

Aquaculture Law in the North Central States:  
A Digest of State Statutes Pertaining to the Production and  
Marketing of Aquacultural Products

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# INTRODUCTION

One of the barriers to the growth and development of the aquaculture industry in the 12-state North Central region is a lack of comprehensive information on the state laws and regulations that affect the industry. The North Central Regional Aquaculture Center and its advisory committees quickly recognized this problem and made it one of their highest priorities for research.

Among the factors that cause the confusion are the many aspects or stages of producing and marketing aquacultural products. The long and complex chain of production, transportation and marketing may include issues such as land use planning and zoning, water pollution and state fisheries regulations, transportation requirements and food quality standards. Many public policies and a wide variety of public agencies are involved in regulating these aspects of aquacultural production and marketing.

Although most pertinent laws are under the jurisdiction of the state fish and game agencies or their equivalents, others may be found in agricultural, food safety, health or consumer protection agencies. In addition to complying with their own state's policies, aquaculturists must be familiar with the policies of other states in which they conduct business. Gathering this information can be both difficult and frustrating.

The purpose of this project is to clarify and provide ready access to the current laws that are applicable to the production and marketing of aquacultural products on a state-by-state basis.

This digest includes the laws related to the marketing and production of aquacultural products in the region served by the North Central Regional Aquaculture Center: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin. It is intended for use as a general guide by aquaculturists, agency professionals, and research and Extension personnel. However, the statutes contained herein are by no means the "last word" on state aquaculture policy.

The administrative rules and regulations promulgated under the statutes are an integral part of the policy environment. In fact, several states deal with aquaculture in only a very general way at the legislative level, with specifics delineated by administrative rules. Rules and regulations vary considerably from state to state and from one situation to another. It is beyond the scope of this project to try to list all of the administrative rules of each state in the region. Rather, we recommend this guide as a useful introduction that will provide a common framework for discussions and comparisons.

This digest is not meant to replace consultation with legal counsel or state regulators. It should serve as a ready reference on policy within the region.

## METHODS

The research was conducted at The Ohio State University College of Law Library in Columbus, Ohio. The library contains the complete and annually updated laws of each of the 12 states in the region. Both manual and computer-assisted search techniques were employed in locating the statutes pertinent to aquaculture. The LEXIS database was used to identify applicable laws in 10 of

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the states. The laws of Michigan and North Dakota, which were not included in the LEXIS system at the time, were researched manually.

The bulk of the research was conducted during January and February 1990, with a subsequent recheck for revisions in July 1990. The laws transcribed here are as they appeared in the most recent supplement available (in most cases, 1990).

Statutes were transcribed either in their entirety or in part, or listed by title and location only. Statutes directly addressing the possession, sale, transport, import, export or processing of cultured fish were included exactly as they appeared in the source. Some statutes contained lengthy portions that were not applicable. These have been omitted because of space considerations, but the integrity of the salient sections has been kept intact. All sections and paragraphs are numbered or lettered as they are in the states' statutes or codes. These numbers or letters are sometimes out of sequence because prior or intervening sections or paragraphs that do not apply to aquaculture are not included herein.

Related laws that may be of interest are included by title only. These laws are featured to provide a more complete picture of the policy environment in each state and to serve as a guide to the location of related areas of law in each state's statutes.

#### SCOPE

The project has two important limitations. First, the digest contains only the statutes, or laws, passed by the state legislatures. It does not include administrative rules and regulations promulgated by the state agencies. Aside from being prohibitively exhaustive in length, administrative interpretation varies from case to case. Each state is different in its approach to legislation. Some state laws will be more specific than others and require fewer administrative rules. In some cases, a law may be "on the books" but is no longer enforced. Consultation with the appropriate agency is recommended.

A second limitation concerns the applicability of the commercial and tax codes and other laws that pertain to all forms of business and commerce. These laws obviously will also apply to aquaculture businesses, but they are not included in this digest.

Sections dealing with agricultural marketing or economic development programs are referenced for each state regardless of whether aquaculture is explicitly included in the definition of agricultural products. Some of these state programs may be available to aquaculturists as organized producers or marketers of a commodity.

The locations of food safety and related laws are also cited for further reference, but they are not fully transcribed because of their substantial length and relative similarity among the states. Taxation statutes are also referenced in this manner.

Statutes appearing in their full text are indicated by bold type. Each state is followed by an index of key terms for quick reference.

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# Illinois statutes

## Smith-Hurd Illinois Annotated Statutes

Ch. 5 Agriculture and Horticulture.

5-2301 Aquaculture Development Act.

5-2302 Findings. The legislature finds and declares that it is in the interest of the people of this state that the practice of aquaculture be encouraged in order to augment food supplies, promote agricultural diversification, expand employment opportunities, promote economic activity, increase native fish stocks, enhance commercial and recreational fishing, and protect and better use the land and water resources of the state.

The legislature finds that aquaculture shall be considered an agricultural pursuit as provided in the Internal Revenue Code, as amended, and for purposes of any laws that apply to or provide for the advancement, benefit or protection of the agriculture industry of the state.

5-2303 Purpose. The purpose of this act is to establish a policy and program toward improving the science and husbandry of aquaculture as a means to expand the aquaculture industry and related economic activity in this state.

5-2304 Definitions. For the purposes of this act:  
(a) "aquaculture" means the controlled propagation, growth and harvest of aquatic organisms, including but not limited to fish, shellfish, mollusks, crustaceans, algae and other aquatic plants, by an aquaculturist.

(b) "aquaculturists" means individuals involved in producing, transporting or marketing aquatic products from privately owned waters for commercial purposes.

(c) "privately owned waters" means waters confined within an artificial containment, such as man-made ponds, vats, tanks, raceways and any other indoor or outdoor facility constructed wholly within or on the enclosed land of an owner or lessor.

(d) "Director" means the director of agriculture.

(e) "Department" means the Department of Agriculture.

(f) "aquatic products" means any aquatic plants and animals or their by-products that are produced, grown,

managed, harvested and marketed on an annual, semi-annual, biennial or short-term basis, in permitted aquaculture facilities.

(g) "permitted aquaculture facility" means a facility used by aquaculturists to breed, hatch, propagate or raise aquatic life permitted by the Department of Conservation pursuant to Section 5.16 of the Fish Code of 1971.

5-2305 Program development. The department shall be the principal state agency for developing a program for assisting the state's aquaculture industry. The department may consult with the Aquaculture Industry Advisory Committee in developing a program by which the department shall:

(a) serve as a clearinghouse for information on aquaculture and provide assistance, information and data relating to the production and use of aquatic foods;

(b) develop informational packets and brochures on permit and license requirements and regulations governing the aquaculture industry;

(c) coordinate with other state agencies in order to promote the maximum flow of information and avoid unnecessary overlapping of regulations;

(d) assist marketing and promotion of aquatic products.

The director shall consult with the director of the Department of Conservation to ensure that rules do not impair the enforcement provisions of the Fish Code of 1971 protecting aquatic life in the native environment. Importation of non-indigenous species of aquatic life into the state for aquaculture must comply with rules and regulations of the Department of Conservation.

5-2306 Advisory committee. The director may appoint an Aquaculture Industry Advisory Committee consisting of at least 12 members representing all sectors of the aquaculture industry. The committee shall assist the director in developing and implementing a state aquaculture plan and rules necessary for the implementation of this act, identifying the opportunities for regulatory relief, assisting the development of criteria to assure that publicly financed pilot programs are compatible with industry needs and identifying other opportunities for industrial development.

The term of membership shall be 3 years. Members may be reappointed. Members of the committee shall serve without compensation but may be reimbursed for ac-

tual expenses incurred in the performance of their duties. The committee shall meet at the call of the director.

Ch. 56 Fish Code.

56-1.36 Definitions. "Aquatic life" means all fish, reptiles, amphibians, crayfish and mussels, also crustaceans, algae and other aquatic plants.

56-1.17 Authority to search.

56-2.1 Ownership and title; violations; penalties...  
"Aquatic product," as defined in the Aquaculture Development Act, bred, hatched, propagated or raised by the owner of a body of water, with the consent of the Department of Conservation through the issuance of an aquaculture permit and consistent with this section, in permitted aquaculture facilities in or on that body of water, are the property of the person who bred, hatched, propagated or raised them or that person's successor in interest. Ownership of aquatic products reverts to the state upon revocation or expiration of an aquaculture permit as prescribed by administrative rule... .

56-3.21 Fish importation permits; salmon and trout; revocation of permits. Live fish, viable fish eggs or viable sperm of any species or hybrid of salmon or trout may be imported into the state only by the holder of a fish importation permit and other required state permits. Importation permits shall be issued at no charge to a person who has applied on a department special permit form no less than 15 days nor more than 30 days prior to shipment, provided that the shipment is not considered detrimental to the fishery resource of the state.

An importation permit will be issued only if the source hatchery is inspected and found free of those diseases designated by administrative rule of the department, or any other diseases, which may be detrimental to the fishery resource of the state. Such inspections may be carried out only by persons recognized by the department as competent in the diagnosis of fish diseases. An importation permit may be granted by the department for extended periods of up to 6 months from the date the source hatchery is certified as being disease free. Such permit may be cancelled upon the diagnosis of a disease at the source hatchery which may be detrimental to the fishery resource of the state. A letter of disease-free certification, including date of examination, must be provided by the applicant.

A copy of the fish importation permit shall accompany shipment. Fish, eggs or viable sperm imported under this permit are subject to inspection by employees of the department and may include taking samples for biological examination. Shipment of live fish, viable fish eggs or viable sperm of salmon or trout into the state without a fish importation permit shall be considered detrimental to the fishery resource and shall be seized and disposed of by means found suitable to the department.

This section does not apply to salmon or trout in transit through the state which will not be released from the original containers.

Failure to comply with this section is grounds for revocation of the aquaculture permit or fish dealer's license, or both.

56-5.12 Non-resident and resident fish dealers.

56-5.13 Mussel dealer permits; fees; violations.

56-5.14 Minnow dealer's license; wholesale; retail; penalties

56-5.16 Aquaculture permits. Any person who shall engage in the breeding, hatching, propagation or raising of aquatic life, whether indigenous or non-indigenous to this state, shall first procure a permit from the department to do so. Aquatic life specified, which is bred, hatched, propagated or raised by a person holding a permit as provided for in this section, may be transported and sold for food or stocking purposes. Permittees who sell aquatic life propagated or raised under this permit are exempt from possessing a fish and/or minnow dealer's license.

Aquaculture permit holders shall maintain records of all aquatic life bought, sold or shipped. Such records shall include the name and address of the buyer/seller, the date of the transaction and the species, poundage and origin of aquatic life involved. Such records shall be kept for a minimum of 2 years from the date of the transaction and shall be made immediately available to authorized employees of the department upon request. Records of the annual operations, as may be required by the department, shall be forwarded to the department upon request.

Nothing in this section shall be construed to give such permittees authority to take aquatic life in their wild or natural state, contrary to other provisions of this act, or to remove such permittee from responsibility for the

observance of any federal, state or local laws, rules or regulations which may apply to such aquatic life.

Aquaculture permit holders may harvest aquatic life on licensed aquaculture facilities with commercial fishing devices without obtaining any license for such devices.

Before any person imports or receives live, non-indigenous aquatic life for aquaculture or stocking purposes in this state, permission must be obtained from the department. Regulations governing non-indigenous aquatic life shall be covered by administrative rule.

The annual fee for such a permit shall be \$50 and the same shall expire on the 31st day of January of each year.

Any person who violates any provisions of this section, including administrative rules relating thereto, shall be guilty of a business offense and fined not less than \$1,000 and no more than \$5,000.

Permitted aquaculture facilities are exempt from size, catch and possession limits and seasons on aquatic life when harvested, sold or transported, except when taken by sport fishing devices.

All permits issued under this section are valid only in the location described and designated in the application for such permit.

56-5.19 Revocation of license or permit; refusal to issue.

