 27, 192.

29.343 Slat net fishing in the Mississippi river. (1) A slat net license authorizing the taking of commercial fish through the use of slat nets in that part of the Mississippi river over which this state has jurisdiction between the Minnesota-Iowa boundary line extended and the Wisconsin-Illinois boundary line extended may be issued subject to s. 29.09 by the county clerk of a county bordering these waters to any resident who applies for this license.

(2) A person who is issued a slat net license or a crew may operate not to exceed 50 properly tagged slat nets.

(3) No person may use a slat net unless it is properly tagged. In order to be properly tagged a slat net is required to have attached to it a metal tag stamped to designate the kind of net and the number of the slat net license. Slat net tags are required to remain attached to the nets until replaced by renewal tags.

(4) No slat net may be set within 100 feet of any muskrat or beaver house. Any slat net found in any waters during the closed season for the use of slat nets and any slat net found on the Wisconsin banks or shores without a slat net tag and showing evidence of being used in the previous 5 months shall be seized and held subject to the order of the court or judge under s. 29.05.

(5) Except as herein provided slat net licenses shall be issued to any resident applying therefor and shall 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 department.

History: 1971 c. 266; 1983 a. 27 ss. 793 to 795.

29.344 Trammel net fishing in the Mississippi river. (1) The department may issue a trammel net license to any resident who applies for this license subject to s. 29.09.

(2) This license authorizes the use of trammel nets in that part of the Mississippi river over which this state has jurisdiction.

(3) No person may use a trammel net which exceeds 300 feet and no person may use a trammel net unless it is properly tagged. In order to be properly tagged, a trammel net is required to have attached to it a metal tag stamped to designate the kind of net and the number of the trammel net license. Trammel net tags are required to remain attached to the nets until replaced by renewal tags.

(4) No trammel net may be set within 100 feet of any muskrat or beaver house. Any trammel net found in any waters during the closed season for the use of trammel nets and any trammel nets found on the Wisconsin banks or shores without a trammel net tag and showing evidence of being used in the previous 5 months shall be seized and held subject to the order of the court or judge under s. 29.05.

History: 1983 a. 27 s. 795; 1983 a. 192.

29.36 Set or bank pole licenses. (1) A set or bank pole license authorizing 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 setlines is permitted shall be issued subject to s. 29.09 by the department or the county clerk of the county where the set or bank poles are intended to be used to any resident of the state applying for this license.

(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 department to the county clerk, or agents of the same or of the department 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

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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 setline.

History: 1983 a. 27; 1983 a. 192 s. 303 (6).

29.37 Setline licenses; inland waters. (1) A setline license authorizing the use of setlines and hooks in inland waters in the manner determined by the department for taking, catching or killing fish shall be issued subject to s. 29.09 by the department or the county clerk of the county bordering on the waters where the setlines are intended and permitted to be used to any resident of the state applying for this license.

(3) (a) No person may operate any setline unless he or she has a setline license. No person may use a setline unless it is properly tagged. In order to be properly tagged a setline is required to be securely attached to a buoy or stake at one end, the buoy or stake is required to have attached to it a metal tag stamped to designate the serial number of the setline license covering it and the buoy or stake is required to be placed and the tag attached in a manner so the tag is visible above the surface of the water.

(b) The department or the county clerk shall issue setline tags to the licensee at the time of issuing the setline license.

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

History: 1977 c. 29; 1983 a. 27; 1983 a. 192 s. 303 (6); 1985 a. 332.

29.38 Clams, clamming and commercial clamming. (1) PURPOSE. The purpose of this section is to regulate the taking of clams in order to conserve and maintain their supply, to require licensing of persons engaged in commercial clamming and to protect those clam species which are endangered, threatened or rare.

(2) DEFINITIONS. As used in this section:

(a) "Assistant clam buyer" means any natural person who engages in clam buying on behalf of a clam buyer.

(b) "Clam" means any freshwater mussel, shell, valve or part of any shell, or meat of a freshwater mussel found in inland or outlying waters, but does not include meat after it has been processed for human or animal consumption and does not include bait, pearls, shells and parts of shells which have been mounted for display or fashioned into jewelry or items of apparel.

(c) "Clam buyer" means any person who engages in clam buying or who employs or authorizes an assistant clam buyer to do so on the person's behalf.

(d) "Clam buying" means buying, bartering or obtaining clams from commercial clam shellers or others for resale as clams.

(e) "Clam helper" means any natural person who engages in clam helping.

(f) "Clam helping" means assisting a commercial clam sheller in activities related to commercial clam shelling or assisting a clam buyer in activities relating to clam buying but does not include buying, bartering or obtaining clams from commercial clam shellers or others for resale as clams.

(g) "Clamming" means the taking, killing, collecting or removing of clams from inland or outlying waters or the beds of inland or outlying waters and the incidental killing of clams in the search for pearls but does not include commercial clam shelling.

(h) "Commercial clamming" means commercial clam shelling, clam buying, clam helping and related activities.

(i) "Commercial clam sheller" means any natural person who engages in commercial clam shelling.

(j) "Commercial clam shelling" means the taking, killing, collecting or removing of more than 50 pounds of clams per day from inland or outlying waters or the beds of inland or outlying waters and the incidental killing of more than 50 pounds of clams per day in the search for pearls.

(3) LICENSE OR PERMIT REQUIRED. (a) No person may engage in commercial clam shelling unless the person is a resident and at least one of the following applies:

1. The person is a natural person and has been issued a commercial clam sheller license by the department.

2. The person is a licensed clam helper engaged in commercial clam shelling while aboard a vessel with the licensed commercial clam sheller whom the clam helper is assisting.

3. The person has not attained the age of 16 years, and the value of the clams taken, killed, collected or removed by that person does not exceed $1,000 per year. The department may, by rule, require persons under this subdivision to obtain a commercial clam shelling permit, at no charge, with the requirements for the permit to be determined by the department by rule.

(b) No person may engage in clam helping unless the person is a resident and a natural person and has been issued a clam helper license by the department.

(c) 1. No natural person may engage in clam buying unless he or she is a resident and has been issued by the department a clam buyer license or an assistant clam buyer license.

2. No corporation, partnership or other business association may engage in clam buying unless it has been organized under the laws of this state and has been issued by the department a clam buyer license.

(d) The department may limit the number of licenses and permits issued under this section.

(4) ASSISTANT CLAM BUYERS. (a) A licensed clam buyer may employ or authorize assistant clam buyers to buy clams. Upon proper application, the department shall issue no more than 10 assistant clam buyer licenses with a clam buyer license. Each assistant clam buyer license shall have printed on it the number of the clam buyer license for which it is issued.

(b) A natural person may be issued an assistant clam buyer license for each licensed clam buyer who employs or authorizes the natural person to buy clams.

(c) A licensed clam buyer is responsible for all acts relating to clamming performed by the assistant clam buyers engaged in clam buying activities for the clam buyer. A clam buyer may be charged with and penalized for a violation of this section committed by the assistant clam buyer while the assistant clam buyer is engaged in clam buying activities for the clam buyer.

(d) Upon revocation of a clam buyer license, all assistant clam buyer licenses issued under the clam buyer license shall also be revoked.

(5) CLAM HELPERS. (a) A licensed commercial clam sheller or a licensed clam buyer may employ or authorize a clam helper to assist him or her in activities related to commercial clam shelling or clam buying, but no clam helper may buy, barter or obtain clams from commercial clam shellers or others for resale as clams. Upon proper application, the department shall issue no more than 10 clam helper licenses with each commercial clam sheller license or with each clam buyer license. Each clam helper license shall have printed on it the number of the commercial clam sheller license or clam buyer license for which it is issued.

(b) A natural person may be issued a clam helper license for each licensed commercial clam sheller or licensed clam buyer who employs or authorizes the natural person to engage in clam helping.

(c) A licensed commercial clam sheller or licensed clam buyer is responsible for all acts relating to clamming per-

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formed by the clam helpers engaged in clam helping for the commercial clam sheller or clam buyer. A commercial clam sheller or clam buyer may be charged with and penalized for a violation of this section committed by the clam helper while the clam helper is engaged in clam helping for the commercial clam sheller or clam buyer.

(d) Upon revocation of a commercial clam sheller license or clam buyer license, all clam helper licenses issued under the commercial clam sheller license or the clam buyer license shall also be revoked.

(6) INSPECTION; ACCESS TO RECORDS. (a) Except as provided in par. (d), for purposes of enforcement of this section and rules adopted under it, conservation wardens or department employes authorized and designated by the secretary, upon presenting appropriate credentials to the licensee or agent in charge, are authorized to do all of the following:

1. Enter any place, building or structure, excluding a dwelling place, in which clams or clamming equipment are stored, processed, packed or held and enter any vessel or vehicle being used to transport clams or clamming equipment when the licensee or agent in charge is present or upon 8 hours' notice at other times.

2. Inspect places, buildings, structures, vessels or vehicles, all pertinent equipment used or stored in the places to be inspected and any clams stored, processed, packed or held in the places to be inspected.

(b) No licensee, operator of a vehicle or vessel for the licensee, or employe acting on behalf of the licensee may prohibit entry or prohibit an inspection from being conducted as authorized under par. (a).

(c) The department may examine any records relating to clamming or to commercial clamming.

(d) The department may not conduct an inspection or examine a person's records under this section if such action has been lawfully enjoined by a court order.

(7) POSSESSION, TRANSPORTATION AND SALE. No person may possess or transport more than 50 pounds of clams or sell or barter any clams unless at least one of the following applies:

(a) The person has been issued a commercial clam sheller, clam helper, clam buyer or assistant clam buyer license by the department or the person is exempt under sub. (3) (a) 3, and the clams are of a species open to commercial clam shelling and are of the minimum size or larger for commercial clam shelling.

(b) The person demonstrates that the clams are being transported through the state in interstate commerce by a reasonably direct route.

(8) RULES. The department may promulgate rules governing clamming and the clamming practices of commercial clam shellers, clam helpers, clam buyers and assistant clam buyers and other related matters, including but not limited to all of the following:

(a) Open and closed seasons and size and possession limits for different clam species.

(b) The methods of clamming and commercial clam shelling.

(c) Equipment specifications and requirements.

(d) Record keeping and reporting requirements.

(e) Waters and portions of waters open and closed to clamming or commercial clam shelling.

(f) Transportation, possession, purchase, sale and barter of clams.

(g) Issuance and duration of permits for commercial clam shellers who are exempt under sub. (3) (a) 3 from the license requirement.

(h) Harvest limits, allocating the harvest limits among the commercial clam shellers and criteria for allocation.

(9) CONFIDENTIALITY. Upon request in writing by a person who is required by department rule to keep a record or submit a report, the department shall keep confidential any information on the record or report relating to the value or weight of clams bought, sold or bartered by the person or relating to the specific location where the clams were taken, killed, collected or removed, except that the information may be disclosed in statistical summaries or reports which do not identify the person by name or license number and in any enforcement action under s. 29.99 (1m).

History: 1985 a. 289, 332; 1987 a. 399; 1989 a. 336.

29.39 Possession during close season or in excess of bag limit. Except as otherwise expressly provided, no person may have in the person's possession or under 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 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, province or county in which taken shall apply to game, game fish and other wild animals lawfully killed outside of this state.

History: 1975 c. 360, 421.

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.

29.40 Possession of deer; heads and skins. (1) DEFINITION. In this section, "validated" means marked with specified information in the manner required by the department.

(2) DEER TAGS. Except as provided under sub. (5) and s. 29.405 (3), any person who kills a deer shall immediately attach to the ear or antler of the deer a current validated deer carcass tag which is authorized for use on the type of deer killed. Except as provided under sub. (2m) or s. 29.578 (7), (8) or (14), no person may possess, control, store or transport a deer carcass unless it is tagged as required under this subsection.

(2m) REMOVAL AND RETENTION OF TAGS. (a) A deer carcass tag attached under sub. (2) and a registration tag attached by the department or a car kill tag attached under sub. (5) may be removed from a gutted carcass at the time of butchering, but the person who killed or obtained the deer shall retain all tags until the meat is consumed.

(b) Any person who retains a tag under par. (a) may give deer meat to another person. The person who receives the gift of deer meat is not required to possess a tag.

(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 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.

(5) CAR KILLS. Any person who while operating a motor vehicle on a highway accidentally collides with and kills a

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deer may retain possession of such deer if the person has it tagged by any conservation warden, or by any law enforcement officer designated by the department. No fee may be charged for any such tag.

History: 1975 c. 97, 199; 1983 a. 546.

Only tag of person who kills deer may be attached under (2). State v. Skow, 141 W (2d) 49, 413 NW (2d) 650 (Ct. App. 1987).

29.405 Group deer hunting. (1) In this section:

(a) "Contact" means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid.

(b) "Group deer hunting party" means 2 or more hunters hunting in a group all using firearms, each of whom holds an individual license to hunt deer.

(2) Any member of a group deer hunting party may kill a deer for another member of the group deer hunting party if both of the following conditions exist:

(a) At the time and place of the kill, the person who kills the deer is in contact with the person for whom the deer is killed.