56-5.23 Receipts. All aquatic life dealers, including but not limited to minnow dealers, fish dealers, mussel dealers and breeders, shall upon purchasing or receiving any aquatic life protected by this act, issue a numbered receipt to the commercial fisherman, mussel dealer, breeder or other person from whom such aquatic life was purchased, setting forth the number of pounds and kinds of aquatic life, the date of purchase, the price paid per pound for each species, the name and address of the commercial fisherman, mussel dealer, breeder or other person from whom such aquatic life was purchased, and the appropriate license number of the commercial fisherman, mussel dealer, breeder or other person from whom the aquatic life was purchased, if applicable, and the origin of the aquatic life.

The original receipt shall be retained by the aquatic life dealer for a minimum of 2 years from the date of purchase listed on the receipt. A duplicate receipt shall be given to the commercial fisherman, mussel dealer,

breeder or other person from whom the aquatic life was purchased at the time of purchase.

All such receipts, reports and records required by the department shall be available for inspection by any authorized employee of the department or any other peace officer upon request. Failure to comply with the provisions of this section shall bar the licensee from obtaining a permit or license for aquatic life purchasing for the following year. Any person who violates any of the provisions of this section shall be guilty of a Class B misdemeanor.

56-6.4 Shipment of fish; license numbers, labels and tags (except as provided in Section 5.16).

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Ch. 56.5 Food and Drugs.

56.5-79.0 Refrigerated warehouses.

56.5-79.5 Inspection, access at all reasonable times.

56.5-79.9 Unlawful to represent as fresh any article of food which has been in refrigeration for a period of 30 days or more.

56.5-502.19 Food additives; pesticides, color additives not included.

56.5-506.00 Adulterated articles; condemnation, destruction of unsafe food.

56.5-510.00 Adulterated food.

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Ch. 120 Revenue.

120-441 Imposition of tax; exception (Retailer's Occupation Tax).

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Ch. 127 State Government.

127-40.31 Consulting service; exports and foreign importers of farm products.

127-40.35 Aquaculture development. To develop and implement a program to promote aquaculture in this state pursuant to the Aquaculture Development Act, to promulgate the necessary rules and regulations and to cooperate with and seek the assistance of the Department of Conservation and the Department of Transportation in the implementation and enforcement of that act.



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Ch. 147 Weights and Measures.

147-144 Except for immediate consumption on premises where sold, all seafood except shellfish must be sold by weight.

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# Indiana statutes

## Burns' Indiana Statutes Annotated

### Title 6 Taxation.

#### 6-2.5-2-2 State Gross Retail Tax rates (5%).

6-2.5-5-1 Transactions involving tangible personal property used in production of food or commodities for sale. Transactions involving animals, feed, seed, plants, fertilizer, insecticides, fungicides and other tangible personal property are exempt from the state gross retail tax if:

(1) the person acquiring the property acquires it for his direct use in the direct production of food or commodities for sale or for further use in the production of food or commodities for sale; and

(2) the person acquiring the property is occupationally engaged in the production of food or commodities which he sells for human or animal consumption or uses for further food or commodity production.

6-2.5-5-20 Sales of food for human consumption. (Sales of fish and fish products for human consumption are exempt from the state gross retail tax.)

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### Title 14 Article 2: Fish and Wildlife Act.

#### 14-2-5-4 Minnows and crayfish.

(1) Transportation of minnows and crayfish, unlawful methods. It shall be unlawful for any bait dealer to transport or to hold any live minnows and/or live crayfish in this state for any purposes in such manner or under such conditions as to cause unnecessary loss and death of minnows. Any violation of this paragraph shall be sufficient cause for the Division of Fish and Wildlife of the Indiana Department of Natural Resources to revoke and seize a bait dealer's license.

(2) Transportation of minnows and crayfish beyond limits of state. It shall be unlawful for any person to transport beyond the limits of this state more than one hundred (100) minnows and/or one hundred (100) crayfish in any twenty-four (24)-hour period, provided that this paragraph shall not be construed to apply to any

person engaged in commercially raising, in private waters, minnows, crayfish and/or game fish for the purpose of sale.

14-2-5-7 Fish; unlawful sale or importation for sale; sale for breeding or stocking purposes.

(1) It shall be unlawful for any person at any time to sell, barter or exchange, or offer to sell, barter or exchange, or purchase or offer to purchase any fish protected by law, whether taken within this state, the boundary waters of this state, or taken in some other state and brought into this state, except as otherwise provided in this article. Restaurants, hotels, boarding-houses or eating houses may prepare and serve during the open season to a guest, patron or boarder, and his family, any fish lawfully taken in open season in this state by such guests, patrons or boarders.

(2) The provisions of this section shall not apply to the sale of fish produced in private ponds for sale or for breeding and stocking purposes, provided that the owner obtains a permit from the director under such rules and restrictions as he may prescribe.

(3) It shall be lawful for any person to sell any species of hatchery-reared fish or fish legally taken outside of this state under a valid commercial fishing license or regulation, dead or alive, dressed or undressed, or partly dressed under such regulations as state natural resources and health agencies may prescribe if the fish are tagged or labeled in a manner that specifically identifies the name and address of the seller, the hatchery, the commercial fishing license or regulation, except as specifically prohibited by law.

(4) It shall be unlawful for any person to import and sell any live species of fish which has not been approved by the director, without a permit from the director for this activity.

14-2-6-4 Transportation of wild animals beyond limits of state.

14-2-7-15 License required ... to take, ship, sell, buy or export mussels.

14-2-7-16 Bait dealer's license.

(1) Any person engaging in or continuing to engage in the business of taking, catching, selling or bartering live minnows and crayfish for bait shall file an application with the division for a bait dealer's license. The director may, after investigation, issue a license to the appli-

cant, except that when the applicant is engaged in hatching and raising his own stock, a license shall be issued. The application and the license shall be on forms as prescribed by the director. The fee for the license shall be ten dollars (\$10) for residents and fifty dollars (\$50) for non-residents. All licenses issued shall expire on December 31st next following the date of issue.

(2) Any person desiring to possess in this state, at any one (1) time, more than five hundred (500) live minnows and/or five hundred (500) live crayfish, not intended for the purpose of engaging in the business of taking, catching, selling or bartering live minnows or crayfish for bait, shall procure a permit to possess the minnows or crayfish.

14-2-7-20 Permit for importation of live animals.

(1) No person may bring into the state of Indiana for the purpose of release or selling for release therein, any living fish or the fry thereof, or any other living wild animal, without a permit issued by the department. The permit shall be granted only upon satisfactory proof that the specific animals intended to be imported are (a) free of any communicable disease at the time of their importation, (b) will not become a nuisance, and (c) will not cause damage to any native wild or domestic species. Application for this permit shall be filed with the director no less than ten (10) days in advance of the proposed date of importation. The director may incorporate in the permit such restrictions as he may deem necessary. A fee of five dollars (\$5) shall accompany the application.

(2) The provisions of this section do not apply to any animals imported into this state for the purpose of being confined and exhibited in any zoo or other public display of animals nor to such other animals as the Department of Natural Resources may designate.

14-2-7-21 Permit for possession of wild animals.

14-2-7-22 Fish stocking permit (effective January 1, 1988). Upon the payment of a fee of three dollars (\$3), the department may issue to any person a permit to stock fish in the waters containing state-owned fish, waters of this state or boundary waters of this state under rules adopted by the department.

14-2-7-25 Private pond permits. The director may issue to any person who is the owner of any private pond a free permit to possess, on his premises and to use in that private pond only, any otherwise illegal fishing device,

under such rules or regulations as the director deems necessary.

14-2-8.5-3

Non-game species limitations. The director shall by regulations establish proposed limitations relating to taking, possession, transportation, exportation, use, processing, sale or offer for sale, or shipment of non-game species as may be deemed necessary to manage such species.

14-2-8.5-4

Non-game species; prohibited acts. Except as provided in regulations issued by the director, it is unlawful for any person to take, possess, transport, export, process, sell or offer for sale, or ship non-game species deemed by the director to be in need of management pursuant to this section. Subject to the same exception, it is unlawful for any common or contract carrier knowingly to transport or receive for shipment non-game species deemed by the director to be in need of management pursuant to this section.

14-2-8.5-7 Unlawful to take, possess, etc., endangered species; penalty.

(a) Except as otherwise provided in this chapter, it is unlawful for any person to take, possess, transport, export, process, sell or offer for sale, or ship, and for any common or contract carrier knowingly to transport or receive for shipment any species or subspecies of wildlife appearing on:

(1) the list of wildlife indigenous to the state determined to be endangered within the state pursuant to this chapter;

(2) the United States' list of endangered wildlife as it appears on January 1, 1979; or

(3) the list of endangered species as developed under section 8 (14-2-8.5-8) of this chapter.

However, any species or subspecies of wildlife appearing on any of the foregoing lists which enters the state from another state or from a point outside the territorial limits of the United States and which is transported across the state destined for a point beyond the state may be so entered and transported without restriction in accordance with the terms of any federal permit or permit issued under the laws of another state.

(b) A person who violates subsection (a) of this section or fails to procure or violates the terms of any per-

mit issued under section 10 (14-2-8.5-10) or 11 (14-2-8.5-11) of this chapter commits a Class A misdemeanor.

14-2-8.5-10

Use of fish and wildlife for special purposes. The director may permit, under such terms and conditions as may be prescribed by rule, the taking, possession, transportation, exportation or shipment of species or subspecies of wildlife which have been designated by rule as in need of management or appear on the state list of endangered species, on the United States' list of endangered native fish and wildlife, as amended, on the list of wildlife added in accordance with section 8 (14-2-8.5-8) of this chapter, or on the United States' list of endangered foreign fish and wildlife, as such list may be modified after July 26, 1973, for scientific, zoological or educational purposes, for propagation in captivity of such wildlife or for other special purposes.

14-2-9-1 Searches.

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Title 15 Agriculture and Animals.

15-2.1-18-13

Proclamation against importation of certain animals. Whenever the governor has good reason to believe that any disease has become epidemic in another state and that the importation of animals from that state would be injurious to the health of animals of this state, he may, on the recommendation of the board, designate such locality by proclamation and prohibit the entry or stipulate the conditions under which animals of the type diseased or animals exposed to the disease may enter the state.

15-7-1-1 Indiana Agricultural Cooperative Act.

15-7-1-2 Definitions.

15-7-1-3 Who may organize.

15-7-1-4 Purposes.

15-7-1-5 Powers.

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Title 16 Article 6: Food, Drugs, Chemicals and Oil.

16-6-4-10 License required for operation of each plant.

16-6-4-34 Wrapping; labeling.

16-6-4-38 Fish. No fish shall be stored in a refrigerated holding room unless properly frozen and wrapped. They shall be handled so as to protect equipment and other stored foods from fish flavors and fish odors. All unfrozen fish, upon receipt, shall be promptly washed with clean water and frozen, wrapped and marked with the proper identification, date of wrapping, and name and address of the frozen food processing plant.

16-6-4-39 Compliance with fish and game laws. Any game or fish shall be stored or handled in conformity with the fish and game statutes and the rules of the Department of Natural Resources.

16-1-21-2 Cold storage defined.

16-1-21-3 Power to inspect.

16-1-21-5 Cold storage warehouse; license to operate.

16-1-21-11 Records of food stored.

16-1-29-12 Misbranded foods; failure of label to bear common or usual name of food or ingredients.

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Title 24 Article 4.5: Trade Regulations/Uniform Consumer Credit Code.

24-4.5-1-301

General definitions (agricultural products to include fish and shellfish).

24-6-4-1 Articles sold by weight or count enumerated (including fish).

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# Iowa statutes

## Iowa Code Annotated

### Chapter 109

#### Fish and Game Conservation.

- 109.16 Taking by director for stocking and exchange.
- 109.29 Commercial shipments. It shall be unlawful for any person, firm or corporation to ship any fish taken with licensed nets or seines unless there is attached to each container a tag stating the name and address of the consignor and the consignee, the amount of each kind contained therein, the waters from which taken, and that same were taken with licensed nets or seines.
- 109.30 Entire shipment contraband. In the shipping of fish, game, animals, birds or furs, whenever a container includes one or more fish, game, animals, birds or furs that are contraband, the entire contents of the container shall be deemed contraband, and shall be seized by the director or his officers.
- 109.31 Game brought into the state. It shall be lawful for any person, firm or corporation to have in possession any fish or game lawfully taken outside the state and lawfully brought into the state, but the burden of proof shall be upon the person in such possession to show that such fish or game was lawfully killed and lawfully brought into the state.
- 109.32 Violation. Whoever shall take, catch, kill, injure, destroy, have in possession, buy, sell, ship or transport any frogs, fish, mussels, birds, their nests, eggs or plumage, fowls, game or animals in violation of the provisions of this chapter or of administrative rules of the commission, or whoever shall use any device, equipment, seine, trap, net, tackle, firearm, drug, poison, explosive, or other substance or means, the use of which is prohibited by this chapter, or use the same at a time, place or in a manner or for a purpose prohibited, or do any other act in violation of the provisions of this chapter or of administrative rules of the commission for which no other punishment is provided, shall be guilty of a simple misdemeanor.
- Each fish, fowl, bird, bird's nest, egg or plumage, and animal unlawfully caught, taken, killed, injured, de-

stroyed, possessed, bought, sold or shipped shall be a separate offense.

- 109.47 Importing fish and game; permits.
- 109.63 Sale of bait; license. Any person may be authorized to sell minnows, frogs, crayfish, salamanders and mussels for fish bait upon the payment of a license fee to the commission. Minnow and bait boxes and tanks shall be open to inspection by the director and conservation officers at all times. The licensee shall have tanks and bait boxes of sufficient size, with proper aeration to keep the bait alive and prevent heavy loss.

Except for species listed under Chapter 109A as endangered or threatened, the license shall authorize the licensee to take from the lakes and streams in the state that are not closed to the taking of minnows, frogs, crayfish, salamanders and mussels to carry on and supply the licensee's customers with bait for hook and line fishing if the licensee is present while the bait is being collected.

Such licensees shall comply with all state laws pertaining to possession, taking, selling of bait handled by them, and any licensee upon conviction for violating any state conservation laws shall forfeit the licensee's license if demanded by the director.

Holders of a bait dealer's license, when obtaining bait from lakes and streams, shall take only such sized bait as can be used and shall return all small minnows and frogs to the water immediately with as little loss as possible.

- 109.64 Private fish hatchery; license; regulations. It is unlawful for any person to operate a private fish hatchery or engage in the business of propagating fish in private waters until the person has applied for and has been issued a private fish hatchery license as provided by state law. The license shall be renewed each year.

The term "private fish hatchery" includes all private ponds, with or without buildings, used for the purpose of propagating or holding fish for commercial purposes.

No license shall be issued to operate private fish hatcheries on privately owned or nonmeandered lakes and streams or ponds that may become stocked with fish from public waters by overflow or natural migration.

Holders of private fish hatchery licenses may, in the hatchery, possess, propagate, buy, sell, deal in and transport the fish produced from breeding stock lawfully ac-

quired, but all fish sold for food purposes must comply with the state law regarding size limits.

They may sell fish for stocking purposes within or without the state, but no fish shall be sold for stocking purposes within the state that are not native to the state unless application is first made in writing to the commission by the buyer for a permit therefore and a permit is granted.

Each operator of a private fish hatchery shall make an annual report of the number, kinds and sizes of the fish propagated and to whom sold during the license year on forms supplied by the commission. Failure to make the report is grounds for refusal to renew the license under which the hatchery operates.

Operators of private fish hatcheries shall secure their breeding stock from licensed private fish hatcheries in the state or from lawful sources outside the state, and it is unlawful for hatcheries to secure stock in any other way.

Private fish hatchery operators who hold and feed carp, buffalo and other fish lawfully taken by commercial fishermen may hold, feed and sell the fish under private fish hatchery licenses.

109.67 Seasons and limits (Table A). The table designated "A" shall be applicable to all waters of the state except the Mississippi River and Missouri River.

Kind of fish	Minimum length or weight
Trout - brown, rainbow, brook .....	7 inches
Northern pike .....	15 inches
Largemouth and smallmouth bass .....	10 inches
Sand pike and sauger .....	12 inches
Rock sturgeon and paddlefish .....	5 pounds
Sand sturgeon .....	1 pound
Yellow perch, crappies, yellow bass striped bass, silver bass and calico bass .....	7 inches
Warmouth, rock bass, sunfish and bluegills .....	5 inches
Catfish .....	12 inches

109.78 Stocking private water. No private water may be stocked by the commission unless the owner agrees that such waters shall be open to the public for fishing, except that the commission may, after investigation to determine their suitability as to size, depth, living conditions for fish and management, provide a breeding stock of fish for privately owned farm ponds on request of the owner.

109.80 Minnows; violations. For the purpose of taking minnows only, it shall be lawful for any person to use a minnow dip net not to exceed 4 feet in diameter or a minnow seine not to exceed 15 feet in length and having a mesh not smaller than 1/4 inch bar measure or larger than 1/2 inch bar measure, and on issuance of permit by the commission, licensed bait dealers may use minnow seines not exceeding 50 feet in length.

"Minnows" are defined as chubs, shiners, suckers, dace, stonerollers, mudminnows, redhorse, bluntnose and fathead minnows. Green sunfish and orange-spotted sunfish and gizzard shad may also be taken as bait.

"Commercial purposes" shall be construed to mean selling, giving or furnishing to others.

It shall be unlawful for any person:

(1) To take or attempt to take minnows for commercial purposes from any of the waters of the state or transport the same without first procuring a bait dealer's license therefore as provided by state law; provided, however, that no license other than a license to fish in the waters of this state shall be required of persons taking minnows for their individual use for bait.

(2) To transport in any manner or for any purpose outside this state any minnows, dead or alive, taken in the state except that the director may transport for the purposes set out by the state law.

(3) To use minnows except for bait in hook and line fishing.

The commission shall have the power to designate the lakes and streams and parts of same from which minnows shall not be taken when investigation shows that the minnow population should be protected for the best management of the lake or stream and if such investigation shows that lakes or streams or any portion of them should be closed to taking minnows for such length of time as deemed advisable by the commission. Then in that case, the director is hereby authorized to post such lakes and streams or portions of them with notices or signs which clearly state that the lake or stream or portion so posted is closed to the taking of minnows and it shall be unlawful for any person to take, in any manner, minnows from such posted stream.

Minnow traps not exceeding 36 inches in length may be used wherever the taking of minnows is allowed. Each trap, when in use, shall have a metal tag attached plainly labeled with the owner's name and address.

109.81 Selling minnows outside of state. Except as otherwise provided, no person shall carry, transport or ship, or cause to be carried, transported or shipped any minnows for the purpose of sale beyond the boundaries of the state.

109.82 Prohibited bait. It is unlawful to transport or to use or to sell or offer for bait or to introduce into any inland waters of the state or into any waters from which waters of the state may become stocked any fish of carp, quillback, gar or dogfish, and any minnows or fish of any of these species. Fish of these species may be returned to the waters from which they were caught.

A person shall not possess live gizzard shad at any lake.

109.84 Frogs; catching; selling.

109B.10 Sale of commercial fish.

109B.11 Turtles.

109B.12 Freshwater mussels.

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Ch.110 Fishing, Hunting and Related Licenses, Seized Property and Guns.

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159.20 Powers of Farm Commodity Division.

159.22 Grants and gifts of funds.

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Ch. 170 Hotels, Restaurants and Food Establishments.

170.6 Farmer's market. Vendor who offers a product for sale at a farmer's market shall have the sole responsibility to obtain and maintain any license required to sell or distribute such product.

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Ch. 190 Adulteration of Foods.

190.3 Food adulterations.

190.10 Sale by false name.

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# Kansas statutes

## Kansas Statutes Annotated

Ch.32 Forestry, Fish and Game.

32-130 Seizure and confiscation of unlawful devices.

32-130a Forfeiture of license; seizure and possession of articles used in violating act; sale. Every person, firm or corporation convicted of violating any fish, game or trapping law, in addition to the penalties imposed pursuant to this section, shall be subject to the provisions of K.S.A. 32-195. The director of the Kansas fish and game commission and the director's authorized deputy and county game protector are hereby empowered and directed to seize and possess any fish, game, furbearers, pelts or parts thereof taken, possessed, sold or transported unlawfully, and any steel trap, snare or other like device, or boat used in capturing, killing or taking fish, game or fur-bearing animals unlawfully or during closed season and having reduced the same to possession. Such officers are authorized and directed to deposit the same with the director of the Kansas fish and game commission, who shall sell the same for the best possible price, and account for and pay the proceeds to the state treasurer for deposit in the Kansas fish and game commission fund.

32-134 Inspection of places where fish and game are kept; penalty for refusal to permit. It shall be the duty of the director of the forestry, fish and game commission at reasonable intervals to inspect all places of the state where meat, fish and game are kept for sale or shipment, or stored; and it shall be the duty of any person or persons engaged in the business of buying, selling, shipping or storing meat, fish or game within the state, upon the demand of the director of the forestry, fish and game commission, to permit an inspection of their place of business by such director; and any such person or persons who shall refuse upon demand to permit the inspection herein provided for shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, be punished as provided in K.S.A. 32-136.

32-172a Impoundments; definition; connections with other bodies of water; owner not subject to license requirements; means of taking fish from impoundments; unlawful acts; fishing license not required

to fish private waters. ... The owner or tenant having possession and control of such private fishing impoundments as hereinabove defined and desiring to use the same for the propagation or rearing of fish for private use or to be sold or used commercially may do so without securing or holding any state license or permit and without being limited as to numbers, time or manner of taking fish from such impoundments: provided, however, it shall be unlawful to use any manner or means which may escape from such private impoundment and kill or endanger fish in other private impoundments or public waters: provided further, it shall be unlawful to remove fish from such private impoundment without the consent of the owner or tenant having possession and control: provided further, the general public is not required to have a state license to fish such private water.

32-172b Same; fish stock from commission, when; waiver of licensing exemptions. The owner or tenant having possession and control of private fishing impoundments, desiring to secure fish stock from the state of Kansas, may make application to the forestry, fish and game commission, Pratt, Kansas, for fish for stocking; and in so doing, the owner or tenant shall waive all of the exemptions herein above provided and thereafter, for a period of ten (10) years, the private impoundment and fishing privileges therein shall be subject to the licensing requirements and all other laws of the state and regulations of the commission relative to fishing in the state.

32-510 Non-game and Endangered Species Conservation Act exemptions; exceptions.

(a) Nothing in this act shall be construed to:

(1) apply retroactively;

(2) prohibit importation into the state of wildlife which may be lawfully imported into the United States or lawfully taken and removed from another state; or

(3) prohibit entry into the state or possession, transportation, exportation, processing, sale or offer for sale, or shipment of any species of wildlife which is deemed to be threatened or endangered in this state but not in the state where originally taken, if the person engaging therein demonstrates by circumstantial evidence that such species of wildlife was lawfully taken and lawfully removed from such state.

Ch. 50	Unfair Trade and Consumer Protection.
50-624	Kansas Consumer Protection Act. Definitions. (Defines "agricultural products" as including fish and shellfish and any products thereof, including processed and manufactured products.)
50-901	Food advertising and sales practices.
50-905	Board of Agriculture; inspection of places of business; access; reports of violations.

Ch. 65	Public Health.
65-624	Protection of meat; penalty for violation.
65-657	Food, Drug and Cosmetic Act; unlawful acts.
65-660	Food, Drug and Cosmetic Act; adulterated or misbranded food, drug, device or cosmetic; detaining or embargoing; condemnation proceedings; consolidation, when; samples and analyses of seized articles; destruction of certain perishable food.
65-664	Food deemed adulterated when.
65-665	Food deemed misbranded when.
65-674	Free access to establishments and vehicles for inspections and samples.