(b) The person for whom the deer is killed possesses a current unused deer carcass tag which is authorized for use on the deer killed.

(3) A person who kills a deer under sub. (2) shall ensure that a member of his or her group deer hunting party without delay attaches a current validated deer carcass tag to the deer in the manner specified under s. 29.40 (2). The person who kills the deer may not leave the deer unattended until after it is tagged.

History: 1983 a. 546.

29.41 Skins of fur-bearing animals. No person may do any of the following:

(1) Possess or control the skin of any mink, muskrat, fisher, pine marten or otter showing that the animal was shot.

(2) Possess or control the green skin of any fur-bearing animal, except beaver, from the 5th day after the beginning of the closed season for that animal until the end of that closed season.

(3) Possess the raw skin of any muskrat, mink, otter, fisher or pine marten at any time unless the person is the holder of a scientific collector permit, fur dealer license, trapping license or conservation patron license of current issue. No license is required for a person breeding, raising and producing domestic fur-bearing animals in captivity as defined in s. 29.579 or for a person authorized to take muskrats on a cranberry marsh under a permit issued to the person by the department.

History: 1983 a. 27; 1987 a. 27.

29.415 Endangered and threatened species protected. (1) PURPOSE. The legislature finds that certain wild animals and wild plants are endangered or threatened and are entitled to preservation and protection as a matter of general state concern. The federal endangered species act of 1973 and the Lacey act together provide for the protection of wild animals and wild plants threatened with worldwide extinction by prohibiting the importation of endangered or threatened wild animals and wild plants and by restricting and regulating interstate and foreign commerce in wild animals and wild plants taken in violation of state, federal and foreign laws. The states, however, must also assume their responsibility for conserving these wild animals and wild plants and for restricting the taking, possession, transportation, processing or sale of endangered or threatened wild animals and wild plants within their respective jurisdictions to assure their continued survival and propagation for the aesthetic, recreational and scientific purposes of future generations. The legislature finds that by eliminating the taking, possession or marketing of endangered species in this state and by establishing a program for conservation and restoration of these endangered or threatened species, their potential for continued existence will be strengthened. The legislature further finds that the activities of both individual persons and governmental agencies are tending to destroy the few remaining whole plant-animal communities in this state. Since these communities represent the only standard against which the effects of change can be measured, their preservation is of highest importance, and the legislature urges all persons and agencies to fully consider all decisions in this light.

(2) DEFINITIONS. For purposes of this section:

(a) "Endangered species" means any species whose continued existence as a viable component of this state's wild animals or wild plants is determined by the department to be in jeopardy on the basis of scientific evidence.

(b) "Threatened species" means any species of wild animals or wild plants which appears likely, within the foreseeable future, on the basis of scientific evidence to become endangered.

(c) "Wild animal" means any mammal, fish, wild bird, amphibian, reptile, mollusk, crustacean, or arthropod, or any part, products, egg or offspring thereof, or the dead body or parts thereof.

(d) "Wild plant" means any undomesticated species of the plant kingdom occurring in a natural ecosystem.

(3) ENDANGERED AND THREATENED SPECIES LIST. (a) The department shall by rule establish an endangered and threatened species list. The list shall consist of 3 parts: wild animals and wild plants on the U.S. list of endangered and threatened foreign species; wild animals and wild plants on the U.S. list of endangered and threatened native species; and a list of endangered and threatened Wisconsin species. Wisconsin endangered species shall be compiled by issuing a proposed list of species approaching statewide extirpation. Wisconsin threatened species shall be compiled by issuing a proposed list of species which appear likely, within the foreseeable future, to become endangered. Issuance of the proposed lists shall be followed by solicitation of comments and public hearing. Wild animals and wild plants shall be deemed approaching statewide extirpation if the department determines, based upon the best scientific and commercial data available to it, after consultation with other state game directors, federal agencies and other interested persons and organizations, that the continued existence of such wild animals and wild plants in this state is in jeopardy.

(b) The department shall periodically review and, following public hearing, may revise its endangered and threatened species list. A summary report of the scientific data used to support all amendments to the state's endangered and threatened species list shall be maintained by the department.

(c) The department may upon the petition of 3 persons review any listed or unlisted wild animal or wild plant if the persons present scientific evidence to warrant such a review, after which the department may by hearing and rule amend the statewide list.

(4) PROHIBITION. Except as permitted by departmental rule or permit:

(a) No person may take, transport, possess, process or sell within this state any wild animal specified by the department's endangered and threatened species list.

(b) No person may process or sell to another person a wild plant of an endangered or threatened species.

(c) No person may do any of the following to any wild plant of an endangered or threatened species that is on public property or on property that he or she does not own or lease, except in the course of forestry or agricultural practices or in

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the construction, operation or maintenance of a utility facility:

1. Remove, transport or carry away the wild plant from the place where it is growing.

2. Cut, root up, sever, injure or destroy the wild plant.

(5) ENFORCEMENT. (a) 1. Whoever violates sub. (4) (a) or any rules promulgated under it shall forfeit not less than $500 nor more than $2,000. In addition, the court shall order the revocation of all hunting approvals issued to the person under this chapter and shall prohibit the issuance of any new hunting approvals under this chapter for one year. Whoever intentionally violates sub. (4) (a) or any rules promulgated under it shall be fined not less than $2,000 nor more than $5,000 or imprisoned for not more than 9 months or both. In addition, the court shall order the revocation of all hunting approvals issued to the person under this chapter and shall prohibit the issuance of any new hunting approvals under this chapter for 3 years.

2. Whoever violates sub. (4) (b) or (c) or any rules promulgated under those paragraphs shall forfeit not more than $1,000. Whoever intentionally violates sub. (4) (b) or (c) or any rules promulgated under those paragraphs shall be fined not more than $1,000 or imprisoned for not more than 9 months or both.

(b) Any officer employed and authorized by the department, or any police officer of this state or of any municipality or county within this state, shall have the authority to execute a warrant to search for and seize any goods, business records, merchandise or wild animal or wild plant taken, employed, used or possessed in violation of this section. Any such officer or agent may, without a warrant arrest any person whom the officer or agent has probable cause to believe is violating this section in his or her presence or view. An officer or agent who has made an arrest of a person in connection with any violation under this section may search the person or business records at the time of arrest and seize any wild animals and wild plants, records, or property taken, used or employed in connection with any violation.

(c) Goods, merchandise, wild animals, wild plants or records seized under par. (b) shall be held by an officer or agent of the department pending disposition of court proceedings and thereafter be forfeited to the state for destruction or disposition as the department deems appropriate. Prior to forfeiture, the department may direct the transfer of wild animals or wild plants so seized to a qualified zoological, educational or scientific institution or qualified private propagator for safekeeping with costs assessable to the defendant.

(6) PERMITS. (a) The department shall permit, under such terms and conditions as it may prescribe by rule, the taking, exportation, transportation or possession of any wild animal or wild plant on the list of endangered and threatened species for zoological, educational or scientific purposes, for propagation of such wild animals and wild plants in captivity for preservation purposes, unless such exportation, possession, transportation or taking is prohibited by any federal law or regulation, or any other law of this state.

(b) Any endangered species of wild animal or wild plant which enters the state from another state or from a point outside the territorial limits of the United States and which is being transported to a point within or beyond the state may enter the state and be transported without restriction in accordance with the terms of any federal permit or permit issued under the laws or regulations of another state.

(c) Possession, sale or transportation within this state of any endangered species on the U.S. list of endangered and threatened foreign species shall not require a state permit under par. (a).

(7) CONSERVATION. (a) The department shall conduct research on the endangered and threatened species of this state and shall implement programs directed at conserving, protecting, restoring and propagating selected state-endangered and threatened species to the maximum extent practicable.

(b) The department may enter into agreements with federal agencies, other states, political subdivisions of this state or private persons with respect to programs designed to conserve endangered or threatened species of wild animals or wild plants. Agreements with private persons under this paragraph may include providing for the movement of an endangered or threatened species to another appropriate habitat, preferably to a habitat located on state-owned or state-leased land.

(8) EXEMPTIONS. This section shall not apply to zoological societies, municipal zoos, or officers or employes thereof.

History: 1971 c. 275; 1975 c. 365; 1977 c. 370; 1979 c. 110, 355; 1985 a. 182; 1987 a. 183; 1989 a. 296.

This section does not form basis for seeking injunctive relief against proposed relocation of county highway. Robinson v. Kunach, 76 W (2d) 436, 251 NW (2d) 449.

Discussion of effect and constitutionality of law broadening endangered species protection to include threatened species. 68 Atty. Gen. 9.

29.42 Possession of game birds and animals. (1) APPROVAL NECESSARY. No person, except a person who is issued a valid hunting license, sports license, a conservation patron license, taxidermist permit or scientific collector permit and who is carrying this approval on his or her person, may possess or have under his or her control any game bird, animal or the carcass of any game bird or animal.

(2) NESTS AND EGGS. No person, except a person who is issued a valid scientific collector permit, may take, needlessly destroy or possess or have under his or her control the nest or eggs of any wild bird for which a closed season is prescribed under this chapter.

(3) MOUNTED COLLECTIONS. This section shall not permit seizure of nor prohibit possession or sale of lawfully obtained wild birds and animals which are mounted or in the process of being mounted for a private collection.

History: 1973 c. 214; 1983 a. 27; 1985 a. 29.

29.425 Possession and sale of live game animals and fur-bearing animals. (1) DEFINITIONS. As used in this section:

(a) "Control temporarily" means to possess an animal for a limited period of time for one of the following purposes:

1. Removal or transportation of an animal from one location to a more appropriate location.

2. Restraint or transportation of an animal for treatment or medical care.

3. Restraint or transportation of an animal for game censuses, surveys or other purposes authorized by the department.

(b) "Possess" means to own, restrain, keep in captivity or transport an animal.

(2) POSSESSION. (a) *Restrictions.* No person may possess any live game animal or fur-bearing animal unless authorized under s. 29.55, 29.572, 29.574, 29.575, 29.578 or 29.585 except to control an animal temporarily.

(b) *Local prohibition.* The governing body of any county, city, village or town may, by ordinance, prohibit a person from possessing any live game animal or fur-bearing animal.

(3) SALE. (a) *Restrictions.* No person may sell any live game animal or fur-bearing animal unless authorized under s. 29.55, 29.572, 29.574, 29.575, 29.578 or 29.585 and unless the purchaser is also authorized under one of those sections and presents evidence of that authorization to the seller.

(b) *Record.* A person who sells any live game animal or fur-bearing animal shall keep a record of each sale, the name and address of the purchaser, the type of authorization or license

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held by the purchaser and its number, if any, the date of sale and a description of the animal. The record shall be kept for 2 years after the sale and shall be open to inspection by the department.

(c) *Local prohibition.* The governing body of any county, city, village or town may, by ordinance, prohibit the sale of any live game animal or fur-bearing animal.

(4) HUNTING AND TRAPPING. A person who hunts or traps any game animal or fur-bearing animal shall kill the animal when it is taken and make it part of the daily bag or shall release the animal unless authorized under s. 29.55, 29.572, 29.574, 29.575, 29.578 or 29.585.

(5) PENALTY. A person who violates this section shall forfeit not less than $100 nor more than $1,000.

History: 1979 c. 289.

29.427 Possession, sale, release and destruction of live skunks. (1) DEFINITIONS. As used in this section:

(a) "Control temporarily" means to possess a skunk for a limited period of time for one of the following purposes:

1. Removal or transportation of a skunk from one location to a more appropriate location.

2. Restraint or transportation of a skunk for game censuses, surveys or other purposes authorized by the department.

(b) "Domestic skunk" means a skunk raised on a fur animal farm licensed under s. 29.575.

(c) "Possess" has the meaning designated under s. 29.425 (1) (b).

(d) "Wild skunk" means any skunk except a domestic skunk.

(2) POSSESSION. (a) *Restrictions on possession of wild skunks.* No person may possess any live wild skunk unless authorized under s. 29.55 except to control the skunk temporarily.

(b) *Restrictions on possession of domestic skunks.* No person may possess any live domestic skunk unless authorized under s. 29.55 or 29.575 except to control the skunk temporarily.

(c) *Local prohibition.* The governing body of any county, city, village or town may, by ordinance, prohibit a person from possessing any live wild or domestic skunk.

(3) SALE. (a) *Restrictions on sale of wild skunks.* No person may sell any live wild skunk unless authorized under s. 29.55 and unless the person to whom the skunk is sold is also authorized under s. 29.55.

(b) *Restrictions on sale of domestic skunks.* No person may sell any live domestic skunk unless authorized under s. 29.55 or 29.575 and unless the purchaser is also authorized under one of those sections and presents evidence of that authorization to the seller.

(c) *Record.* A person who sells any live skunk shall keep a record of the sale as required under s. 29.425 (3) (b).

(d) *Return of domestic skunks.* A person who sells any live skunk shall inform the purchaser that the release of a skunk is illegal and that the seller will accept the return of the skunk.

(e) *Local prohibition.* The governing body of a county, city, village or town may, by ordinance, prohibit the sale of any live skunk.