Ch. 74	State Boards, Commissions and Authorities.
Article 50	Department of Economic Development.
74-5005	Powers and duties of department. The department shall be the official agency of the state for the economic development of the state through the promotion of business, commerce and industry within the state. In general, but not by way of limitation, the department shall have, exercise and perform the following powers and duties:...
	(f) to support a coordinated program of scientific and industrial research with the objective of developing additional uses of the state's natural resources, agriculture, agricultural products, new and better industrial products and processes, and the best possible utilization of the raw materials in the state; and to coordinate this responsibility with the universities and colleges in the state, with all state and federal agencies, and all public and private institutions within or without the state, all

in an effort to assist and encourage new industries or expansion of existing industries through basic research, applied research and new development;

(g) to maintain and keep current all available information regarding the industrial opportunities and possibilities of the state, including raw materials and by-products; ...available markets and the marketing limitations of the state; ...and such information shall be used for the encouragement of new industries in the state and the expansion of existing industries within the state;

(q) to organize, or cause to be organized, an advisory board or boards representing interested groups, including... agriculture...; and such board or boards shall advise with the department as to its work, and the department shall, as far as practicable, cooperate with such board or boards and secure the active aid thereof in the accomplishment of the aims and objectives of the department... .

Ch. 79	Taxation.
79-3603	Retailer's Sales Tax imposed; rate (4.25%).
79-3606	Exempt sales. The following shall be exempt from the tax imposed by this act:...
	(o) all sales of animals, fowl and fish, the primary purpose of which is use in agriculture, the production of food for human consumption, the production of animal, dairy, poultry or fish products, fiber or fur, or the production of offspring for use for any such purpose or purposes.

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# Michigan statutes

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### Ch. 300 Fish and Game.

301.2 Fish, reptiles, amphibians, mollusks and crustaceans; property of state.

300.12 Complaint; prosecution; search without warrant; private property defined; common carrier not liable; issue of warrant; seizures; probable cause.

303.4 Maximum catch or possession; illegal possession.

303.6 Game fish; unlawful purchase, sale, transportation or possession; exceptions. It shall be unlawful for any person to purchase, buy or sell, or attempt to purchase, buy or sell, or transport to any point outside of this state at any time, or have in possession during the periods in which the taking or catching of such fish is prohibited, any species of fish taken on a sport fishing license or any species of fish taken without a commercial fishing license. Any lawfully taken fish may be possessed for 60 days after the close of the respective open seasons. Any person possessing a non-resident fishing license may take from this state a day's legal catch of fish in accordance with the provisions of his license. Nothing in this section shall interfere with the possession, sale or transportation of fish taken legally under the commercial fishing laws and regulations of this state.

304.2 Possession; importation; devices for taking; transportation permit; inspection of books and records; unlawful uses of minnows, goldfish, carp or lamprey; exportation of preserved minnows. A person shall not:

(a) Take or have in possession minnows, wigglers or crayfish for commercial purposes from any of the waters over which this state has jurisdiction, or import or transport minnows, wigglers or crayfish without having first procured a license, as provided in Section 6 of Chapter 5. A license, except a license to fish in the waters of this state as provided for in the Hunting and Fishing License Act, Act No. 86 of the Public Acts of 1980, being sections 316.101 to 316.902 of the Michigan Compiled Laws, shall not be required of persons taking minnows, wigglers or crayfish for their individual use for bait. A person shall not set or use minnow traps for the

taking of minnows, wigglers or crayfish for any purpose unless the name and address of the user is on the trap.

(b) Transport outside of this state any minnows, wigglers or crayfish, dead or alive, taken either in or outside of this state. The director, upon receipt of a payment of \$25, may issue a permit, revocable by the director, under such regulations as the director may prescribe, to any resident licensed as provided for in Section 6 of Chapter 5, enabling that person to transport outside this state minnows, wigglers or crayfish preserved in liquid and bottled for fish bait. The director may limit to 15 days or less of any 1 year the taking of minnows by a licensed person for preserving for fish bait purposes. A person holding a permit as provided in this subdivision shall allow the director or the director's authorized representative to inspect his or her books and records at any reasonable time. A permit issued pursuant to this subdivision may be revoked by the director upon good cause and shall expire on December 31 following the date of issue unless the license is revoked prior to that date.

(c) Use or attempt to use live goldfish or carp for bait in fishing.

(d) Offer for sale or use lamprey for bait in fishing.

(e) Take, possess or transport minnows, wigglers or crayfish for commercial purposes from any of the waters over which this state has jurisdiction unless the taker is a resident of this state and holds a permit or license as required by law.

### 305.6 Retail or wholesale minnow dealer licenses.

(1) As used in this section, "place of business" means a single location designated in a license application.

(2) The director, upon receipt of a fee of \$25, may issue a limited retail minnow dealer's license or entitle the licensee to operate 1 place of business and 1 motor vehicle, and to buy, transport and retail minnows, wigglers and crayfish.

(3) The director, upon receipt of a fee of \$100, may issue to a resident a wholesale minnow dealer's license to operate 1 place of business and to transport, using up to 3 motor vehicles, and to sell at wholesale to licensed minnow dealers, minnows, wigglers and crayfish.

(4) The director, upon receipt of a fee of \$50, may issue to the holder of a limited retail or a wholesale min-

now dealer's license a minnow catcher's license to permit the taking, collecting, transporting and possessing of live or fresh minnows, wigglers or crayfish to be used for commercial purposes in accordance with this act. Each minnow catcher's license shall entitle the licensee to operate up to 3 crews consisting of not more than 4 persons and 4 motor vehicles for the purpose of taking, collecting and transporting live or fresh minnows, wigglers or crayfish.

(5) The director, upon receipt of a fee of \$500, may issue to a non-resident of the state a wholesale minnow dealer's license to operate 1 place of business and to transport, using up to 3 motor vehicles, and to sell at wholesale to licensed minnow dealers, minnows, wigglers and crayfish.

(6) Crayfish shall not be imported for commercial purposes from outside the state without a special permit from the director. Minnows and wigglers not native to Michigan waters shall not be imported from outside the state.

(7) The holder of a license issued pursuant to this section who possesses minnows, wigglers or crayfish for commercial purposes at more than 1 place of business shall obtain a separate license for each place of business. The holder of a license issued pursuant to this section may use more than 3 crews not to exceed 4 crew members in taking, collecting and transporting minnows, wigglers and crayfish or use additional motor vehicles in collecting and transporting minnows, wigglers or crayfish for a fee of \$15 for each such additional crew of not more than 4 persons and for each additional motor vehicle.

(8) With each minnow catcher's license issued under this section, the department shall issue 12 identification cards bearing the number of the license and the year for which the license was issued. Each member of a crew engaged in taking, collecting and transporting minnows, wigglers or crayfish for commercial purposes shall carry an identification card at all times while taking, collecting or transporting minnows, wigglers or crayfish. The director shall supply license application forms which shall state the name and address of the licensee and the lakes and streams and parts of the lakes and streams from which minnows, wigglers or crayfish may be taken. Any person to whom a limited retail or wholesale minnow dealer's license has been issued under this act shall prominently display at the place of business designated in that license a placard to be furnished by the director which will contain the following words: "Licensed Minnow Dealer" and the license number and

year for which the license was issued. Any person to whom such a license has been issued under this section shall permanently display the license number in 4-inch block letters on each side of the tanks on the motor vehicle or on the front doors of the motor vehicle and on the back of the motor vehicle.

(9) On demand of a conservation officer or any other peace officer, any person found taking, collecting, possessing or transporting any live or fresh minnows, wigglers or crayfish for commercial purposes shall display a license or identification card provided for in this section. The records, seines, nets, minnow traps, transporting and other equipment of every kind utilized in the handling of minnows, wigglers and crayfish and the tanks and ponds where minnows, wigglers and crayfish are held shall be open to inspection at any reasonable time by a conservation officer or any other peace officer.

(10) All licenses issued pursuant to this section shall be revocable upon just cause and, if not revoked, shall expire on December 31 following the date of issuance. Any person whose license has been revoked shall not be issued a commercial minnow, wiggler and crayfish license within a period of 1 year from the date of revocation.

- 305.9 Fish culture, scientific investigation or protection of inland waters; taking of fish, importing fish or eggs, planting spawn, fry or fish; permits; annual report.
- 307.51 Mussels; registration and license.
- 307.56 Size. It shall be unlawful to take, catch, kill, offer for sale or have in possession more than 1% by weight mussels of the varieties known either as mucket or pocket-book species of a size less than 3 inches in greatest dimension. Undersized mussels shall be immediately culled and returned to the water whence taken without avoidable injury.
- 307.102 Frogs; lawful purchases.
- 308.26a Wholesale fish market or house; license, fee; label on containers; record. Every person, firm, company, co-partnership, partnership, association or corporation who deals in fish by operating a wholesale fish market or fish house, or who solicits the purchase of or who buys fish for wholesale distribution shall secure a license from the director of conservation. Every such license shall expire on December 31 and the fee for such license shall be \$5.

No person, firm, company, co-partnership, partnership, association or corporation holding a license under the provisions of this section shall transport or cause to be transported, or deliver or receive for transportation any package or parcel containing any fish or carcass or part thereof unless the same is labeled in plain English 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 contained in such package or parcel.

Any person, firm, company, co-partnership, partnership, association or corporation licensed under the provisions of this section may, at any time, sell, purchase or barter, or have in his possession or under his control for the purpose of sale or barter any commercial fish: provided, that the provisions of Section 14 of this act shall at all times be observed. Each person, firm, company, co-partnership, partnership, association or corporation shall keep a separate record of the purchase of such fish in such form as shall be required by the director of conservation, and such record shall at all times be open to inspection by the director of conservation or his representatives.

308.111 Definition (game fish in private waters). The term "game fish" shall include all species of fish in the families of Salmonidae (trout and salmon), Thymallidae (grayling), Esocidae (northern pike and muskellunge), Serranidae (white bass and striped bass), Centrarchidae (bass, bluegill and crappie), Percidae (perch and wall-eye), Acipenseridae (sturgeon), Ictaluridae (catfish) and Coregonidae (whitefish).

308.112 License for propagation for sale. No person shall propagate, rear or have in possession for the purpose of offering for sale or selling any kind of game fish unless he has applied for and has been issued a license as provided in this act. All such licenses shall be non-transferable and shall expire on December 31 of the year for which issued. A separate license shall be required for each place of business where game fish are propagated, reared or possessed for the purpose of sale or offering for sale. The provisions of this act shall not apply to the sale, offering for sale or possession of dead, fresh or frozen brook trout, brown trout or rainbow trout lawfully taken in, and exported from, another state or country or which have been procured from a licensed dealer within the state.

308.113 License application, contents, fee. Any person owning or having control of private waters in this state desiring a license under the provisions of this act shall

make application therefore to the director of conservation, on a form provided by the director, accompanied by a fee of \$5. The application shall state the name and address of the applicant, the description of the premises where game fish are to be propagated, reared, possessed or offered for sale, together with such additional information as may be required. Upon receipt of the application and fee, the director of conservation, if satisfied that the provisions of this act and the rules and regulations promulgated hereunder have been complied with, shall issue a license to the applicant.

308.114 Sale, posting of license. No person shall propagate, rear or have in possession for the purpose of offering for sale or selling any game fish as herein described except at the location described in his license. The license shall be conspicuously posted at such place of business at all times.

308.115 Prohibition or restriction on importation of game fish or viable eggs of same. It is unlawful for a person to import into the state any live game fish without a license as provided for in this act. The director may adopt rules under the provisions of this act to prohibit or restrict the importation of game fish or any other species of fish when the importation of such species would endanger the public fishery resources of the state.

308.115a Importation, license required; rules . It is unlawful for a person to import into the state any live game fish or viable eggs of any game fish without a license as provided for in this act. The director may adopt rules under the provisions of this act to prohibit or restrict the importation of game fish or any other species of fish when the importation of such species would endanger the public fishery resources of this state.

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Ch. 289 Pure Foods and Standards.

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289.634 Agricultural products; standards of quality, establishment.

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289.642 Cooperation with agencies of the United States, other states and organizations.

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289.801 Food Processing Act of 1977.

289.803 Licenses; duration; renewal; fees; application procedure; exceptions; no local licensing.

289.806 Enforcement of act, delegation of authority (to Health Department).

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Ch. 18 Department of Administration.

18.702 Purchase or contract for purchase of fish by state agency or local government unit; requirements.

(1) In purchasing or contracting for the purchase of fish to meet the requirements or needs for food purposes of a state agency or a local unit of government, that agency or unit of government shall purchase or contract for, whenever possible, fish harvested in the waters of this state, if such fish are comparable and available at prices equal to or less than other bids. A reasonable percentage of fish harvested in the waters of this state and purchased pursuant to this act shall be fish that are processed.

(2) Fish that are purchased by a state agency or a local unit of government as required in this act may be processed by state institutions.

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205.52 Sales tax; rate (4%).

205.53 Sales taxpayer; license; bond or deposit; industrial processor; agricultural producer; license suspension; penalties.

205.54a Deductible sales ...

(f) To persons engaged in a business enterprise and using or consuming the tangible personal property... in the direct gathering of fish, by net, line or otherwise, only by an owner-operator of the business enterprise,

not including a charter fishing business enterprise. ...In these cases, at the time of the transfer of the tangible personal property, the transferee shall sign a statement, in a form approved by the department, stating that the property is to be used or consumed in connection with the production of horticultural or agricultural products as a business enterprise, or in connection with fishing as an owner-operator business enterprise. The statement shall be accepted by all courts as prima facie evidence of the exemption.

205.54g Prescription drugs; returnable containers; food or tangible personal property purchased with food stamps; fruit or vegetable seeds or plants; exemption.

205.91 Use Tax Act.

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Ch. 290 Weights, Measures and Standards.

290.628a Commodities; meat, meat products, poultry and seafood sold by weight; food combinations sold by weight, quantity representation by total weight of product or combination.

290.651 Agricultural Commodities Marketing Act.

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290.660 Petition for program or amendment; notice hearing, decision by director.

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Ch. 479 Motor Carriers; Policy of State, Exemptions, Limitations, General Regulations and Procedure; Penalties; Miscellaneous.

479.2 Exemptions; reciprocity. This act shall not apply to any of the following:...

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Ch.17 Department of Agriculture.

17.49 Aquaculture program and promotion.

Subdivision 1. Program established. The commissioner shall establish and promote a program for the commercial raising of fish in fish farms in consultation with an advisory committee consisting of the University of Minnesota, the commissioner of natural resources, the commissioner of agriculture, the commissioner of trade and economic development, the commissioner of the state planning agency, representatives of the private fish raising industry, and the chairs of the environment and natural resources committees of the House of Representatives and Senate.

Subdivision 2. Coordination. Agriculture programs in the state must be coordinated through the commissioner of agriculture. The commissioner of agriculture shall direct the development of agriculture in the state. Aquaculture research, projects and demonstrations must be reported to the commissioner before state appropriations for the research, projects, and demonstrations are encumbered. The commissioner shall maintain a data base of aquaculture research, demonstrations and other related information pertaining to agriculture in the state.

17.491 Aquaculture is agricultural pursuit. Aquaculture is an agricultural pursuit.

17.492 Aquaculture definition. "Aquaculture" means to cultivate plants and animals in water for harvest, including hydroponics and raising fish in fish farms.

17.50 Policy (on agricultural commodities utilization).

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41A.02 Definitions; actions by the state.

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Ch. 97A Game and Fish Laws.

97A.015 Definitions.

Subdivision 25. "Game fish" means walleye, sauger, yellow perch, channel catfish, flathead catfish; members of the pike family, Esocidae, including muskellunge and northern pike; members of the sunfish family, Centrarchidae, including largemouth bass, smallmouth bass, sunfish, rock bass, white crappie, black crappie; members of the temperate bass family, Percichthyidae, including white bass and yellow bass; members of the salmon and trout subfamily, Salmonidae, including Atlantic salmon, chinook salmon, coho salmon, pink salmon, kokanee salmon, lake trout, brook trout, brown trout, rainbow (steelhead) trout and splake; members of the paddlefish family, Polyodontidae; members of the sturgeon family, Acipenseridae, including lake sturgeon and shovelnose sturgeon. "Game fish" includes hybrids of game fish.

Subd. 43. Rough fish. "Rough fish" means carp, buffalo, sucker, sheepshead, bowfin, burbot, cisco, gar, goldeye and bullhead.

Subd. 29. Minnows. "Minnows" means: (1) members of the minnow family, Cyprinidae, except carp and goldfish; (2) members of the mudminnow family, Umbridae; (3) members of the sucker family, Catostomidae, not over 12 inches in length; (4) bullheads, ciscoes, lake whitefish, goldeyes and mooneyes, not over 7 inches long; and (5) leeches.

Subd. 30. Minnow dealer. "Minnow dealer" means a person taking minnows for sale, buying minnows for resale, selling minnows at wholesale or transporting minnows for sale.

Subd. 31. Minnow retailer. "Minnow retailer" means a person selling minnows at retail from an established place of business.

97A.065 Dedication of certain receipts.

Subd. 3. Fishing license surcharge. The commissioner may use the revenue from the fishing license surcharge for... (3) upgrading of fish propagation capabilities to improve the efficiency of fish production, expansion of walleye production by removal from waters subject to winter kill for stocking in more suitable waters, introduction of new biologically appropriate species and purchase of fish from private hatcheries for stocking.

97A.151 Leech Lake Indian Reservation Agreement.

Subd. 4. Commissioner's powers and duties...include ...exemption...from state laws relating to fishing...[and] the taking of minnows and other bait...together with exemption from related possession and transportation laws ... .

97A.215 Inspections.

97A.221 Confiscation of property.

97A.225 Seizure and confiscation of motor vehicles and boats.

97A.255 Prosecutions.

Subd. 2. Burden of proof in a prosecution that alleges animals have been taken, bought, sold, transported or possessed in violation of the game and fish laws, the burden of establishing that the animals were domestically reared in a private preserve, raised in a private fish hatchery, taken for scientific purposes, lawfully taken or received as a gift, is on the defendant.

97A.325 Penalties for unlawfully buying or selling wild animals.

97A.335 Penalties related to fishing.

97A.475 License fees .

Subd. 26. Minnow dealers. The fees for the following licenses are (as of March 1, 1991):

- (1) Minnow dealer \$77.00
- (2) Minnow dealer's helper \$5.50
- (3) Minnow dealer's vehicle \$11.00
- (4) Exporting minnow dealer \$275.00
- (5) Exporting minnow dealer's vehicle \$11.00

Subd. 27. Minnow retailers. The fees for the following licenses, to be issued to residents and non-residents, are (as of March 1, 1991):

- (1) Minnow retailer \$11.00
- (2) Minnow retailer's vehicle \$11.00

Subd. 28. Non-resident minnow haulers. The fees for the following licenses, to be issued to non-residents, are (as of March 1, 1991):

- (1) Exporting minnow hauler \$525.00
- (2) Exporting minnow hauler's vehicle \$11.00

Subd. 29. Private fish hatcheries. The fees for the following licenses, to be issued to residents and non-residents, are (as of March 1, 1991):

- (1) Private fish hatchery with annual sales under \$200 \$27.50
- (2) Private fish hatchery with annual sales of \$200 or more \$55.00
- (3) Collection of sucker eggs from public waters for a private fish hatchery \$165.00  
(plus \$3 for each quart in excess of 100 quarts)

Subd. 29a. Fish farms. The fees for the following licenses, to be issued to residents and non-residents, are (as of March 1, 1991):

- (1) Fish farm license \$275.00

(2) Collection of sucker eggs from public waters for a private fish farm \$275.00 (plus \$3 for each quart in excess of 100 quarts)

Subd. 39. Fish packer. The 1991 fee for a license to prepare dressed game fish for transportation or shipment is \$14.50.

Subd. 40. Fish vendors. The 1991 fee for a license to use a motor vehicle to sell fish is \$27.50.

Subd. 41. Turtle sellers. The 1991 fee for a license to take, transport, purchase and possess turtles for sale is \$55.00.

Subd. 42. Frog dealers. The fees for the licenses to deal in frogs that are to be used for purposes other than bait, are (as of March 1, 1991):

(1) For a resident to purchase, possess and transport frogs \$77.00

(2) For a non-resident to purchase, possess and transport frogs \$220.00

(3) For a resident to take, possess, transport and sell frogs \$11.00

97A.521 Transportation of wild animals, generally.

97A.525 Transportation of wild animals by common carrier.

97A.531 Shipment of wild animals taken in Canada. A person may ship, within or out of the state, wild animals lawfully taken and possessed in Canada and that have lawfully entered the state. The shipment must have the shipping coupons required for a shipment originating in the province where the animals were taken. Fish that are lawfully taken and possessed in Canada may be brought into the state for filleting and packing and may be transported within the state or out of the state.

97A.551 Transportation of fish.

Subd. 2. Fish transported through state. A person may not transport game fish taken in another state or county through the state during the closed season or in excess of the possession limit unless the fish are: (1) transported by common carrier or (2) tagged, sealed or marked as prescribed by the commissioner.

Ch. 97C Fishing.

97C.201 State fish stocking prohibited without public access.

97C.209 Fish farms.

Subdivision 1. License required. A person may not operate a fish farm without a fish farm license. A fish farm is a facility for commercially raising fish for sale to be commercially processed for human consumption. A fish farm licensee may operate a private hatchery without obtaining a private hatchery license.

Subd. 2. Acquisition of fish.

(a) A person operating a fish farm may not obtain fish or fish eggs outside of the state unless approved by the commissioner. The commissioner must either approve or deny the acquisition within 30 days after receiving a written request for approval.

(b) If the commissioner denies approval, a written notice must be submitted to the applicant stating the reasons for the denial and the commissioner must:

(1) designate approved sources to obtain the desired fish or fish eggs; or

(2) sell the fish or fish eggs from state fish hatcheries at fair market value.

Subd. 3. Rules for operation. The commissioner shall prescribe rules that allow a person to maintain and operate a fish farm to raise and dispose of fish. The commissioner shall prescribe and assess a fee to cover the cost of inspection and disease certification of fish farms.

97C.211 Private fish hatcheries.

Subdivision 1. License required. A person may not operate a private fish hatchery without a private fish hatchery license. A private fish hatchery is a facility for raising fish, including minnows, for sale, stocking waters, angling or processing.

Subd. 2. Rules for operation. The commissioner shall prescribe rules that allow a person to maintain and operate a private fish hatchery to raise and dispose of fish. The commissioner shall establish and assess a fee to cover the cost of inspection and disease certification of private hatcheries.

Subd. 2a. Acquisition of fish.

(a) A private fish hatchery may not obtain fish outside of the state unless the fish or the source of the fish is approved by the commissioner. The commissioner may apply more stringent requirements to fish or a source of fish from outside the state than are applied to fish and sources of fish from within the state. The commissioner must either approve or deny the acquisition within 30 days after receiving a written request for approval. Minnows acquired must be processed and not released into public waterways, except as provided in section 97C.515, Subdivision 4. A request may be for annual acquisition.

(b) If the commissioner denies approval, a written notice must be submitted to the applicant stating the reasons for the denial and the commissioner must:

- (1) designate approved sources to obtain the desired fish or fish eggs; or
- (2) sell the fish or fish eggs from state fish hatcheries at fair market value.

Subd. 5. Price of walleye fry. The commissioner may not sell walleye fry for less than fair market value, defined as the average price charged by private walleye fry wholesalers located in Minnesota.

97C.341 Certain fish prohibited for bait. A person may not use live minnows imported from outside of the state, game fish, goldfish or carp for bait.

97C.391 Buying and selling fish.

Subdivision 1. General restrictions. A person may not buy or sell fish taken from the waters of this state, except:

- (1) minnows;
- (2) rough fish, excluding ciscoes;
- (3) fish taken under licensed commercial fishing operations;
- (4) fish raised in a fish farm that are identified as prescribed by the commissioner; and
- (5) fish raised in a private hatchery that are tagged or labeled or otherwise identified as prescribed by the commissioner; and

(6) fish lawfully taken and subject to sale from other states and countries.

Subd. 2. Restrictions on certain game fish. Largemouth bass, smallmouth bass, rock bass, muskellunge and sunfish may not be bought or sold, unless bought or sold by a private hatchery or fish farm to stock waters for recreational fishing, or as prescribed by the commissioner.

97C.501 Minnow licenses required.

Subdivision 1. Minnow retailers.

(a) A person may not be a minnow retailer without a minnow retailer license except as provided in Subdivision 3.

(b) A minnow retailer must obtain a minnow retailer's vehicle license for each motor vehicle used by the minnow retailer to transport more than 12 dozen minnows to the minnow retailer's place of business, except as provided in Subdivision 3.