(4) DESCENTING. No person may operate on a live wild skunk to remove its scent glands unless the person who possesses the skunk is authorized under s. 29.55. A veterinarian to whom a person brings a live wild skunk for removal of its scent glands or for other treatment shall notify that person that possession of a live skunk is illegal and shall notify the department.

(5) RELEASE. No person may release a domestic skunk into the environment.

(6) DESTRUCTION. A person may kill at any time a wild skunk which is a nuisance to activities authorized under s. 29.55, 29.572, 29.574, 29.575, 29.578 or 29.585. A person who kills an adult wild skunk with young shall attempt to kill the young skunks.

(7) PENALTY. A person who violates this section shall forfeit not less than $100 nor more than $1,000.

History: 1979 c. 289; 1981 c. 314.

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 department or its wardens, stating full particulars of such offer and by whom made.

(2) TRUNKS; VALISES. No person shall carry with him or under his control in any trunk, valise, or other package or enclosure, at any time on any common carrier, any game or game fish, or carcass or part thereof.

(3) TRANSPORTATION EMPLOYES. No employe of any railroad, express or other transportation company, and no steward, porter or other employe of any dining, parlor or sleeping car shall have in his personal possession or under his personal control, at any time while 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.

(5) EXEMPTION; TAXIDERMIST. Subsections (1) to (4) do not apply to a person who is issued a valid taxidermist permit and who possesses, transports, causes to be transported, delivers or receives, or offers to deliver or receive a wild animal carcass in connection with his or her business.

History: 1985 a. 29.

29.44 Interstate transportation of game. (1) 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.

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(2) Subsection (1) does not apply to a person who is issued a valid taxidermist permit and who possesses, transports, causes to be transported, delivers or receives, or offers to deliver or receive a wild animal carcass in connection with his or her business.

History: 1985 a. 29.

29.45 Transportation of deer. (1) No common carrier may receive for transportation or transport or attempt to transport any deer or carcass except as provided in this section.

(2) Any person may transport a lawfully taken deer if it is properly tagged and registered, except as otherwise provided by rule during the open season for deer and for 3 days thereafter.

(3) The place of delivery of any shipment authorized under this section by a resident shall be within the state and by a nonresident shall be either within the state or at his or her residence outside the state.

(4) This section does not apply to a bona fide public zoo.

(5) This section does not apply to a person who is issued a valid taxidermist permit and who is transporting, attempting to transport or receiving the carcass of a deer in connection with his or her business.

History: 1979 c. 34; 1981 c. 111; 1985 a. 29.

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. (a) In this subsection "migratory game bird" means any bird defined as such by the secretary of the interior in the code of federal regulations.

(b) No person may transport any migratory game bird for which open seasons are prescribed, unless the head or one fully feathered wing remains attached to each bird while being transported from the place where taken to the personal residence of the possessor or to a commercial preservation facility.

(5) EXEMPTION; TAXIDERMISTS. Subsections (1) to (3) do not apply to a person who is issued a valid taxidermist permit and who is transporting the carcass of a game bird in connection with his or her business.

History: 1975 c. 360; 1985 a. 29.

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.

(b) By means of other than common carrier: The possession limit, as prescribed by the department, 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 which are subject to a minimum size limit and are taken by hook and line may be transported with the head or tail, or both, removed and may be filleted before being transported, but only if the dressed or filleted fish continues to meet the minimum size limit. The dressed or filleted fish shall remain in one piece with the skin and scales intact.

(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 except lawfully taken suckers shall be shipped from any port located on outlying waters during the closed season for such fish, except the first 3 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.

(c) All fish which are subject to a minimum size limit and are taken by hook and line may be transported with the head or tail, or both, removed and may be filleted before being transported, but only if the dressed or filleted fish continues to meet the minimum size limit. The dressed or filleted fish shall remain in one piece with the skin and scales intact.

(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 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 this chapter except as may be provided by department 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 department or its wardens.

(6) INJURIOUS FISH. No live rough fish except goldfish, dace and suckers shall be transported into or within the state at any time without a permit from the department except any person holding a state contract to remove rough fish pursuant to s. 29.62 may transport rough fish taken by him under the authority of such contract.

(7) EXEMPTION; TAXIDERMISTS. This section does not apply to a person who is issued a valid taxidermist permit and who is transporting fish in connection with the person's business.

History: 1971 c. 266; 1985 a. 29; 1987 a. 49; 1989 a. 56.

29.475 Wildlife 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 department issued under such regulations as it may prescribe.

29.48 Sale of game or fish. (1) (a) Except as otherwise expressly provided under this chapter or rules promulgated under this chapter, no person may sell, buy, barter or trade, or offer to sell, buy, barter or trade or have in possession or under control for the purpose of sale, barter or trade any of the following:

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1. Deer, bear, squirrel, game bird, game fish or the carcass thereof at any time.

2. Any other wild animal or the carcass thereof during the closed season for that wild animal.

(b) This subsection applies whether the wild animals listed under par. (a) were lawfully or unlawfully taken within or without the state.

(2) No fish taken by hook and line from outlying waters, except rough fish, may be sold, bartered or traded in any manner.

(3) The eggs from trout and salmon lawfully taken and possessed, when removed from the fish are exempted from this section. The whole fish shall be taken to the buyer of the eggs and the eggs removed in the presence of the buyer. The fish carcass shall be legally disposed of.

(4) The tails and skin of any squirrel lawfully killed, when severed from the rest of the carcass are exempted from this section.

(5) (a) The hide of any bear which is lawfully killed is exempt from sub. (1) if the hide includes the claws, head and teeth of the bear.

(b) No person may sell, buy, barter or trade or offer to sell, buy, barter or trade or possess or control for the purpose of sale or barter any bear claws or bear teeth which are not part of a bear hide.

History: 1973 c. 315, 333; 1975 c. 360; 1977 c. 418; 1985 a. 29, 272; 1987 a. 27, 42, 114.

29.49 Serving of game to guests. (1) RESTAURANTS, ETC. (a) 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 may sell, barter, serve or give, or cause to be sold, bartered, served or given to the guests or boarders thereof:

1. The meat of any deer, bear, squirrel, game bird or game fish taken from inland waters at any time; or

2. The meat of any other game or other wild animal, or carcass or part thereof, during the closed season therefor, whether such meat is of animals lawfully or unlawfully taken within or without the state.

(b) The department may issue permits authorizing the serving of lawfully taken and possessed wild animals at any time.

(2) FREE LUNCH. The giving, offering, or affording opportunity to take free lunch in any of the places named in sub. (1) shall be held to be embraced within the prohibitions thereof.

History: 1975 c. 360.

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 department 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 department, 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.

Under 29.50 and 30.77, department may refuse to stock waters where public access is inadequate. 68 Atty. Gen. 233.

29.51 State propagation of fish. (1) STATE FISH HATCHERIES. The department 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 department, 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 U.S. commissioners of fisheries, from the commissioners of fisheries of other states or from 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, departmental officers and employes by land or water as is most advantageous to the state; and to take such other measures as in their judgment best promotes the abundant supply of food fishes in the waters of the state.

(f) The department 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 be ordered.

(2) TRANSPLANTATION OF FISH. The department may take or cause to be taken fish at any time of the year from any waters of the state for stocking other waters or for the purpose of securing eggs for artificial propagation. These fish or eggs may be taken only under a special permit issued by the department and only in the presence of the department or its wardens. This permit shall specify the kinds of fish that may be taken and the manner in which they may be taken. This permit is subject to the conditions that the holder pay for the services of and furnish free transportation and meals on his or her boat to a competent person approved by the department to spawn the fish and fertilize the eggs and that the eggs are delivered at the place designated by the department.

(3) DELIVERY OF SPAWN. Any person fishing in any waters of this state shall deliver, on demand, to the department or its wardens 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 department, or its wardens, 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 department.

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(5) UNLAWFUL FISHING BY EMPLOYES. No employe of the department, 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 department, to take therefrom.

(6) ERECTION OF BARRIERS TO EXCLUDE ROUGH FISH. The department 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.

(7) COOPERATION DURING A FISH CENSUS. (a) A person who is fishing shall cooperate with an employe of the department when the employe is involved in taking a fish census.

(b) Section 29.99 does not apply to this subsection.

History: 1981 c. 195; 1989 a. 31.

29.511 Cold water fish hatchery. In exercising the powers granted to the department under s. 29.51 the department shall purchase and establish fish hatchery facilities specializing in the production of cold water fish. The hatchery shall be located in a county centrally situated and no farther than 40 miles from Lake Michigan. The capacity of the fish hatchery should permit a minimum of 40,000 pounds of fish production.

History: 1977 c. 432.

29.512 Well disruptions caused by Bayfield hatchery operations. (1) Upon complaint in writing by an owner or lessee of land to the department that operation of the well by the department at the Bayfield fish hatchery has caused damage through disruption of well operations located within 10,000 feet of the fish hatchery well, the department shall inquire into the matter. If it appears to the department that the facts stated in the complaint are true, the department shall pay to the claimant the amount of such damages, as determined by the department.

(2) If the department determines not to pay the claim or if the amount of damages cannot be agreed upon, the claimant may present his claim to the claims board in accord with s. 16.007.

History: 1973 c. 333.

29.513 Permit for private management. (1) Any person or persons owning all of the land bordering on any navigable lake that is completely landlocked may apply to the department for a permit to remove, destroy or introduce fish in such lake.

(2) Upon receiving such application the department shall hold a public hearing in the vicinity of such lake, and if the hearing is favorable the department may issue a permit authorizing the applicant to remove, destroy or introduce fish in such lake.

(3) Such permit shall be subject to such terms, conditions and limitations as the department deems proper. All work done under the authority of such permit shall be under the supervision of the department or its agents, who shall be afforded free access to such lake at all times for such purpose by the permittee. The expenses of such supervision shall be paid by the permittee.

(4) All fish removed from such lake under such permit shall be turned over to the department.

29.515 Trespass to state fish hatchery. Whoever does any of the following shall be subject to the penalties under s. 29.99 (1):

(1) Without proper authority, enters upon the grounds of any state fish hatchery for the purpose of killing or taking fish therefrom; or

(2) Without proper authority, kills, takes or catches any fish from any waters or grounds which the person knew or should have known belonged to or were connected with any state fish hatchery; or

(3) Without proper authority to do so, intentionally or negligently injures any fish, or in any manner interferes harmfully with the ponds, streams, troughs or other property of a state fish hatchery.

History: 1975 c. 365; 1985 a. 29.

29.52 Private fish hatcheries. (1) Private fish hatchery licenses may be issued by the department under this section.

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

(a) His name and address.

(b) The specific description of the lands to be included in the license.

(c) A description of the water supply to be used in the operation of the hatchery.

(d) A description or diagram showing the ponds, raceways, wells, flumes, dams, buildings and other improvements in connection with the proposed hatchery.

(e) His title or leasehold.

(f) Such additional information that may be required by the department.

(3) After May 12, 1965 private fish hatcheries shall be licensed only under the following conditions:

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

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

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

1. Maintains and operates an artificial fish hatching facility and purchases fish and fish eggs and produces fish eggs therein for sale or trade; or

2. Hatches fish eggs or rears fish so produced for sale or trade; or

3. Sells or trades fish so produced or permits public fee fishing for fish so produced.

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

1. Has live fish lawfully in his possession, by purchase or otherwise, for sale or trade; or

2. Rears such fish to a larger size for sale or trade; or

3. Permits public fee fishing for such fish.

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

1. Has live eggs or fish lawfully in his possession by purchase or otherwise; and

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2. Maintains and operates an artificial fish hatching facility and hatches eggs but not for sale or trade except that bait minnows so produced may be sold or traded; or

3. Stocks, maintains or holds such live fish eggs or fish for natural propagation, display, or fishing by himself or others, but does not sell or trade such fish eggs or fish and does not permit public fee fishing for such fish; or

4. Stocks, maintains or holds live fish for display or for sale and consumption on the premises; or

5. Sells game fish lawfully in his possession, by purchase or otherwise, to Class A licensees.

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

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

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

(5) Upon the filing of the application for a private fish hatchery license, the department shall inspect and investigate the fish hatchery and may hold public hearings on the matter. All expenses of the inspection, except the salary of the employe who inspects the hatchery, shall be paid by the applicant. When satisfied that the applicant is the owner or lessee of the lands described and upon finding that all provisions and conditions of this section have been fully complied with, the department shall issue a license to propagate, rear, sell and possess fish of the kind specified in the license and as provided in this section. All licenses shall be renewed, subject to this section, upon filing of a verified report with the department containing the information on the operation of the hatchery requested by the department, together with the appropriate license fee.

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

(7) The department may, from year to year, renew any private fish hatchery license issued prior to, and in effect on, May 12, 1965. If a private fish hatchery license is not renewed as provided in sub. (5) or is terminated for any reason, all rights and privileges of the licensee under such license terminate and thereafter the lands and waters which were included in such license shall be subject to all of the provisions of this section if an application for a license hereunder is made which includes any of such lands or waters.

(8) 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: .....)".

(9) 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.

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

(11) Any person who, without permission of the licensee, trespasses on any licensed fish hatchery shall forfeit not more than $200; 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.

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

(13) This section shall not apply to civic organizations, organizations operating newspapers or television stations or promoters of sport shows when and in connection with publicly showing or exhibiting or giving demonstrations with trout for periods of not to exceed 10 days.

(14) Any fish brought into this state for the purpose of planting in a private fish hatchery are subject to s. 29.535 (1).

History: 1975 c. 360, 365; 1983 a. 27.

29.535 Introducing fish and game. (1) (a) Unless the person has a permit, no person may bring into the state for the purpose of stocking or introducing, or to stock or introduce, any fish or spawn thereof or any wild bird or animal of any kind.

(b) Applications for such permits shall be made in writing to the department.

(c) Permits for stocking shall be issued by the department only after investigation and inspection of the fish, birds or animals as it determines is necessary.

(d) Permits to import into the state fish or spawn thereof of the family salmonidae, including trout, char or salmon, may be issued only if the source of the fish or eggs is certified free of such diseases as are designated by the department.

(e) Fish or spawn thereof imported under a permit are subject to inspection by the department and such inspection may include removal of reasonable samples of fish or eggs for biological examination.

(f) The department may seize or destroy, or both, any fish or spawn thereof found to be infected with any disease organisms as are designated by the department.

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

(3) This section shall not apply to civic organizations, organizations operating newspapers or television stations or promoters of sport shows when and in connection with publicly showing or exhibiting or giving demonstrations with brook, brown or rainbow trout for periods of not to exceed 10 days. Brook, brown or rainbow trout used for such purposes shall be obtained only from resident Class A or Class B private fish hatchery operators licensed under s. 29.52 (4). Such private fish hatchery operators shall keep a record of all brook, brown or rainbow trout introduced in or delivered for introduction in any public waters and shall make a report of such introduction or delivery for such introduction to the department on or before December 31 of each year on forms furnished by the department.

History: 1975 c. 360, 421.

29.536 Municipal fish hatcheries. (1) Any city, town or village, upon direction and supervision of the department, may appropriate money for and may acquire, lease or contract for any land, pond, lake or slough for a fish hatchery, and erect, establish, operate and maintain on, in or about such pond, lake or slough, a fish hatchery and fishery for the

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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 department 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 department 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 department shall issue to the municipality a certificate under seal of the department, 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 department shall promulgate rules for stocking, maintaining and fishing in the hatcheries.

History: 1989 a. 359.

29.54 State propagation of wild mammals and birds. (1) The department may take or purchase wild mammals and birds and their eggs for propagation. The distribution thereof shall be made throughout the state under the supervision and direction of the department and according to its rules.

(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.

History: 1989 a. 359.

29.544 Wild rice conservation; licenses. (1) TITLE TO WILD RICE. (a) The legal title to all wild rice growing in any lake of the state, whether meandered or not, is vested in the state for the purpose of regulating harvest, use, disposition and conservation thereof.

(b) The legal title to such wild rice taken or reduced to possession in violation of this chapter or of any rule of the department remains in the state; and the title to any such wild rice lawfully acquired is subject to the condition that upon the violation of this chapter or of any department rule relating to the possession, use, harvest, sale or purchase thereof by the holder of such title, the same shall revert, as a result of the violation, to the state. In either case, such wild rice may be seized forthwith wherever found by the department or its agents.

(2) POWERS OF THE DEPARTMENT. (a) The department may promulgate such rules governing the harvest, use and disposition of wild rice growing in the navigable lakes of the state as it deems reasonably necessary for the conservation and wise use thereof. The secretary may designate the opening date for harvesting wild rice in any navigable lake or stream by posting notice of such opening date on the shores of and at places of public access to such lake at least 24 hours before such opening date, unless the department promulgates by rule a different time period required for notice. Such posting is deemed sufficient notice of such opening date and no other publication thereof is required.

(b) The department shall obtain the advice and recommendations of the tribal council before promulgating any rules governing the harvest, use and disposition of wild rice growing within the bounds of an Indian reservation.

(3) LICENSE REQUIRED EXCEPTIONS; WILD RICE IDENTIFICATION CARD. Every person over the age of 16 and under the age of 65 shall obtain the appropriate wild rice license to harvest or deal in wild rice but no license to harvest is required of the members of the immediate family of a licensee or of a recipient of old-age assistance or general relief or members of their immediate families. The department shall issue a wild rice identification card to each member of a licensee's immediate family, to a recipient of old-age assistance or general relief and to each member of the recipient's family. The term "immediate family" includes husband and wife and minor children having their abode and domicile with the parent or legal guardian.

(4) LICENSES. (a) *Wild rice harvest license.* No wild rice harvest license is required of helpers of a licensee who participate only in shore operations. Wild rice harvest licenses may be issued only to residents of this state.

(b) *Wild rice dealer license.* A wild rice dealer license is required to buy wild rice within the state for resale to anyone except consumers, or to sell wild rice imported from outside of the state to anyone within the state except consumers, or to process wild rice not harvested by the processor himself or herself for resale by the processor to any other person. The license is required to be a class D wild rice dealer license if the amount of wild rice bought, sold or processed by the licensee within the year covered by the license exceeds 50,000 pounds. The license is required to be a class C wild rice dealer license if this amount exceeds 25,000 pounds but does not exceed 50,000 pounds. The license is required to be a class B wild rice dealer license if this amount exceeds 5,000 pounds but does not exceed 25,000 pounds. The license is required to be a class A wild rice dealer license if this amount does not exceed 5,000 pounds. For the purposes of this section, 2 1/2 pounds of raw rice is deemed equivalent to one pound of processed rice.

(5) RECORDS AND REPORTS. Each wild rice dealer shall keep a correct and complete book record in the English language of all wild rice bought, sold or processed by him during the period covered by his license showing the date of each transaction, the names and addresses of all other parties thereto, and the amount of wild rice involved, whether raw or processed. Each such record shall be open for inspection by the department or its agents at all reasonable times. All licensed wild rice dealers shall file such reports on their operations as wild rice dealers as are required by the department.

(6) PRIVATE WATERS. (a) Nothing in this section shall be construed as giving the state of Wisconsin, the department or its agents the right to control, regulate, manage or harvest wild rice growing on privately owned beds of flowages or ponds.

(b) No person shall, within the boundaries of this state, use or cause to be used any mechanical device of any nature in the harvesting or gathering of wild rice.

(7) PENALTIES. Any person violating this section shall be punished pursuant to s. 29.99 (2) and (12).

History: 1975 c. 365 s. 62; 1979 c. 110; 1979 c. 190 s. 4; 1981 c. 243 s. 7; 1983 a. 27; 1985 a. 332 s. 251 (3); 1987 a. 27.

29.547 Ginseng protected. (1) DEFINITIONS. As used in this section:

(a) "Dealer" means a person who buys at least 8 ounces of wild ginseng annually.

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(b) "Wild ginseng" means ginseng dry root, live root or seed that is not grown or nurtured by a person.

(2) CUTTING. No person may, between November 1 and the following September 1, cut, root up, gather or destroy wild ginseng.

(3) EVIDENCE. The purchase or sale of wild green ginseng between November 1 and the following September 1 is prima facie evidence of a violation of this section.

(4) PURCHASE WITH KNOWLEDGE. No person may purchase wild ginseng if the person knows the ginseng was cut, rooted up or gathered between November 1 and the following September 1. No person may purchase wild ginseng if the person knows that the vendor does not have a license to harvest ginseng or that the vendor has violated this section or a rule promulgated under this section.

(5) EVIDENCE. In any prosecution under this section proof that any wild ginseng which was purchased had been illegally obtained by the vendor is prima facie evidence of a violation of this section by the purchaser.

(6) WILD GINSENG HARVEST LICENSE. (a) *Requirement.* No person may cut, root up, gather or destroy wild ginseng unless the person has a wild ginseng harvest license issued by the department. The department shall promulgate rules for issuing wild ginseng harvest licenses. The department may promulgate rules on the quantity of wild ginseng that each person may harvest, restrictions on areas where wild ginseng may be harvested and on the methods which may be used to harvest wild ginseng.

(b) *Exception.* Paragraph (a) does not apply to a person who cuts, roots up, gathers or destroys wild ginseng growing on the person's own land if the ginseng is not sold.

(7) WILD GINSENG DEALER LICENSE. No person may engage in business as a dealer and no dealer may purchase wild ginseng unless he or she has a wild ginseng dealer license issued by the department. The department may establish by rule the procedure for issuing a wild ginseng dealer license.

(8) SHIPMENT OF WILD GINSENG. (a) *Certificate required.* Except as provided under par. (b), no person may ship wild ginseng out of this state unless the wild ginseng is accompanied by a valid and completed shipping certificate.

(b) *Exception.* Paragraph (a) does not apply to a person who ships wild ginseng dry root to a person outside of this state who is buying or receiving the wild ginseng dry root solely for the purpose of final retail sale to consumers in the United States, if the person shipping keeps a written record of the shipment which includes all of the following:

1. The name and address of the purchaser or recipient and the purchaser or recipient's wild ginseng dealer license number, if any.

2. The dry weight of the wild ginseng dry root included in the shipment.

3. The date of the shipment.

4. The source of all of the wild ginseng dry root included in the shipment, including the names and addresses of the sources if purchased or obtained from other persons and the wild ginseng harvest license numbers or wild ginseng dealer license numbers of those persons, if any.

(c) *Issuance of certificates.* The department may issue shipping certificates only to a person who has a wild ginseng harvest license or a wild ginseng dealer license. No person except the person to whom the shipping certificate is issued may use or possess the shipping certificate.

(d) *Effective period; cancellations; return.* Unless canceled, a shipping certificate is valid for the period indicated on the certificate's face. The department may cancel a shipping certificate at any time. Any person to whom shipping certificates are issued shall return all unused shipping certificates to the department within 10 days after the expiration of the period indicated on the certificates or within 10 days after the department cancels the certificates.

(e) *Validity.* A shipping certificate is valid only if it has not expired or been canceled by the department, is fully completed and contains no false information. A shipping certificate is valid only for wild ginseng originating from this state.

(f) *Prohibitions.* No person may ship wild ginseng originating from another state under a shipping certificate issued under this subsection. No person may use an expired or canceled shipping certificate, falsify information on a shipping certificate, use a shipping certificate without fully completing it, maintain false records or copies of shipping certificates or fail to maintain records or comply with rules promulgated by the department concerning shipping certificates.

(9) RECORDS; REPORTS; INSPECTIONS. (a) *Purchases.* A dealer who purchases wild ginseng shall maintain records of the quantity purchased, the name and wild ginseng license number of the vendor and other information required by the department.

(b) *Sales and shipments.* A dealer shall maintain records required under sub. (8) and shall keep records and reports of sales, shipments and transactions as required by the department.

(c) *Records, retention.* A dealer shall retain records required under this section for 3 years after the date of the transaction recorded.

(d) *Submission of records.* A dealer shall submit records required under this section or legible copies of those records to the department within 10 days after the department requests submission of those records by mailing a request to the dealer at the address listed on the wild ginseng dealer license application.

(e) *Reports.* A dealer shall submit reports required by the department under this section upon request.

(f) *Inspections.* Upon request, a dealer shall make all records required under this section and all of the inventory of wild ginseng under the dealer's control available to the department for inspection.

(g) *Confidentiality.* 1. Notwithstanding s. 19.21, wild ginseng harvest license and wild ginseng dealer license records, records required under sub. (7) or this subsection and reports required under this subsection which relate to transactions in ginseng dry root are not public records and shall not be released or used by the department for any purpose except investigation and enforcement of this section.

2. All records and reports which relate to transactions in wild ginseng live root and seed shall be open to public inspection under subch. II of ch. 19.

(10) SUSPENSION; REVOCATION. (a) *Suspension.* The department may suspend the wild ginseng harvest license or the wild ginseng dealer license of a person who violates this section subject to a subsequent right to a hearing before the department. In order to obtain a hearing, a person is required to file a request with the department within 30 days after receipt of the notice of suspension. The filing of a request for a hearing does not stay the suspension pending the hearing.

(b) *Revocation.* The department may revoke the wild ginseng harvest license or the wild ginseng dealer license of a person who violates this section and may refuse to issue any new license under this section for a period of not more than 3 years. The department shall revoke the wild ginseng harvest license or wild ginseng dealer license of a person who violates this section within 3 years after his or her license was revoked or suspended for a previous violation and shall refuse to issue

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any new license under this section for a period of not less than one year nor more than 3 years.

(11) PENALTY. A person who violates this section or a rule promulgated under this section shall forfeit not more than $500. A person who violates this section or a rule promulgated under this section within 3 years after conviction for previous violation of this section or a rule promulgated under this section shall forfeit not more than $1,000.

History: 1975 c. 394 s. 15; 1975 c. 421; Stats. 1975 s. 29.547; 1979 c. 157; 1983 a. 27; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27; 1989 a. 359.

29.55 Wild animals for parks. (1) The department 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 department 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 department or its wardens.

(3) No bona fide public zoo shall be subject to this section.

(4) Notwithstanding any other provision of law to the contrary it is lawful for a bona fide public zoo to have, purchase, barter or sell any live animal, domestic or foreign, to or with another bona fide public zoo, licensed deer farm or reputable animal dealer, within or without this state.