Subd. 2. Minnow dealers.

(a) A person may not be a minnow dealer without a minnow dealer license except as provided in Subdivision 3.

(b) A minnow dealer must obtain a minnow dealer's helper's license for each person employed to take, buy, sell or transport minnows by the minnow dealer. The minnow dealer may transfer a helper's license from a former helper to a new helper.

(c) A minnow dealer must obtain a minnow dealer's vehicle license for each motor vehicle used to transport minnows. The serial number, motor vehicle license number, make and model must be on the license. The license must be conspicuously displayed in the vehicle.

(d) A minnow dealer may not transport minnows out of the state without an exporting minnow dealer license. A minnow dealer must obtain an exporting minnow dealer's vehicle license for each motor vehicle used to transport minnows out of the state. The serial number, motor vehicle license number, make and model must be on the license. The license must be conspicuously displayed in the vehicle.

Subd. 3. License exemption for minors selling leeches. A resident under age 18 may take leeches, sell leeches

at retail and transport leeches without a minnow retailer or dealer license.

Subd. 4. Non-resident minnow haulers.

(a) A non-resident may not transport minnows in a motor vehicle without an exporting minnow hauler license.

(b) A non-resident must obtain an exporting minnow hauler's vehicle license for the motor vehicle used to transport minnows. The serial number, motor vehicle license number, make and model must be on the license. The license must be conspicuously displayed in the vehicle.

(c) Only one non-resident motor vehicle license may be issued to an exporting minnow hauler.

97C.505 Minnows.

Subdivision 1. Authority to take, possess, buy and sell. Minnows may be taken, possessed, bought and sold, subject to the restrictions in this chapter.

Subd. 2. Continuous open season. The open season for taking minnows is continuous, except as provided in Subdivisions 3 and 4.

Subd. 3. Closing waters. The commissioner may close any state waters for commercially taking minnows if a survey is conducted and the commissioner determines it is necessary to close the waters to prevent depletion or extinction of the minnows.

Subd. 4. Hours of taking. A person may not take minnows from one hour after sunset to one hour before sunrise.

Subd 5. Restrictions on taking from trout waters. A person may not take minnows from designated trout lakes or trout streams without a special permit issued by the commissioner.

Subd. 6. Approved equipment required. A person must use equipment approved by the commissioner to possess or transport minnows for sale.

97C.515 Imported minnows.

Subdivision 1. General prohibition. A person may not bring live minnows into the state except as provided in this section.

Subd. 2. Permit for transportation. A person may transport minnows through the state with a permit from the commissioner. The permit must state the name and address of the person, the number and species of minnows, the point of entry into the state, the destination and the route through the state. The permit is not valid for more than 12 hours after it is issued.

Subd. 3. Use in home aquariums allowed. A person may bring live minnows into the state for home aquariums.

Subd. 4. Private fish hatchery. A person with a private fish hatchery license may transport minnows from contiguous states to the private fish hatchery, provided the minnows are used for processing or feeding hatchery fish. The commissioner may require inspection of minnows transported from outside the state.

97C.521 Transportation of carp fingerlings prohibited. A person may not transport live carp fingerlings.

97C.525 Restrictions on transportation of minnows.

Subdivision 1. Applicability. This section does not apply to the transportation of 24 dozen minnows, or less, or to transportation with a permit issued under section 97C.515, Subdivision 2.

Subd. 2. Transporting out of the state. A person may not transport minnows out of the state, except as provided in this section.

Subd. 3. Minnow dealers and haulers. A resident minnow dealer or a non-resident exporting minnow hauler may transport leeches, suckers and fathead minnows out of the state. A non-resident exporting minnow hauler must possess a bill of lading issued by a minnow dealer with an exporting minnow dealer's license. The bill of lading must be on a form furnished by the commissioner and must state the exporting minnow hauler's name and address, the route through the state, the number and species of minnows, and the time it was issued.

Subd. 4. Minnow retailers. A minnow retailer transporting minnows from a place of wholesale purchase to the retailer's place of business must use the most reasonably direct route.

Subd. 5. Out-of-state vehicles. The exporting minnow hauler must transport the minnows out of the state within 24 hours of the time of issuance stated on the bill of lading. A person may not transport minnows in

a motor vehicle licensed in another state without an exporting minnow hauler's vehicle license.

97C.601 Frogs.

97C.605 Turtles.

97C.701 Taking mussels.

97C.711 Mussel size limits.

97C.821 Possession, sale and transportation of commercial fish.

97C.861 Fish vendor requirements.

Subdivision 1. License required. A person may not sell fish with the use of a motor vehicle without a fish vendor's license.

Subd. 2. Misrepresentation of fish.

(a) A licensed fish vendor or the vendor's employee may not misrepresent a species of fish to be sold. If a licensed fish vendor or employee of the fish vendor is convicted of misrepresenting a species of fish that is sold, the license shall be revoked, and the licensee is not eligible to obtain a fish vendor's license for one year after revocation.

(b) Misrepresentation includes the designation of fish by a name other than its common name in:

(1) the state; and

(2) the locality where it was taken if it is not generally known by any common name in the state.

97C.865 Fish packers.

(a) A person may not prepare dressed game fish for shipment without a fish packer's license. The fish packer must maintain a permanent record of:

(1) the name, address and license number of the shipper;

(2) the name and address of the consignee; and

(3) the number of each species and net weight of fish in the shipment.

(b) The records of the fish packer must be made available to an enforcement officer upon request.

Chapter 297A General Sales Tax and Distribution.

297A.02 Imposition of tax (6%).

29A.025 Exemptions.

Subdivision 2. Food products. The gross receipts from the sale of food products including... fish and fish products... are exempt.

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144.030 Exemptions from state and local sales and use taxes (including animals or poultry used for breeding or feeding purposes).

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Ch. 196 Food and Drugs.

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196.030 Exemptions from state and local sales and use taxes (including animals or poultry used for breeding or feeding purposes).

196.060 Carriers in interstate commerce shall permit access to records of shipments.

196.070 Food, when deemed adulterated.

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Ch. 252 Department of Conservation - Fish and Game.

252.030 Wildlife of Missouri, ownership and title.

252.040 Taking of wildlife; violations, misdemeanor.

252.090 Right of inspection by commission agents; penalty.

252.170 Soliciting illegal shipments; penalty.

252.190 Possession of wildlife a misdemeanor; when.

252.235 Sale of any species of wildlife, fish parts thereof or eggs taken in violation of rules; penalties; sale and property defined. The sale of any species of fish or wildlife, or parts thereof, which shall include eggs, which have been taken or possessed in violation of the rules and regulations of the commission, is prohibited. Any person violating the provisions of this section shall be guilty of a class A misdemeanor for the first offense if the sale amounts to less than \$150. Any person vio-

lating the provisions of this section shall be guilty of a Class D felony for the second and subsequent offense if the sale amounts to less than \$150. Any person violating the provisions of this section shall be guilty of a Class C felony for the first and all subsequent offenses if the sale amounts to more than \$150. "Sale" means the exchange of an amount of money, other negotiable instruments or property of value received by the person or persons selling the prohibited species. For the purposes of this section, "property" is defined by section 570.010, R.S.Mo, and the value shall be ascertained as set forth in section 570.020, R.S.Mo.

252.240 Endangered species law, definitions; prohibited activities, exceptions, penalty.

(1) The importation, transportation or sale of any endangered species of fish or wildlife, or hides or other parts thereof, or the sale or possession with intent to sell any article made in whole or in part from the skin, hide or other parts of any endangered species of fish or wildlife is prohibited. For the purposes of this section, "endangered species" shall mean those species of fish and wildlife designated by the Department of Conservation, by rule filed with the secretary of state and those species listed by the United States Department of the Interior, as threatened or endangered...

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Ch. 261 Department of Agriculture.

261.030 Investigation of farm marketing; establish standards; inspections; distribute information.

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Ch. 265 Standardization Inspection and Marketing of Agricultural Products.

265.020 Commissioner to promulgate standards.

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413.160 Meat; meat products; poultry; seafood to be sold by weight, when; exceptions.

Wildlife Code of Missouri

Ch. 4 Wildlife Code: General Provisions.

3CSR10- General Prohibition; Applications.  
4.110

(1) No...fish...in the state of Missouri shall be molested, pursued, taken, hunted, trapped, enticed, poisoned, killed, transported, stored, served, bought, sold, given away, accepted, possessed, propagated, imported, exported or liberated to the wild in any manner, number, part, parcel or quantity, at any time, except as specifically permitted by these rules and any amendments thereto, and any laws consistent with Article IV, sections 40-46 of the constitution of the state of Missouri... .

(9) Fish, crayfish and salamanders may be bought, sold, transported, propagated, taken and possessed by any person without permit throughout the year in any number or size and by any method, providing:

(a) that person has in his possession a dated, written statement showing the number or quantity of each species as proof that such animals were obtained from other than waters of the state or from a licensed commercial fisherman, provided that animals from outside the state were legally obtained from a commercial source;

(b) that such person is in compliance with all provisions of the Wildlife Code of Missouri pertaining to importation, purchase or sale of endangered species, and importation of live fish or viable fish eggs of the family Salmonidae;

(c) that the privileges of this section do not apply to taking or attempting to take, or to the possession of such animals in, on or from waters of the state, waters stocked by the state, or waters subject to the

movements of fishes into and from waters of the state, except that fish, crayfish and salamanders possessed under provisions of this section may be possessed on the waters of the state for use as live bait.

(10) Fish may be marked or tagged for release into waters of the state only upon written authorization of the director.

3CSR10- Endangered Species.  
4.111

(1) The importation, transportation, sale, purchase, taking or possession of any endangered species of wildlife, or hides or other parts thereof, or the sale or possession with intent to sell of any article made in whole or in part from the skin, hide or other parts of endangered species of wildlife is prohibited; provided, that this rule shall not apply to legally acquired wildlife held under permit or held by a public zoo or museum, to wildlife taken legally outside Missouri or to articles manufactured before January 1, 1973.

(2) The exportation, transportation or sale of any endangered species of plant, or parts thereof, or the sale of or possession with intent to sell any product made in whole or in part from any parts of any endangered species of plant is prohibited.

(3) For the purpose of this rule, endangered species of wildlife and plants shall include the following native species hereby designated as endangered in Missouri:...

(c) Fishes: lake sturgeon, pallid sturgeon, blacknose shiner, taillight shiner, pugnose minnow, neosho madtom, spring cavefish, harlequin darter, goldstripe darter, cypress minnow, central mudminnow, crystal darter, swamp darter, ozark cavefish, niangua darter.

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### Ch. 2 Agriculture.

2-2001 Agriculture associations.

2-2501 Nebraska Agricultural Products Research Fund; creation; duration; funds appropriated by legislature; investment.

2-2508 Agricultural products development; legislature declarations. The legislature declares that agricultural commodities and products are important to the economic and physical well-being of Nebraska citizens, and that the identification and development of additional products, which are derived from existing and new agricultural commodities and products, are vital to the economy and citizens of Nebraska. In addition, Nebraska citizens have regularly found new products and methods of constituting these products to the benefit of mankind, and this ingenuity, skill and determination should be encouraged and rewarded.

2-2516 Agriculture promotion and development program; established; purposes; employment of specialists; advisory committee. The Department of Agriculture shall establish an agriculture promotion and development program. The department shall employ a program director and one specialist in research techniques and market development. Both individuals shall report directly to the director of agriculture ... .

The program shall concentrate on the identification and development of opportunities to enhance profitability in agriculture and to stimulate agriculture-related economic development. Program activities may include, but not be limited to, (1) promotion and market development, (2) value-added processing of alternative and traditional commodities, (3) agricultural diversification, including poultry development and aquaculture, (4) agricultural cooperatives and (5) alternative crops ... .

2-3801 Nebraska Agricultural Products Marketing Act.

2-3804 Agricultural product or commodity, defined. “Agricultural product or commodity” shall include all products resulting from the conduct of farming or ranching activities, dairying, beekeeping, aquaculture, poultry or

egg production, or comparable activities, and any by-products resulting from such activities.