29.555 Public hunting and fishing grounds. The department may acquire, lease, develop and maintain public hunting and fishing grounds. The department may agree to adjust and pay damages arising from the operation of public hunting or fishing grounds.

History: 1979 c. 34 s. 730.

29.557 Hunting on land in state parks and state fish hatcheries. (1) Except as provided in sub. (3), no person may hunt or trap on land located in state parks or state fish hatcheries.

(2) Except as provided in sub. (3), no person may have in his or her possession or under his or her control a firearm on land located in state parks or state fish hatcheries unless the firearm is unloaded and enclosed within a carrying case.

(3) A person may hunt deer or wild turkeys in a state park or in a portion of a state park, designated by the department by rule, for that type of hunting if the person holds the approvals required under this chapter for that type of hunting.

History: 1989 a. 214.

29.56 Game or wildlife refuge. No person shall at any time or in any manner hunt or trap within the boundaries of any game or wildlife refuge established pursuant to s. 23.09 (2) (b) or 29.57, nor have in his possession or under his control therein, any gun or rifle unless the same is unloaded and enclosed within a carrying case. The taking of predatory game birds and animals shall be done as the department directs. All state game or wildlife refuge boundary lines shall be marked by posts placed at intervals of not over 500 feet and bearing signs with the words "Wisconsin Wildlife Refuge".

29.565 Animal wildlife exhibit. The department shall establish an animal wildlife exhibit where wild animals, allowed to roam at will, may be viewed by the public without charge on state owned lands over which the department has jurisdiction, or upon lands donated to the state for the purpose. The boundary of the area shall be marked by posts placed at intervals of not over 500 feet and bearing signs with the words "Wisconsin Wildlife Exhibit Area". The department shall provide shelters thereon, for the housing of the caretaker, and the sheltering, nursing and caring for orphaned wild animals, which shall be furnished by the department, which may accept private donations of such animals. Such animals shall be sheltered and cared for until they are old enough to release, but by providing food and shelter efforts shall be made to induce the animals to return to the area year after year.

(1) The department shall employ a caretaker with long experience with wild animals, preferably a retired game warden, to manage the exhibit.

(2) No person shall at any time or in any manner hunt or trap within the boundaries of the area, nor have in his possession or under his control therein, any gun or rifle unless it is unloaded and knocked down or enclosed in a carrying case.

(3) The department may promulgate rules for the effective accomplishment of the purposes of this section including the duration of the exhibition season.

29.57 Wildlife refuges. (1) ESTABLISHMENT. The owner or owners of any tract, or contiguous tracts, of land comprising in the aggregate not less than 160 acres located outside the limits of any city or village, may apply to the department for the establishment of said lands as a wildlife refuge. The department may thereupon employ such means as it deems wise to inform itself regarding the premises; and if, upon inspection, investigation, hearing, or otherwise, it shall appear to the satisfaction of the department that the establishment of said lands as a wildlife 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 wildlife refuge.

(2) SIGNS. Within 30 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 department, proclaiming the establishment of said refuge.

(3) PUBLICATION. No such order shall be effective until at least 30 days after the date of its issue; nor unless the department has caused notice thereof to be published, as a class 3 notice, under ch. 985, in the county embracing the lands. Thereupon the said lands shall be a wildlife refuge, and shall so remain for a period of not less than 5 years, from and after the date of effect stated in said order.

(4) ABSOLUTE PROTECTION. Except as provided in s. 29.56 no owner of lands embraced within any such wildlife refuge, and no other person, may hunt or trap within the boundaries of any wildlife refuge or have in his or her possession or under his or her control therein any gun or rifle, unless the same is unloaded and enclosed within a carrying case. Nothing in this section may prohibit, prevent or interfere with the department, or its wardens, agents or employes, in the destruction of injurious animals.

(5) ANIMALS PROCURED BY DEPARTMENT. The department may place within any such wildlife refuge, for the purpose of propagation, wild animals of any species or variety.

History: 1971 c. 42; 1989 a. 214.

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

(2) The department may establish a fish hatchery in connection with such wildlife refuge.

(3) The department 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.

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(4) The department may 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.

29.572 Game farms; license. (1) No person shall cause, authorize or permit any lands or waters to be posted with signs of any kind indicating that such lands or waters are licensed under s. 29.52 or 29.573 to 29.578 unless such lands and waters are in fact so licensed.

(2) If any such license expires or lapses and is not renewed, the licensee, landowner or other person having control over such lands or waters shall remove or cause such signs to be removed within 45 days after the expiration or termination of such license.

(3) Applications for the renewal of any license issued under ss. 29.573 to 29.578 shall be filed with the department on or before the expiration date of the license, except that an application for renewal of this type of license may be filed not more than 45 days after the expiration date if it is accompanied by the late filing fee specified under s. 29.092 (9) (i) in addition to the regular license or renewal fee. If application for renewal of a license is not made as required in this subsection or if a license is terminated for any reason, all rights and privileges of the licensee under the license are terminated upon the expiration of the 45-day period provided in this subsection or on the date of termination whichever occurs first. Thereafter, the lands and waters which were included under the license shall be subject to ss. 29.573 to 29.578.

History: 1975 c. 322 s. 14; 1983 a. 27.

29.573 Pheasant and quail farms; department control; shooting license. (1) The department may issue pheasant and quail farm licenses for shooting preserves and the releasing, shooting, possession and use of pheasants and quail on pheasant and quail farms if, in the judgment of the department, operations under these 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.

(2) No license shall be granted unless the applicant owns or has under lease the area for which the license is granted. Boundaries of the area licensed shall be defined and posted as prescribed by the department.

(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 the licensee designates may hunt on the licensed premises, have in possession, and dispose of such pheasants or quail by gift.

(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.

(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 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 cost.

(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 department may promulgate such rules as shall be necessary to carry out the intents and purposes of this section, but no rule shall require that an application or report be notarized.

(b) Any person violating the above provisions shall forfeit not more than $300.

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

(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.

History: 1975 c. 322, 365, 421; 1981 c. 390 s. 252; 1983 a. 27; 1985 a. 332 s. 251 (5).

29.574 Game bird and animal farms. (1) The owner or lessee of any lands within the state suitable for the breeding and propagating of game, birds 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. 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.

(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 department 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 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 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

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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 lands that are desired for propagation purposes, the title of which rests in the state. If upon such examination it 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 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.

(3m) No game bird and animal farm license shall be issued after May 24, 1961, other than those already in operation for any area less than one-quarter mile from the exterior boundaries of an approved state or federal wildlife area, public hunting grounds or refuge which is managed in whole or in part for pheasants. All lands under one license shall be contiguous. This section shall not prohibit the licensing of game bird and animal farms within one-quarter mile of approved state or federal wildlife areas, public hunting grounds, or refuges provided such licensed farms are completely enclosed, including an enclosed top of woven wire with mesh not larger than 6 inches.

(3n) 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 said license, wherever the same is not already enclosed, and shall post and maintain, upon said posts, stakes or other enclosure, notices proclaiming the establishment of a game bird and animal farm. Such notices shall be furnished by the department to the licensee at cost.

(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 and animals, except waterfowl, may be taken at any time in any manner by persons qualified under this chapter to hunt thereon. Waterfowl may only be taken pursuant to the rules promulgated by the department and in effect governing the hunting of waterfowl, except that upon written application the department may authorize the taking of hand-reared mallards at any time within the boundaries of a licensed game bird and animal farm in numbers not to exceed those liberated or propagated when it appears to the satisfaction of the department that only mallards liberated or propagated by the licensee will be taken on such farm. The applicant shall certify to the department that mallards liberated or propagated for shooting were produced and reared in captivity and are more than 2 generations removed from the wild. Hand-reared mallards shall not be released for shooting purposes unless such mallards have first been identified as the department directs. Mallards confined to wholly enclosed pens or buildings may be taken within such pens or buildings at any time and in any numbers. No such game bird or animal or mallards killed on such farm and no live game bird or animal or mallards to be consumed as food shall be removed therefrom until there has been securely fastened to each bird or animal a band or tag furnished by the department to the licensee at cost. Such band or tag shall remain attached to the bird or animal until prepared for consumption. Live birds and animals may be sold or transported. Each container carrying such live birds or animals shall have attached thereto a band or tag as set forth above. Live birds or animals acquired from the licensee to be consumed as food shall not be kept in a live condition by any person beyond 48 hours from the time such birds or animals were acquired from such licensee. Correct and complete book records of sales and purchases of live birds and animals disclosing the time and date of such sales and whether or not such live birds and animals were acquired to be consumed as food shall be kept by the licensee. Certified copies of such records shall be furnished by the licensee to the department on request, on forms furnished by the department.

(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.

(6m) Notwithstanding any other provision of the statutes to the contrary, no person hunting upon a game bird and animal farm shall be required to hold a hunting license.

(7) Any person other than the licensee, his bona fide regular employes, or persons having permission from the licensee 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 $100, in addition to all damage which he may do to the farm or to the game birds or animals, and property thereon, but all actions for such trespass shall be brought by such licensee.

(8) 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.

(9) Any person who violates this section shall forfeit not more than $50.

History: 1975 c. 94 s. 91 (11); 1975 c. 199, 322, 365, 422; 1983 a. 27; 1985 a. 332 s. 251 (1).

Applicability of animal regulatory statutes to game farm operators discussed. 72 Atty. Gen. 43.

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

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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. The licensee 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 the licensee sees fit and deems to the best advantage of the licensee's business, and to sell and transport at any time said fur animals or the pelts taken from them.

(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) A valid fur animal farm license is prima facie evidence in all courts and proceedings of the right of the licensee, successors or assigns to establish and operate a fur animal farm upon the premises and entitles the licensee, successors or assigns to the exclusive right to breed and propagate fur animals upon the premises and to the exclusive and sole ownership of any property in all fur animals caught or taken.

(8) Any person, other than the licensee or 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 the person does 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.

History: 1975 c. 94 s. 91 (11); 1975 c. 199, 322, 421; 1983 a. 27.

Applicability of animal regulatory statutes to game farm operators discussed. 72 Atty. Gen. 43.

29.578 Deer farms; venison serving permits. (1) The owner or lessee of any lands within this state suitable for breeding and propagating of deer shall have the right upon complying with 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 department. 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 department 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 department 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 department 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 department $25 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 department 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 department; provided, the department 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 department 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 this section.

(5) The deer farm license 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 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

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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 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.

(8) After a deer is so killed and tagged the entire carcass only shall be sold and transported, except as provided in sub. (14). The tag must remain on the carcass while in transit. A deer farm tag may be removed from a gutted carcass at the time of butchering, but the person who killed or obtained the deer shall retain the tag until the meat is consumed.

(9) Such licensee may sell and transport live deer providing that the department or one of its representatives be notified in advance of the shipment 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 shipping deer. The licensee shall pay to the department $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 department, its wardens 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 $100 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 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 $25 per deer, shall be conditional upon the applicant and licensee honestly and fairly complying with 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 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 5 years and until a new license therefor, after said 5 years, has been issued by the department as provided in this section; that the department shall within 30 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 department 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 5 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 department shall in such event duly post notices thereof at intervals of 10 rods around the entire tract.

(12) On or before January 1 of each year, each such licensee shall make a report to the department, covering the period from January 1 to December 31 of the previous year, upon blanks furnished by the department, 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 department or its wardens 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) (a) No person may barter, sell or otherwise deal in the carcasses of deer taken from a deer farm unless the person obtains a deer farm sales license from the department. Each carcass of this type of deer that is sold by a person under this license is required to have a distinctive tag attached to it. The department shall issue these deer farm sales tags.

(am) Special retail deer sale permits authorizing a person to retail a venison lawfully killed and sold in the carcass to any retailer of meats may be issued by the department.

(b) Any person may serve venison obtained from a deer farm licensed under this section if the person has a venison serving permit from the department. The application for this permit shall be in the form and include the information the department requires. If the department after investigation is satisfied that the application is satisfactory it shall issue a venison serving permit conditioned as follows:

2. It shall be exhibited in a conspicuous place in the premises where such venison is retained and served.

3. It shall contain the name and address of the applicant together with the name and address of the premises where the venison will be retained and served, together with the source of the venison, the sex, approximate weight and deer farm tag numbers of the carcass. The deer farm tag may be removed from a gutted carcass at the time of butchering, but the person who killed or obtained the deer shall retain the tag until the venison is consumed.

4. The permittee agrees to record immediately upon possession all additional venison, purchased, possessed or served during the permit period in the space provided therefor on the permit.

5. The permittee agrees that the department or its wardens shall have the right to inspect the premises where such venison is retained or served.

(c) Each permittee under par. (b) shall file a verified report to the department within 30 days after the expiration of the permit containing such information regarding the operations under the permit as the department requires on forms furnished by the department.

(15) Any person who hunts within the enclosure of a deer farm without the permission of the owner or who otherwise intentionally or negligently violates this section shall be fined not more than $200 or imprisoned not more than 90 days, or both.

(16) The department may sell to licensees under this section, for propagating purposes, fawns and deer at a price to be fixed by the department not exceeding $25 each. The department shall make orders and promulgate rules under this section to encourage the industry.