2-3804.01 Aquaculture, defined. “Aquaculture” shall mean the agricultural practice of controlled propagation and cultivation of aquatic plants or animals for commercial purposes. Unless the context otherwise requires, the term “agriculture” shall be construed to include aquaculture.

2-3808 Department; marketing activities; duties.

2-4701 Agricultural Revitalization Authority.

2-4705 Agricultural enterprise, defined. “Agricultural enterprise” shall mean any farm, ranch or similar enterprise engaged in the direct production of any agricultural crop or the direct breeding or production of any agricultural animals, including silvicultural and aquacultural enterprises.

### Ch. 37 Game and Parks

37-213.01

Fishing; privately owned land; statement required; false statement, penalty. Whenever an invitee, who angles for fish in any body of water which is entirely upon privately owned land and which is entirely privately stocked, catches fish which he wishes to remove from the premises, the owner or operator by consent of the owner shall furnish to such invitee a written statement setting forth the name of the owner, the name of the invitee, the number of fish taken, and that such fish were caught in a body of water which is entirely upon privately owned land and which is entirely privately stocked. Any person who makes or exhibits to a law enforcement officer a false statement of the facts required by the provisions of this section shall be guilty of a Class V misdemeanor.

37-217.01 Killing or possessing trout; trout stamp; required; when; fee.

37-304.01 Hunting and fishing; illegal possession; exception. It shall also be unlawful for anyone, except a holder of a game farm or fish culture permit, to have in his or her possession, except during the open season thereon,

	<p>any...game fish, except as provided in sections 37-304 to 37-304.02 or the game regulations of the commission made in accordance therewith.</p>
<p>37-305 Game and fish in cold storage; violation; penalty; duty of inspectors to report. No game or fish protected by the Game Law may be placed in cold storage in any licensed cold storage plant, butcher shop, ice cream factory, ice house or other place used for commercial refrigerating purposes except by the lawful owner of such game fish in his or her own name, and the same shall be tagged as the commission by rule and regulation may require. Game and fish legally taken and tagged in states other than Nebraska may be stored within the state of Nebraska as provided for in the game rules and regulations of the commission. (1) Every cold storage plant owner or operator in whose plant game or fish protected by the Game Law is held after the prescribed storage season, as established by the rules and regulations of the commission, and following the close of the open season thereon, (2) every person having in cold storage any such game or fish after such time, and (3) every person who fails to tag game or fish in accordance with the rules and regulations of the commission when placing the same in cold storage shall be guilty of a Class III misdemeanor. It is hereby made the duty of every food inspector, hotel inspector and sanitary inspector in the employ of the state to immediately report to the chief game warden and the commission any violations of this section that come to the attention of such inspector while in the discharge of the duties of such inspector.</p>	<p>the jurisdiction of the Public Service Commission or the Interstate Commerce Commission, any such species; or</p> <p>(d) violate any regulation pertaining to the conservation of such species or to any threatened species of wildlife listed pursuant to this section and promulgated by the commission pursuant to sections 37-430 to 37-438.</p> <p>(10) Any endangered species of wildlife or wild plant which enters this 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 this state may be so entered and transported without restriction in accordance with the terms of any federal permit or permit issued under the laws or regulations of another state.</p>
<p>37-423.01 Fish restoration and management projects; cooperation with federal government; state's consent.</p>	<p>37-438 Sections, how construed. The provisions of sections 37-430 to 37-438 shall not be construed to apply retroactively to or prohibit importation into this state of wildlife or wild plants which may be lawfully imported into the United States or lawfully taken and removed from another state, or prohibit entry into this state or the possession, transportation, exportation, processing, sale or offer for sale, or shipment of any wildlife or wild plants which have been determined to be an endangered or threatened species in this state but not in the state where originally taken if the person engaging in such activity demonstrates by substantial evidence that such wildlife or wild plants were lawfully taken and lawfully removed from such state. This section shall not be construed to permit the possession, transportation by a person other than a common or contract motor carrier under the jurisdiction of the Public Service Commission or the Interstate Commerce Commission, exportation, processing, sale or offer for sale, or shipment within this state of species of wildlife or wild plants determined, pursuant to the Endangered Species Act, to be an endangered or threatened species, except as permitted by subsection (11) of section 37-434.</p>
<p>37-434 Endangered or threatened species; how determined; commission; powers and duties; unlawful acts; exceptions; local law, regulation or ordinance; effect.</p> <p>(8) With respect to any endangered species of wildlife, it shall be unlawful, except as provided in subsection 7 of this section, for any person subject to the jurisdiction of this state to:</p> <p>(a) export any such species from this state;</p> <p>(b) take any such species within this state;</p> <p>(c) possess, process, sell or offer for sale, deliver, carry, transport or ship, by any means whatsoever except as a common or contract motor carrier under</p>	<p>37-502 Offenses relating to fish; exceptions; rules and regulations; permits; application; forms; fees.</p> <p>37-503 Offenses relating to minnows, salamanders, crayfish and frogs; bait vendor's permit; fee. It shall be unlawful ... (4) for any person, except a licensed fish breeder or bait vendor, to buy, sell, or barter, or offer to buy, sell or barter, or have in his or her possession minnows for any purpose whatsoever except for use as bait... . Individuals, either resident or non-resident, over 16 years of age selling minnows or salamanders</p>

	<p>as bait for profit shall be required to purchase a bait vendor's permit, which will be provided by and can be obtained from the commission for a fee of, resident, \$25 and non-resident, \$150. Individuals over 16 years of age and residents of this state selling crayfish or leopard or striped frogs shall be required to purchase from the commission a resident bait vendor permit for a fee of \$25; provided, that if such individual holds a permit for minnows or salamanders as provided in this section, such permit shall include crayfish and leopard or striped frogs.</p>
<p>37-503.05 Fish; privately owned pond; removal by owner; commercial seining vendor permits. When authorized by the Game and Parks Commission and when necessary for proper fish management, the owner of any privately owned pond may remove fish therefrom by methods other than hook and line and in any quantity. The commission shall adopt and promulgate rules and regulations which authorize the use of commercial seining vendor permittees, equipment and methods, authorized in section 37-502, in furtherance of this section. The removal of fish in accordance with this section shall not be deemed a violation of section 37-517, 37-525 or 37-610, except that the owner of a privately owned pond which is privately stocked and which does not connect by inflow or outflow with other water outside such land shall be exempt from any regulation or control.</p>	<p>37-509 Fish; propagation; stocking; removal by authority of commission; sale; proceeds.</p> <p>37-510 Hunting, fishing, trapping, fur harvesting on private lands; unlawful except by permission of owner. It shall be unlawful for anyone to...fish upon any private lands without permission of the owner... For purposes of this section, "owner" shall mean the actual owner of the land and any tenant or agent in possession or charge thereof for him or her.</p> <p>37-702 Commercial fish culture; permits authorized. Any citizen of Nebraska who qualifies as a commercial fish culturist, after securing a permit as provided in sections 37-703 and 37-704, may establish and maintain upon private lands ponds for the culture and propagation of game fish or minnows, subject to the restrictions imposed by the Game Law.</p> <p>37-703 Game and fur farming; private fish culture; application for permits; fees. Permits for game farming, fur farming and private fish culture may be issued by the Game and Parks Commission upon written application therefor by any person qualified to receive the same. Such application shall state (1) the name, residence and place of business of the applicant, (2) the exact description of the land upon which such...private fish hatchery is to be located, together with the nature of the applicant's title thereto, whether in fee or under lease, and (3) the kind and approximate number of...fish proposed to be kept or reared thereon. The fee for a private fish hatchery or minnow hatchery permit shall be \$20 per year.</p>
<p>37-505 Game animals, birds or fish; possession or sale prohibited; exceptions; non-resident fish dealer's permit; fee. Game fish lawfully shipped in from outside this state by residents of this state or game or fish lawfully acquired from a licensed game farm, from a person having a fish culture permit or, in the case of bullheads, pursuant to section 37-503.05, may be sold in this state. The burden of proof shall be upon any such buyer, seller or possessor to show by competent and satisfactory evidence that any game or game fish in his or her possession or sold by him or her was lawfully imported from outside this state or was lawfully acquired from a licensed game farm, from a person having a fish culture permit or, in the case of bullheads, pursuant to section 37-503.05. Non-residents holding a valid non-resident fish dealer's permit may possess, buy, sell, transport and ship live bait minnows, live fish, all frogs and crayfish legally obtained from outside this state or from a licensed fish hatchery in accordance with rules and regulations adopted and promulgated by the commission. The fee for a non-resident fish dealer's permit shall be \$400.</p>	<p>37-704 Permits; issuance; investigation; term; display; when not granted. Upon the receipt of said application and fee, the commission shall make an examination of the land or waters described in the application. If it shall appear that the applicant is a bona fide citizen of Nebraska, and that the application is in other respects proper and reasonable, the Game and Parks Commission shall grant to such applicant a permit to propagate and raise game, fur-bearing animals or fish as requested in the application, and to possess the same during the entire calendar year. The permit shall be posted or displayed in a conspicuous place on the premises described in the application, and shall expire December 31 in each year at midnight. Permits for private</p>
<p>37-507 Import shipments of fish or game; unlawful, when. Except as otherwise provided in the Game Law, it shall</p>	

fish culture shall not be granted for raising fish in waters not entirely within the exterior boundaries of the land owned or leased by the applicant for such purposes, or in waters of which there shall be a natural inlet or outlet to waters on other lands, unless such inlets or outlets be screened in accordance with rules and regulations adopted by the commission, nor shall such permits be issued except to persons who have control of artificial bodies of water designed for the purpose of fish culture.

37-705 Breeder's permit; right to possess and import game; restrictions. Upon payment of the permit fees required by the Game Law, game animals and game birds, fur-bearing animals, and game fish or minnows lawfully held in possession in any other state or country may be imported into this state by any legal holder of a breeder's permit described in sections 37-703 and 37-704 except as provided in section 37-719. Such permit shall not confer upon the holder the right (1) to take wild game animals, fur-bearing animals, game birds, or game fish or minnows from the natural resources of Nebraska, or (2) to purchase such animals, birds or fish from anyone in Nebraska except the commission or persons holding legal permits for the propagation and disposal of the same.

37-706 Permits; sales of game and fish raised or propagated under permit; prohibited acts; penalty. Game and fish propagated or raised under a permit issued under sections 37-702 to 37-712 may be sold or offered for sale and transported at any time, subject to rules and regulations adopted and promulgated by the commission.

Each sale of fish raised under a permit issued under sections 37-702 to 37-712 shall be recorded on duplicate invoices, one copy to be given to the purchaser, the other to be retained by the seller for at least two years.

Any person violating this section shall be guilty of a Class IV misdemeanor.

37-707 Permit holder; semi-annual report required; contents. All holders of breeder's permits under sections 37-702 to 37-712 shall make reports on the first day of July and January to the Game and Parks Commission on blanks to be furnished by it. Such reports shall give a correct statement of the total number and kinds of animals, birds or fish sold or transported during the preceding six months, the names of the persons to whom the same were sold or transported, together with the names of the persons by whom the same were tagged and sealed, a statement of the increase or decrease of

all kinds of animals or fish then possessed by such permit holder, and such other data as the commission may deem necessary for the protection of fish and game. Every such report shall be verified by the affidavit of the permit holder.

37-708 Game farms, fur farms, fish hatcheries; how marked. Every such game farm, fur farm or hatchery shall have posted at each corner thereof, and on each side at intervals of not to exceed one-half mile, durable signs not less than 1x3 feet upon which shall be plainly inscribed "Game Farm," "Fur Farm" or "Private Fish Hatchery," followed by the words "Licensed by the State of Nebraska."

37-709 Game birds, animals and fish on posted premises; ownership. Game birds, game animals and game fish maintained upon enclosed land upon which such notices have been posted shall be the private property of the permit holder.

37-710 Game farms, fur farms, fish hatcheries; disturbing; prohibitions. It shall be unlawful for any person to interfere with, injure or in any manner destroy or maliciously disturb, to the damage of the owner, any game or fur animal or the fish in, or work connected with any game farm, fur farm or private fish pond in this state.

37-711 Officers; entry and inspection authorized.

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Ch. 77 Revenue and Taxation.