History: 1975 c. 322, 365, 421; 1983 a. 27, 546; 1989 a. 359.

Applicability of animal regulatory statutes to game farm operators discussed. 72 Atty. Gen. 43.

29.579 Domestic fur-bearing animal farms. The breeding, raising and producing in captivity, and the marketing, by the

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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.

29.585 Wildlife exhibit licenses. (1) The department may grant licenses for wildlife exhibits which are defined as any place where one or more live wild animals are kept in captivity for the purpose of exhibition or for advertising purposes. The form of application and license shall be prescribed by the department.

(2) (a) The term "wild animal" as used in this section means any mammal, fish or bird of a wild nature as distinguished from domestic animals under the common law or under the Wisconsin statutes whether or not the mammal, fish or bird was bred or reared in captivity.

(b) "Wildlife exhibit" does not include the exhibition of any live wild animal by any educational institution, state department, public zoo, park or garden, circus or theatrical exhibition or any such exhibition sponsored by any organization with the approval of the department.

(3) No wildlife exhibition license shall be granted by the department until it is satisfied that the provisions for housing and caring for such wild animals and for protecting the public are proper and adequate and in accordance with the standards therefor established by the department.

(4) The department shall promulgate and enforce rules for the housing, care, treatment, feeding and sanitation of wild animals kept in wildlife exhibits and for the protection of the public from injury by the wild animals.

(5) No person may keep any live wild animal in captivity for the purpose of exhibition or for advertising purposes or have any wild animal in his or her custody or under his or her control for such purpose, unless a wildlife exhibit license is issued to the person by the department. A wildlife exhibit license is required in addition to any game bird and animal farm, deer farm or fur farm license required for the possession, breeding, propagating or dealing of these wild animals if these farms are wildlife exhibits as defined under sub. (1).

(6) Each licensee shall file an annual, verified report with the department within 30 days after the expiration of such license containing such information on the operation of the wildlife exhibit as the department may require and on forms furnished by the department.

History: 1979 c. 142; 1983 a. 27; 1989 a. 359.

29.586 Humane, adequate and sanitary care of wild animals. (1) The department has the authority to examine all lands, together with buildings, licensed as game bird and animal farms, deer farms or fur farms to determine that all wild animals held in captivity on such licensed farms are treated in a humane manner and confined under sanitary conditions with proper and adequate housing, care and food.

(2) The department may order any licensee to comply with standards prescribed in such order for the housing, care, treatment, feeding and sanitation of wild animals held in captivity by the licensee.

(3) Any such licensee who fails to comply with such order of the department within 10 days of its issuance will be subject to penalties provided in s. 29.99 (4).

History: 1975 c. 365 s. 62.

29.59 Removal of wild animals. (1) DEFINITIONS. In this section:

(a) "Damage" means harm to forest products; streams; roads; dams; buildings; orchards; apiaries; livestock; and commercial agricultural crops, including Christmas trees and nursery stock.

(b) "Daylight hours" means the time from one hour before sunrise until one hour after sunset.

(c) "Private property holder" means an owner, lessee or occupant of private property.

(d) "Removal activity" means removing or authorizing the removal of a wild animal that is causing damage or that is causing a nuisance or the removal of a structure of a wild animal that is causing damage or that is causing a nuisance.

(e) "Remove" means capture, shoot, set a trap for, relocate, or otherwise destroy or dispose of.

(f) Notwithstanding s. 29.01 (14), "wild animal" means any undomesticated mammal or bird.

(2) DEPARTMENT AUTHORITY. The department may remove or authorize the removal of all of the following:

(a) A wild animal that is causing damage or that is causing a nuisance.

(b) A structure of a wild animal that is causing damage or that is causing a nuisance.

(3) DAMAGE COMPLAINTS. (a) Within 48 hours after receipt of a written complaint from a person who owns, leases or occupies property on which a wild animal or a structure of a wild animal is allegedly causing damage, the department shall both investigate the complaint and determine whether or not to authorize removal.

(b) The department may remove or authorize removal of the wild animal or the structure of the wild animal if it finds that the wild animal or the structure is causing damage on the property.

(c) A person who owns, leases or occupies property outside an incorporated municipality on which a wild animal or a structure of a wild animal is allegedly causing damage and who has made a complaint under par. (a), may remove the wild animal or the structure during daylight hours if all of the following conditions apply:

1. The department has failed, within 48 hours after the receipt of the complaint, to investigate the complaint and to determine whether or not to authorize removal.

2. The department has not refused to investigate as permitted under sub. (5) (a).

3. The wild animal is not of an endangered or threatened species under s. 29.415 and is not a migratory bird on the list in 50 CFR 10.13 that is promulgated under 16 USC 701.

(d) A person who owns, leases or occupies property located within an incorporated municipality on which a wild animal or the structure of a wild animal is allegedly causing damage may capture and relocate the wild animal or may relocate its structure if the person has made a complaint under par. (a) and all the conditions under par. (c) 1 to 3 apply.

(4) NUISANCE COMPLAINTS. (a) Upon the receipt of a complaint from a person who owns, leases or occupies property on which a wild animal or a structure is allegedly causing a nuisance, the department may investigate the complaint.

(b) The department may remove or authorize the removal of the wild animal or the structure of a wild animal if it finds that the wild animal or the structure is causing a nuisance on the property.

(4m) HUNTING ALLOWED. If the department removes or authorizes the removal of a wild animal or the structure of a wild animal under sub. (3) (b), the person who owns, leases or occupies the property on which the damage occurred shall

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open the property to others for hunting and trapping for one year beginning on the date on which the removal activity started unless hunting is prohibited under this chapter, rules promulgated under this chapter or any municipal ordinance.

(5) ABATEMENT. (a) The department may refuse to investigate under sub. (3) (a) if the person making the complaint refuses to participate in any available wildlife damage abatement program administered under s. 29.598 or refuses to follow reasonable abatement measures recommended by the department or by the county in which the property is located if the county participates in a wildlife damage abatement program.

(b) Before taking action under sub. (3) (b) or (4), the department may require the person making the complaint to participate in any available wildlife damage abatement program administered under s. 29.598 or to follow reasonable abatement measures recommended by the department.

(6) OWNER LIABILITY FOR BEAVER DAMAGE. A person who owns, leases or occupies property on which a beaver or a beaver structure is causing damage and who fails or refuses to give consent to the department to remove the beaver or the structure is liable for any damage caused by the beaver or the structure to public property or the property of others.

(7) NO DUTY; IMMUNITY FROM LIABILITY. (a) Except as provided in par. (d), no private property holder and no officer, employe or agent of a property holder owes any of the following duties to any person who enters the private property holder's property solely to engage in a removal activity:

1. A duty to keep the property safe for removal activities.

2. A duty to inspect the property.

3. A duty to give warning of an unsafe condition, use or activity on the property.

(b) Except as provided in par. (d), no private property holder and no officer, employe or agent of a private property holder is liable for any of the following injuries that occur on the private property holder's property:

1. An injury to a person engaging in a removal activity.

2. An injury caused by a person engaging in a removal activity.

(c) Except as provided in par. (d), nothing in this subsection, s. 101.11 or in the common law attractive nuisance doctrine creates any duty of care or ground of liability toward any person who uses private property holder's property for a removal activity.

(d) Paragraphs (a) to (c) do not apply if any of the following conditions exist:

1. An injury is caused by the malicious failure of the private property holder or an officer, employe or agent of the private property holder to warn against an unsafe condition on the property, of which the private property holder has knowledge.

2. An injury is caused by a malicious act of a private property holder or of an officer, employe or agent of a private property holder.

3. An injury is sustained by an employe of a private property holder acting within the scope of his or her duties.

(8) APPLICABILITY. Beginning July 1, 1991, this section does not apply to damage by deer if the department issues a permit under s. 167.34 (2) or if the procedure under s. 167.34 (3) applies.

History: 1989 a. 31.

29.598 Wildlife damage abatement program; wildlife damage claim program. (1) DEFINITION. As used in this section, "wildlife damage" means damage caused by wild deer, bear or geese to commercial seedings or crops on agricultural land, to orchard trees or nursery stock or to apiaries or livestock.

(2) DEPARTMENT POWERS AND DUTIES. (a) *Assistance.* The department shall assist counties in developing and administering the wildlife damage abatement and wildlife damage claim programs. The department shall provide this assistance through technical aid, program guidance, research, demonstration, funding, plan review, audit and evaluation services.

(b) *Eligibility and funding requirements.* The department shall promulgate rules for eligibility and funding requirements for the wildlife damage abatement program and the wildlife damage claim program in order to maximize the cost-effectiveness of these programs.

(c) *Review of county administration plans.* The department shall provide guidelines to counties applying for participation in the wildlife damage abatement and wildlife damage claim programs under sub. (3) (b). The department shall review each plan of administration submitted under sub. (3) (c) and shall approve the plan if it is in substantial compliance with sub. (3) (c) and the administrative rules promulgated by the department.

(d) *Administrative funds.* The department shall provide funding to each county participating in the wildlife damage abatement program, wildlife damage claim program or both for costs incurred in administering these programs. The amount of funding to be allocated for each county shall be based on the estimate of anticipated administrative costs prepared under sub. (3) (c) 8 but the department shall determine payments based on the actual administrative costs incurred. If actual costs exceed the estimate, the department may allocate additional funding based on criteria and using procedures established by rule.

(3) COUNTY ADMINISTRATION. (a) *County participation required.* Eligibility for the wildlife damage abatement program or the wildlife damage claim program requires participation of the county in the administration of these programs as specified under sub. (4) (a) and (6) (a). The department may not administer a wildlife damage abatement program or wildlife damage claim program on behalf of or instead of a county.

(b) *Application.* A county seeking to administer the wildlife damage abatement program or the wildlife damage abatement and wildlife damage claim programs shall apply to the department on forms provided by it on or before November 1 for the administration of these programs in the following calendar year or other period specified in the application.

(c) *Plan of administration.* The application shall include a plan of administration to which the county agrees and in the form required by the department. The plan of administration shall include all of the following:

1. An agreement that the county shall make all records and files relating to the wildlife damage abatement program and wildlife damage claim program, including records and files concerning access of hunters to lands for which a wildlife damage claim is filed, available to the department for audit at reasonable times with the full cooperation of the county.

2. A description of authorized wildlife damage abatement measures, including designation of specifications for woven wire deer fences, for which reimbursement may be provided under the wildlife damage abatement program or which may be recommended under the wildlife damage claim program.

3. A summary of billing, allocation and accounting procedures to be used by the county and the department under this section. These procedures shall be consistent with generally acceptable accounting practices.

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4. The procedure or formula to be used to determine land suitable for hunting and other hunting requirements necessary to comply with sub. (7m).

5. The procedures to be used in administering the wildlife damage abatement and wildlife damage claim programs.

6. A commitment that the county agrees to administer the wildlife damage abatement and wildlife damage claim programs so that participants are encouraged to pursue sound conservation as well as normal agricultural practices.

7. A summary of the organization and structure of the agency or unit of the county which is responsible for the administration of the wildlife damage abatement and wildlife damage claim programs.

8. An estimate of anticipated administrative costs, anticipated wildlife damage abatement assistance costs and anticipated wildlife damage claim payments.

9. Other information and conditions the department requires.

(d) *Departmental approval; revocation.* A county may not administer the wildlife damage abatement program or the wildlife damage claim program and a county is not considered a participating county for the purpose of administering these programs unless the department approves the plan of administration. The department may revoke its approval if a county does not comply with the plan of administration or this section.

(4) WILDLIFE DAMAGE ABATEMENT PROGRAM; ELIGIBILITY. (a) *Participating county.* In order to be eligible for wildlife damage abatement assistance, the land for which assistance is sought is required to be located in a county which is participating in the administration of the wildlife damage abatement program.

(b) *Filing of application.* In order to be eligible for wildlife damage abatement assistance, a person is required to file an application with the participating county in a form acceptable to the county.

(c) *Other eligibility requirements.* In order to be eligible for wildlife damage abatement assistance, a person is required to comply with eligibility requirements adopted by the department under sub. (2) (b) and with eligibility requirements specified in the plan administration under sub. (3) (c).

(5) WILDLIFE DAMAGE ABATEMENT PROGRAM; ASSISTANCE. (a) *Review.* A participating county shall review each application for wildlife damage abatement assistance to determine if wildlife damage is occurring or likely to occur.

(b) *Assistance.* A participating county may provide wildlife damage assistance where wildlife damage is occurring or is likely to occur for:

1. The reimbursement of costs associated with wildlife damage abatement measures authorized in the plan of administration under sub. (3) (c) 2.

2. A woven wire deer fence of the specifications designated in the plan of administration under sub. (3) (c) 2.

(c) *State aid.* The department may pay participating counties up to 50% of the actual cost of providing wildlife damage abatement assistance if wildlife damage abatement measures are carried out in full compliance with the direction of the county and with funding requirements adopted under sub. (2) (b).

(6) WILDLIFE DAMAGE CLAIM PROGRAM; ELIGIBILITY AND OTHER REQUIREMENTS. (a) *Participating county.* In order to be eligible for wildlife damage claim payments, the land where the wildlife damage occurred is required to be located in a county which is participating in the administration of both the wildlife damage abatement program and the wildlife damage claim program.

(b) *Filing of claim; form.* In order to be eligible for wildlife damage claim payments, a person is required to file a statement of claim with the participating county in a form acceptable to the county.

(c) *Time of filing; deduction.* In order to be eligible for wildlife damage claim payments, a person shall file a statement of claim within 14 days after the time the wildlife damage first occurs.

(d) *Compliance with wildlife damage abatement measures.* In order to be eligible for wildlife damage claim payments, a person seeking wildlife damage claim payments shall comply with any wildlife damage abatement measures recommended by the county.

(f) *Other eligibility requirements.* In order to be eligible for wildlife damage claim payments, a person is required to comply with eligibility requirements adopted by the department under sub. (2) (b) and with eligibility requirements specified in the plan of administration under sub. (3) (c).

(7) WILDLIFE DAMAGE CLAIM PROGRAM; PAYMENT OF CLAIMS; LIMITATIONS AND DEDUCTIONS. (a) *Investigation.* A participating county shall investigate each statement of claim and determine the amount of the wildlife damage.

(b) 1. No person may receive a wildlife damage claim payment unless the payment is approved by a participating county.

2. No person may receive a payment in excess of the actual amount of the wildlife damage or $5,000, whichever is less.

3. No person may receive any payment for the first $250 of each claim for wildlife damage.

4. No person may receive any payment for damages to seedings or crops not managed or harvested in accordance with normal agricultural practices.

6. The payment to any person shall be reduced by an amount equal to any payments or reimbursements received from persons hunting on the land where wildlife damage occurred or on contiguous land under the same ownership and control.

(bm) If the land where the wildlife damage occurred is located in more than one participating county and the person files a statement of claim with more than one participating county, then the monetary restriction under par. (b) 3 shall be prorated between or among the participating counties based on the amount of wildlife damage occurring in each county.

(c) *Review.* A participating county's determination of the amount of wildlife damage or approval of wildlife damage payments shall be treated as final decisions for purpose of review.

(d) *State aid.* 1. Except as provided under subd. 2, the department shall pay participating counties the full amount of wildlife damage claim payments made in accordance with par. (b) and funding requirements adopted under sub. (2) (b) on June 1 of the calendar year after the calendar year in which the statement of claims were filed.

2. The department shall pay participating counties under subd. 1 from the appropriation under s. 20.370 (4) (gb) and from the appropriation under s. 20.370 (4) (gq) after first deducting from s. 20.370 (4) (gq) payments made for county administrative costs under sub. (2) (d) and payments made for wildlife damage abatement assistance under sub. (5) (c). If the amount in the appropriation under s. 20.370 (4) (gb) and the amount remaining after these deductions from the appropriation under s. 20.370 (4) (gq) are not sufficient to pay the full amount required under subd. 1, the department shall pay participating counties on a prorated basis.

(7m) HUNTING. (a) *Requirement.* A person seeking wildlife damage abatement assistance or wildlife damage claim payments and any other person who owns, leases or controls the

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land where the wildlife damage occurred shall permit hunting of the animals causing the wildlife damage on the land where the wildlife damage occurred and on contiguous land under the same ownership and control. In order to satisfy the requirement to permit hunting of animals causing wildlife damage, the land shall be open to hunting by the public or at least 2 persons per 40 acres of land suitable for hunting are required to be permitted to hunt each day during the appropriate open season and the land is required either not to be posted against hunting or to be posted to indicate hunting by permission only. The county, with the assistance of the department, shall issue a determination of the acreage of land suitable for hunting following the filing of a statement of claim or at the time it recommends any wildlife damage abatement measures. The county shall make available signs which are appropriate for posting land to indicate hunting by permission only.

(b) *Affidavits.* A participating county shall obtain from a person who is required to permit hunting under par. (a) an affidavit stating that the person shall permit hunting on the land.

(8) HUNTING RIGHTS. Nothing in this section prohibits a person who owns, leases or occupies land on which wildlife damage occurs and who does not have the authority to control entry on the land for the purposes of hunting from seeking wildlife damage abatement assistance or wildlife damage claim payments.

History: 1983 a. 27; 1985 a. 29 ss. 662 to 668m, 3202 (39) (g); 1985 a. 332 ss. 41, 251 (1); 1987 a. 280; 1989 a. 31, 336.

29.599 Law enforcement aid program; spearfishing. (1) DEFINITIONS. As used in this section:

(a) "Additional law enforcement services" means an extraordinary type or level of service which is not normally provided or budgeted for by a law enforcement agency.

(p) "Municipality" means any city, village or town.

(t) "Spearfishing" means a method of taking fish which is authorized by an agreement negotiated between the state and the members of federally recognized American Indian tribes or bands domiciled in Wisconsin relating to the tribes' or bands' treaty-based, off-reservation rights to hunt, fish and gather.

(2) PARTICIPATING COUNTY OR MUNICIPALITY. In order to be eligible to receive reimbursement from the department for costs incurred on or after August 1, 1987, by law enforcement agencies in response to members of federally recognized American Indian tribes exercising or attempting to exercise their right to engage in spearfishing, a county or municipality must do all of the following:

(b) *Daily records.* Maintain daily records of any costs for additional law enforcement services incurred by law enforcement agencies that are directly related to spearfishing and make the daily records available, upon request, to the department for inspection at periodic times during normal business hours.

(c) *Filing of application.* File an application for aid with the department by June 1 of the calendar year in which additional law enforcement services are provided, specifying all of the following:

1. The names and salaries of the officials who provided additional law enforcement services during the spearfishing season.

2. The number of hours worked by the persons under subd. 1.

3. Any other costs, as specified by the department, incurred by the county or municipality that are directly attributable to providing additional law enforcement services during the spearfishing season.

4. Any other information requested by the department.

(4) AID PAYMENTS. (a) *Costs reimbursed.* Except as provided under par. (c), the department may pay each participating county or municipality up to 100% of the county's or municipality's actual costs that are directly attributable to providing additional law enforcement services during the spearfishing season. The department shall make any aid payments from the appropriations under s. 20.370 (4) (ga) and (gm) by June 30 of the calendar year in which the county or municipality files an application under sub. (2) (c). The department may not make an aid payment unless the payment is approved by the secretary of administration.

(c) *Prorated payments allowed.* If the total amount of reimbursable costs under par. (a) exceeds the amount available for payments under s. 20.370 (4) (ga) and (gm), the department may prorate payments to participating counties and municipalities.

History: 1987 a. 27, 399, 418; 1989 a. 31, 56, 336.

29.60 Use of poison and explosives; pole traps. (1) Except as provided by s. 29.29 (4) it shall be unlawful to use 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 while hunting or trapping shall be prima facie evidence of a violation hereof.

(2) Except as provided in sub. (3), no person may take, capture or kill or attempt to take, capture or kill any wild animal with the aid of any explosive or poison gas, or set any explosive near or on any beaver or muskrat houses. Possession or control of an explosive or a poison gas in places described in sub. (1) is prima facie evidence of intent to violate this subsection. Any person who violates this subsection shall be fined not more than $300 or imprisoned for not more than 30 days or both.

(2m) It shall be unlawful to take, capture or kill or attempt to take, capture or kill any bird by setting or operating any trap or device designed, built or used to capture birds on a pole, post, tree stump or any other elevated perch more than 3 feet above the ground.

(3) Nothing in this chapter may prevent the department or a person authorized under s. 29.59 from using an explosive or having an explosive near a beaver house or a beaver dam for the purpose of removing a beaver dam or a vacated beaver house when the beavers are causing damage to property.

History: 1973 c. 317; 1975 c. 52, 365; 1979 c. 34; 1981 c. 20; 1987 a. 27; 1989 a. 31.

29.605 Giving away of predatory animals to public zoos. (1) It is lawful for the department 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 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 department.

29.62 Removal of injurious rough fish. (1) The department may take rough fish by means of seines, nets or other devices, or cause rough fish to be taken, from any of the waters of this state.

(3) Whenever the department takes rough fish under this section it shall dispose of the same as the department shall direct.

History: 1971 c. 266; 1977 c. 418.

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29.623 Control of detrimental fish. When the department finds that any species of fish is detrimental to any of the waters of the state it may, by rule, designate such species of fish and specify the waters in which such fish are found to be detrimental. Thereupon the department may remove such fish from the waters specified or cause them to be removed therefrom.

History: 1975 c. 360.

29.625 Permit to take rough fish. (1) Permission may be granted to any person by the department 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 s. 29.62 or this section may be authorized by the department 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.

History: 1981 c. 390 s. 252.

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 $2, the trespasser shall be liable for double the amount of such damage and all the taxable costs; and where the damage sustained is $2 or less the trespasser shall be liable for the amount of such damage and the costs not to exceed the amount of the damage.

29.64 Resisting conservation warden. Any person who assaults or otherwise resists or obstructs any conservation warden in the performance of duty shall be fined not more than $500 or imprisoned not more than 9 months or both.

History: 1975 c. 365, 421; 1979 c. 34; 1981 c. 20.

29.641 False impersonation of warden. Any person who falsely represents himself or herself to be a conservation warden or who assumes to act as a warden without having been first duly appointed shall be fined not more than $100 or imprisoned not more than 90 days or both.

History: 1975 c. 365; 1979 c. 34; 1981 c. 20.

29.642 Incorrect information. (1) Any person who provides incorrect information and thereby obtains an approval issued under this chapter to which the person is not entitled:

(a) Shall forfeit not more than $200; and

(c) Shall pay a natural resources restitution payment equal to the amount of the statutory fee for the approval which was required and should have been obtained.

(2) Any person who obtains any approval under this chapter during the period of time when that approval is revoked by any court shall be fined not more than $200 or imprisoned not more than 90 days or both.

History: 1975 c. 365; 1979 c. 34, 175; 1981 c. 20; 1983 a. 27; 1987 a. 399.

29.643 Changing approval. Any person who changes or alters, in any manner, or enters other than the correct date of issuance on any approval:

(1) Shall be fined not more than $200 or imprisoned not more than 90 days or both; and

(3) Shall pay a natural resources restitution payment equal to the statutory fee for the approval which was required and should have been obtained.

History: 1975 c. 365; 1979 c. 34; 1981 c. 20; 1983 a. 27.

29.644 Breaking seals of department. Any person who breaks, removes or interferes with any seal or tag attached to any animal, carcass, article or other thing by the department, or who meddles or interferes with any animal, carcass, article or other thing with such seal or tag attached, or who counterfeits any such seal or tag, attached or unattached, shall be fined not more than $500 or imprisoned not more than 90 days or both.

History: 1975 c. 365; 1979 c. 34; 1981 c. 20.

29.645 Larceny of game. No person shall, without permission of the owner, molest, disturb or appropriate any wild animal or the carcass or part thereof which has been lawfully reduced to possession by another.

29.65 Civil actions for damages caused by law violations. (1) The department may bring a civil action in the name of the state for the recovery of damages against any person 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 of an animal, bird or fish, and the sum assessed for damages for each wild animal, bird, or fish shall be not less than the amount stated in this section:

(a) Any endangered species protected under s. 29.415 and rules promulgated under s. 29.415, $875.

(b) Any moose, elk, fisher, prairie chicken or sand hill crane, $262.50.

(c) Any deer, bear, wild turkey or wild swan, $175.

(d) Any bobcat (wildcat), fox, beaver or otter, $87.50.

(e) Any coyote, raccoon or mink, $43.75.

(f) Any sharptail grouse, ruffed grouse, spruce hen, wild duck, coot, wild goose or brant, $26.25.

(g) Any pheasant, Hungarian partridge, quail, rail, Wilson's snipe, woodcock or shore bird, or protected song bird or harmless bird, $17.50.

(h) Any muskrat, rabbit or squirrel, $8.75.

(i) Any muskellunge or rock or lake sturgeon, $43.75.

(j) Any largemouth or smallmouth bass, $26.25.

(k) Any brook, rainbow, brown, or steel head trout, $26.25.

(L) Any walleye pike, northern pike, or any other game fish not mentioned in pars. (i) to (k), $8.75.

(m) Any game or fur-bearing animal or bird not mentioned in pars. (b) to (h), $17.50.

(2) Any damages recovered in such action shall be paid into the state conservation fund and disbursed therefrom by the department. 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 any criminal prosecution for any offense chargeable under this section shall be a bar to a civil action brought under this section.

History: 1975 c. 365; 1977 c. 386; 1979 c. 34; 1985 a. 332 s. 251 (1).

The civil remedy is coextensive with the criminal sanctions of the chapter, and since the chapter does not prohibit killing fish by opening a dam unlawfully, there is no civil remedy. Dept. of Natural Resources v. Clintonville, 53 W (2d) 1, 191 NW (2d) 866.

State may recover "civil redress" damages under this section as well as prosecute perpetrator for underlying violation punishable only by civil forfeiture. State v. Denk, 117 W (2d) 432, 345 NW (2d) 66 (Ct. App. 1984).

When a criminal action is brought for a violation of ch. 94, prohibiting deposit of pesticides in public waters of the state, such proceeding is not barred by a civil action to recover the statutory value of fish killed by such pesticides. 62 Atty. Gen. 130.

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29.99 General penalty provisions. Any person who, for himself or herself, or by his or her agent, servant, or employe, or who, as agent, servant, or employe for another, violates this chapter shall be punished, respectively, as follows:

(1) (a) For the violation of any requirement of this chapter relating to fishing or fish dealing, or rules promulgated under this chapter relating to fishing or fish dealing, by a forfeiture of not more than $1,000 except as provided under pars. (b) and (c) and subs. (5m) and (6).

(b) For having fish in his or her possession in violation of this chapter or rules promulgated under it and the value of the fish under par. (d) exceeds $300 but does not exceed $1,000, by a fine of not more than $5,000 or imprisonment for not more than 30 days or both.

(c) For having fish in his or her possession in violation of this chapter or rules promulgated under it and the value of the fish under par. (d) exceeds $1,000, by a fine of not more than $10,000 or imprisonment for not more than 2 years or both.

(d) Salmon, trout and noncommercial game fish shall be valued for the purposes of pars. (b) and (c) on a per fish basis according to the dollar amounts specified under s. 29.65 (1) (a) and (i) to (L). Other species of commercial fish shall be valued on a per fish basis according to the current average wholesale value. In this paragraph, "average wholesale value" means the average price received by producers on the date of the violation for fish in the form of the violative fish.

(e) Any person holding an approval issued under this chapter, upon his or her 2nd conviction within a 3-year period for violations of this chapter or rules promulgated under it relating to possessing illegal fish, fishing with illegal gear, fishing in closed areas or refuges, fishing during a closed season, violation of quota fisheries or false reporting shall have all of his or her fishing and fish dealing licenses revoked and no fishing or fish dealing license may be issued to the person for at least one year after the date of conviction. During the period of revocation for 2 convictions under pars. (b) or (c) or a combination of 2 convictions under pars. (b) and (c), the person may not engage in fishing on the water or ice in any manner, operate or assist in the operation of fishing gear or engage in sale or transportation of fish. Any person holding a license under s. 29.33 (1) who has that license revoked under this paragraph, may apply for that license for that part of the license year following the period of revocation which is at least one year after the date of conviction and the department shall issue that license if all licensing criteria are met. The revoked license may not be issued to another person during the period of revocation.

(1m) (a) For the violation of s. 29.38 or rules adopted thereunder, by a forfeiture of not more than $1,000, except as provided under pars. (b) and (c).

(b) For possessing clams in violation of s. 29.38 or rules adopted thereunder, if the value of the clams under par. (d) exceeds $300 but does not exceed $1,000, by a fine of not more than $5,000 or imprisonment for not more than 30 days or both.

(c) For possessing clams in violation of s. 29.38 or rules adopted thereunder, if the value of the clams under par. (d) exceeds $1,000, by a fine of not more than $10,000 or imprisonment for not more than 2 years or both.

(d) Clams shall be valued for the purpose of pars. (b) and (c) according to the current average wholesale value. In this paragraph, "average wholesale value" means the average price received by commercial clam shellers during the 30-day period prior to the date of violation.

(e) For any person holding any approval issued under this chapter, upon the person's 2nd conviction within a 3-year period for violations of this chapter or rules promulgated thereunder relating to clamming or commercial clamming, by the revocation of all the person's approvals. In addition, no commercial clamming license or permit may be issued to the person for at least one year after the date of conviction.

(2) For hunting or trapping without an approval required by this chapter:

(a) By a forfeiture of not more than $100; and

(c) By the payment of a natural resources restitution payment equal to the amount of the statutory fee for the approval which was required and should have been obtained.

(3) For the violation of any statutes or any department order relating to the hunting, taking, transportation or possession of game or game birds of all kinds, by a forfeiture of not more than $100.

(3m) For unlawfully hunting a moose, by a forfeiture of not less than $1,000 nor more than $2,000 and the mandatory revocation of all hunting approvals issued to the person. In addition, no hunting approval may be issued to the person for the time period specified by the court. The time period specified shall be not less than 3 years nor more than 5 years following the date of conviction under this subsection.

(4) For any violation of any provision of this chapter or any department order for which no other penalty is prescribed, by a forfeiture of not more than $100.

(5) For violation of s. 29.48, by a fine of not less than $1,000 nor more than $2,000 or imprisonment for not more than 6 months or both. In addition, the court shall order the revocation of all hunting and sport fishing approvals issued to the person under this chapter and shall prohibit the issuance of any new hunting or sport fishing approvals under this chapter to the person for 5 years.

(5g) For violation of s. 29.49, by a fine of not more than $500 or imprisonment for not more than 90 days or both. In addition, the court shall order the revocation of all hunting and sport fishing approvals issued to the person under this chapter and shall prohibit the issuance of any new hunting or sport fishing approvals under this chapter to the person for 3 years.

(5m) For the violation of any statute or rule relating to the taking or possession of lake sturgeon, by a fine of $1,500 or imprisonment for not more than 90 days or both for each lake sturgeon illegally taken or possessed, and a mandatory 3-year revocation of all hunting, fishing and trapping approvals issued to the person under this chapter.

(6) For the violation of s. 29.39 or any department rule promulgated under that section relating to the bag or possession limit for any inland waters brook, rainbow, brown or lake trout or for any inland waters muskellunge, by a fine of not less than $100 nor more than $200 per fish in excess of the bag or possession limit or imprisonment for not more than 30 days or both.

(7) For the violation of s. 29.23, or of any administrative rule relating to hunting from an airplane or using an airplane to spot, rally or drive animals for hunting, by a fine of not more than $1,000 for the first violation and not more than $2,000 for subsequent violations or imprisonment for not more than 90 days, or both, and by a mandatory 3-year revocation of all hunting, fishing and trapping approvals. An airplane used in any such violation is declared a public nuisance.

(9) For the violation of any statute or any department order relating to the registration of any wild animal, by a forfeiture of not more than $100.

(9m) For the improper use or validation of any carcass tag, by a forfeiture of not more than $500.

(11) For hunting deer without the required approval, during the closed season, with the aid of artificial light or with

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the aid of an aircraft, for the snaring of deer or for the possession or control of a deer carcass in violation of s. 29.39 or 29.40, by a fine of not less than $1,000 nor more than $2,000 or by imprisonment for not more than 6 months or both. In addition, the court shall order the revocation of all approvals issued to the person under this chapter and shall prohibit the issuance of any new approval under this chapter to the person for 3 years.

(11m) (a) For shooting, shooting at, killing, taking, catching or possessing a bear without a valid bear harvest permit, or for possessing a bear which does not have a carcass tag attached or possessing a bear during the closed season, by a fine of not less than $1,000 nor more than $2,000 or by imprisonment for not more than 6 months or both for the first violation, or by a fine of not more than $5,000 or imprisonment for not more than one year or both for any subsequent violation, and, in addition, the court shall revoke all hunting approvals issued to the person under this chapter and shall prohibit the issuance of any new hunting approval under this chapter to the person for 3 years.

(b) Except as provided under par. (a), for the violation of any provision of this chapter or any department rule promulgated under this chapter relating to bear hunting or to the validation of a bear carcass tag or registration of a bear, by a forfeiture of not more than $1,000.

(11p) (a) For entering the den of a hibernating black bear and harming the bear, by a fine of not more than $10,000 or imprisonment for not more than one year or both.

(b) Paragraph (a) does not apply if the activity subject to the penalty under par. (a) has been specifically approved by the department and is necessary to conduct research activities.

(11r) (a) For the violation of s. 29.223 (2) (a), by a forfeiture of not more than $500.

(b) For the violation of s. 29.223 (2) (b), by a forfeiture of not more than $1,000.

(12) In addition to any other penalty for violation of this chapter or any department order made under this chapter, the court may revoke or suspend any or all privileges and approvals granted under this chapter for a period of up to 3 years. If a person is convicted of reckless or highly negligent conduct in the operation or handling of a firearm or bow and arrow in violation of s. 940.08 or 941.20 and either death or bodily harm to another results from that violation, the court shall revoke every approval issued to that person under this chapter and shall provide a fixed period during which no new approval may be issued to the person. If no death or bodily harm to another results from the violation, the court may revoke any approval issued to that person under this chapter and may provide a fixed period during which no new approval may be issued to the person.

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

(14) 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.

(15) In any prosecution under this section it is not 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 required approval; but the person claiming that these animals were domesticated, or were taken for scientific purposes, or were taken or in possession or under control under the required approval, has the burden of proving this fact or facts.

History: 1975 c. 365 ss. 45, 50; 1979 c. 34, 150, 175, 190, 355; 1981 c. 20, 236, 243, 391; 1983 a. 27; 1983 a. 80 s. 9; 1983 a. 114 s. 9; 1983 a. 192, 209, 419, 520, 538; 1985 a. 29, 36, 270, 271, 272, 289, 332; 1987 a. 379; 1989 a. 190, 336.

29.995 Penalties; repeaters. (1) If a person is convicted of any violation of this chapter or of any department 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 the person was previously convicted within a period of 5 years for a violation of this chapter or of a department order by any court of this state, the person shall be fined not more than $100, or imprisoned not more than 6 months or both. In addition, all hunting, fishing and trapping approvals issued to the person shall be revoked and no hunting, fishing or trapping approval may be issued to the person for a period of one year after the 2nd conviction.

(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 such person had been before convicted 3 times within a period of 3 years for violations of this chapter or department order punishable under s. 29.134 (11), 29.29 (1) or 29.99 (5), or for violation of s. 29.48, or for violation of any statute or department order regulating the taking or possession of any wild animal or carcass thereof during the closed season therefor or any combination of such violations by any court of this state, and that such convictions remain of record and unreversed, such person shall be fined not more than $2,000 or imprisoned not more than 9 months or both.

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

History: 1975 c. 365 s. 46; Stats. 1975 s. 29.995; 1981 c. 243 s. 7; 1983 a. 27; 1985 a. 29, 272.

Criminal prosecution under this section must be commenced by complaint under 968.02; prosecution must be conducted with statutory and constitutional requirements applicable to other criminal prosecutions. 71 Atty. Gen. 136.

29.996 Parties to a violation. (1) Whoever is concerned in the commission of a violation of this chapter or of any department order under this chapter for which a forfeiture is imposed is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

(2) A person is concerned in the commission of the violation if the person:

(a) Directly commits the violation;

(b) Aids and abets the commission of it; or

(c) Is a party to a conspiracy with another to commit it or advises, hires or counsels or otherwise procures another to commit it.

History: 1975 c. 365; 1987 a. 379.

29.997 Natural resources assessments. (1) LEVY OF NATURAL RESOURCES ASSESSMENT. (a) If a court imposes a fine or forfeiture for a violation of a provision of this chapter or a rule or order issued under this chapter, the court shall impose a natural resources assessment equal to 75% of the amount of the fine or forfeiture.

(b) If a fine or forfeiture is suspended in whole or in part, the natural resources assessment shall be reduced in proportion to the suspension.

(c) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the natural resources assessment prescribed in this section. If the deposit is forfeited, the amount of the natural resources assessment shall be transmitted to the state treasurer under par. (d). If

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the deposit is returned, the natural resources assessment shall also be returned.

(d) The clerk of the court shall collect and transmit to the county treasurer the natural resources assessment and other amounts required under s. 59.395 (5). The county treasurer shall then make payment to the state treasurer as provided in s. 59.20 (5) (b). The state treasurer shall deposit the amount of the natural resources assessment in the conservation fund.

(2) USE OF NATURAL RESOURCES ASSESSMENT FUNDS. All moneys collected from natural resources assessments shall be deposited in the conservation fund and appropriated for use under s. 20.370 (3) (mu).

History: 1979 c. 34; 1981 c. 20.

29.998 Natural resources restitution payments. (1) LEVY OF NATURAL RESOURCES RESTITUTION PAYMENT. (a) If a court imposes a fine or forfeiture for a violation of a provision of this chapter or a rule or order issued under this chapter where the payment of a natural resources restitution payment is required, the court shall impose a natural resources restitution payment equal to the amount of the statutory fee for the approval which was required and should have been obtained.

(b) If a fine or forfeiture is suspended in whole or in part, the natural resources restitution payment shall be reduced in proportion to the suspension unless the court directs otherwise.

(c) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the natural resources restitution payment prescribed in this section. If the deposit is forfeited, the amount of the natural resources restitution payment shall be transmitted to the state treasurer under par. (d). If the deposit is returned, the natural resources restitution payment shall also be returned.

(d) The clerk of the court shall collect and transmit to the county treasurer the natural resources restitution payment and other amounts required under s. 59.395 (5). The county treasurer shall then make payment to the state treasurer as provided in s. 59.20 (5) (b). The state treasurer shall deposit the amount of the natural resources restitution payment in the conservation fund.

(2) USE OF NATURAL RESOURCES RESTITUTION PAYMENT FUNDS. All moneys collected from natural resources restitution payments shall be deposited in the conservation fund and appropriated for use under s. 20.370 (3) (mu).

History: 1979 c. 34, 175; 1983 a. 27; 1989 a. 56.