77-2701.02 Sales tax; rate (4%).

77-2702 Sales and use tax; terms, defined. (1) Retail sale or sale at retail shall not mean the sale of: ... (b)(i) Any form of animal life of a kind the products of which ordinarily constitute food for human consumption... .

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Ch. 81 State Administrative Departments.

81-216.01 Nebraska Pure Food Act; provisions included.

81-216.26 Food processing or storage establishment; unlawful operation; regulation; inspections; report.

81-216.28 Adulteration of food prohibited, defined.

81-216.29 Misbranded food prohibited, defined.

81-216.30 Deceptive packaging of food; prohibited; deceptively packed, defined; unlawful display; labeling requirements.

81-216.31 False advertisement regarding food; prohibited; false advertisement, defined.

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19-01-11 Possession of prohibited or regulated products, articles, compositions or things, prima facie evidence (of intent to sell).

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19-02.1-10 Food; misbranding defined.

19-02.1-12 Food; tolerances for added poisonous ingredients.

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### Title 57 Taxation

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57-39.2-04.1  
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### Title 51 Sales and Exchanges.

51-10-14 Retailer's license; penalty.

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### Title 10 Corporations.

10-15-01 Cooperative associations.

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### Title 20 Game, Fish and Predators.

#### 20.1-01-02

Definitions. "Private fish hatchery" means a body of water, whether natural or artificial, and any other facilities used, maintained or operated by any private person, firm or corporation for the propagation and production of fish for sale or planting in other waters. Except in the case of trout, walleye, northern pike and crappie, which may be raised in a private fish hatchery without the commissioner's approval, the commissioner may, by rule, regulate the species of fish which may be raised in a private fish hatchery. No waters stocked by any state or federal governmental agency may be considered a private fish hatchery.

20.1-01-14 Possession or control of birds, fish or animals as prima facie evidence of criminal offense.

20.1-01-16 Common carriers not to transport game or fish except during open seasons.

20.1-02-04 Duties of commissioner.

20.1-02-05 Powers of commissioner ... .

(3) Accept from any person, or gather or purchase fish, spawn or fry for distribution in state waters ... .

(5) Order additional protection for any fish with an open season when, after investigation, he finds danger of extinction, undue depletion in any waters, or to aid in the propagation and protection of immature fish, by prescribing how, how many, where and when such fish may be taken. Such orders shall have the force of law...

(14) Promulgate rules and regulations, and issue permits for the transporting or introducing of fish, fish eggs...after determining that such fish, fish eggs...have been properly inspected for disease, and that the transplanting or introduction will be in compliance with state laws, rules and regulations. No person shall transplant or introduce any fish or fish eggs into any of the public waters of this state...without obtaining a permit from the commissioner.

20.1-02-15

Police powers of department. The commissioner, deputy commissioner and any bonded appointees of the commissioner shall have the power: ...

(3) To regulate dealers in green furs, propagation or possession of live protected wildlife, taxidermists, shooting preserves, guides and outfitters, commercial fishing operations, private fish hatcheries and commercial bait vendors. In the regulation of these licensed activities, the premises used to conduct the business and records required by law shall be open for inspection at reasonable hours by game and fish law enforcement officers.

20.1-06-10

Commercial sales of fish. No sale, barter or trading of fish abounding in any waters of this state shall be legal except that:

(1) Persons authorized by section 20.1-06-05 may sell fish as directed by the commissioner.

(2) Any person, firm or corporation peddling fish may do so only after obtaining a license issued by the commissioner upon payment of the required annual fee. Such person, firm or corporation shall keep a full and complete record of the source of such fish as prescribed by the commissioner.

(3) Any person, firm or corporation operating a permanently located wholesale fish market, jobbing house or other place for the wholesale marketing of fish, or a grocery store or retail fish market may sell fish from its permanent location without obtaining a license but must keep records of purchases.

(4) Any person operating a private fish hatchery may sell fish owned or raised for market or for stocking waters.

20.1-06-11

Fish legally taken out of state. Fish abounding in the waters of this state and legally caught out of state may be possessed, transported or shipped in state. Evidence they have been legally caught shall accompany such fish. This does not apply to persons, firms or corporations that peddle such fish or sell them from a permanently located wholesale fish market, jobbing house or other place for the wholesale marketing of fish, or a grocery store or retail fish market which may legally possess such fish by complying with section 20.1-06-10.

20.1-06-12

Regulations governing private fish hatcheries. Any person operating a private fish hatchery shall not be subject to fishing seasons, limits, legal size restrictions or other methods of taking fish as provided in any governor's proclamation. The commissioner is hereby authorized to promulgate rules and regulations governing the operation of private fish hatcheries. No license shall be required of any person for taking fish by angling at a licensed private fish hatchery operated in accordance with the rules and regulations of the commissioner. The hatchery operator shall furnish to each person taking such fish a written certificate in such form as the commissioner shall prescribe, giving the number and description of the fish taken and such other information as the commissioner requires, whereupon such fish may be possessed, shipped or transported within the state in like manner as fish taken by residents under a license. The commissioner shall issue an annual license to operate said hatchery during a calendar year or a portion of a year upon application and payment of the appropriate fee by the owner or operator. Such license may be suspended for non-compliance with the commissioner's regulations.

20.1-06-13

Property rights, fish wild by nature. Any person, firm or corporation raising and owning any lawfully possessed fish, wild by nature, shall have the same property rights therein as enjoyed by owners of domestic fish. They shall, however, be subject to all rules and regulations promulgated by the commissioner regarding the introduction and release into the state of such fish, as provided in subsection 14 of section 20.1-02-05.

20.1-06-14

Minnow bait wholesalers and retailers; license. The commissioner shall adopt rules and regulations to control and supervise the operations of minnow or other live bait wholesalers. The commissioner shall issue a license to each such wholesaler when he has complied with the commissioner's rules and regulations and has paid the appropriate annual license fee. The commissioner shall also issue a minnow or other live bait retailer's license to any person upon payment of the appropriate license fee. No person shall sell minnows or other live bait at wholesale or retail without first obtaining the appropriate license. The commissioner may require each retailer or wholesaler to submit such reports as the commissioner may deem necessary.

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924.01 Agricultural commodity marketing programs; definitions.

924.02 Duties of director in establishing marketing programs.

924.03 Authority which a marketing program may include.

Title 15 Conservation of Natural Resources.

1531.01 Definitions.... (HH) "Commercial fish" means those species of fish permitted to be taken, possessed, bought or sold unless otherwise restricted by the Revised Code or division order and are alewife (*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin (*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), smallmouth buffalo (*Ictiobus bubalus*), big mouth buffalo (*Ictiobus cyprinellus*), black bullhead (*Ictalurus melas*), yellow bullhead (*Ictalurus natalis*), brown bullheads (*Ictalurus nebulosus*), channel catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis olivaris*), whitefish (*Coregonus* spp.), cisco (*Coregonus* spp.), freshwater drum or sheepshead (*Aplodinotus grunniens*), gar (*Lepisosteus* spp.), gizzard shad (*Dorosoma cepedianum*), goldfish (*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye (*Hiodon tergisus*), quillback (*Carpiodes cyprinus*), smelt (*Allosmerus elongatus*, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* sp.), sturgeon (*Acipenser* sp., *Scaphirhynchus* sp.), sucker other than buffalo and quillback (*Carpiodes* spp., *Catostomus* spp., *Hypentelium* sp., *Minytrema* sp., *Moxostoma* spp.), white bass (*Morone chrysops*), white perch (*Morone americana*) and yellow perch (*Perca flavescens*). When the common name of a fish is used in Chapter 1531 or 1533 of the Revised Code, it refers to the fish designated by the scientific name in this definition.

1531.02 State ownership of wild animals.

1531.25 Preservation of endangered wildlife.

1533.02 Fishing and trapping districts.

1533.30 Transportation of fish, game birds and wild quadrupeds. No person shall receive for transportation, transport or cause to be transported any box, package or other receptacle containing fish, game birds or wild quadrupeds, or any part thereof, unless such box, package or receptacle bears a label showing the number and kind of such fish, game birds or wild quadrupeds, or parts thereof, the name of the consignor and consignee, the initial point of billing and the destination. Boxes, packages or receptacles containing shipments of commercial fish may be marked by weight instead of the number of fish contained therein... .

1533.301 Permit to transfer commercial fish. Any person may apply for a permit to transport fish which are for sale, sold or purchased. The chief of the Division of Wildlife shall issue an annual permit granting the applicant the privilege to transport such fish, upon filing of an application on a form prescribed by the chief and payment of a fee of \$50. No person shall transport any fish or part thereof which is for sale, sold or purchased, whether acquired in or outside this state, unless the consignor has a permit issued to him for the calendar year in which the fish is transported, except that no such permit is required for:

(a) fish transported from a point outside this state to another point outside this state, if such fish are not unloaded in this state. A fish is not to be considered unloaded for purposes of this section if it remains under the control of a common carrier;

(b) fish being transported by a person holding a valid license under section 1533.34 of the Revised Code from the place of taking to his usual place of processing or temporary storage as designated by him in the application for license under said section;

(c) fish being transported from a premises designated in a valid permit issued under section 1533.631 of the Revised Code to a premises where fish are to be sold at retail, sold for immediate consumption or consumed, if inspection of the designated premises as required by section 1533.631 of the Revised Code has not been denied during the preceding 30 days;

(d) any quantity of fish the total weight of which does not exceed 500 pounds in one vehicle;

(e) minnows for which a permit is required under section 1533.40 of the Revised Code.

If a fish for which a permit is required under this section is transported in this state from a consignor who does not have a valid permit at the time of transportation, or if such fish is transported in this state from a consignor who has a valid permit at the time of transportation, but the fish is part of the contents of a box, package or receptacle which was or could be the basis for conviction of a violation of this chapter, or a division order, the fish may be seized by any law enforcement officer authorized by section 1531.13 of the Revised Code to enforce laws and the orders, rules or regulations of the Division of Wildlife, and such fish shall escheat to the state unless a court of this state makes a specific finding that the consignor at the time of seizure had a valid permit under section 1533.301 of the Revised Code and that the fish are lawful under the requirements of this chapter or division order relating thereto.

A fish for which a permit is required under this section may be transported only if each box, package or other receptacle bears a label showing the total weight in pounds, the species of such fish, the name of the consignor and consignee, the initial point of billing, the destination, and a statement that each species of fish by weight in the box, package or other receptacle which are undersized under the provisions of section 1533.63 of the Revised Code or division order is 10 per cent or less, or is in excess of 10 per cent, whichever the fact may be. If fish are not boxed or packaged, each compartment of a tank or other receptacle shall be considered a separate receptacle, but in lieu of a label on such compartment or tank, a written statement containing the same information required to be contained on a label, and clearly identifying the tank or receptacle concerned, may be carried in the vehicle. Species may be designated in any manner, but the label shall also bear either the common name indicated in section 1533.63 of the Revised Code, or the scientific name contained in division (HH) of section 1531.01 of the Revised Code. The consignor shall ascertain that labels are attached or statements carried as required herein, and that the facts stated thereon are true.

The permit required by this section may be suspended by the chief for a period not to exceed five days upon conviction of the permittee of a violation of Chapter 1531 or 1533 of the Revised Code, or a division order if the permittee has been convicted of another such violation during the preceding 12-month period. If the per-

mittee has had two or more such convictions during the 12-month period preceding such a conviction, his permit may be suspended as provided herein for a period not to extend 20 days. A permit is invalid during the period of suspension, but in no case is a permit invalid until 15 days after mailing by registered mail of notice of the order of suspension by the chief.

The chief may not suspend more than one permit of the same permittee, or suspend a permit of the same permittee more than once, for convictions resulting from violations which occur in a load in one vehicle.

A driver or other person in charge of a vehicle transporting fish which are for sale, sold or purchased, upon demand by any law enforcement officer authorized by section 1531.13 of the Revised Code to enforce laws and the orders, rules or regulations of the Division of Wildlife, shall stop and open the vehicle and allow inspection of the load and any box, package or receptacle and the contents thereof, for the purpose of determining whether this chapter or division order is being violated.

The word "fish" in the English language, at least 8 inches high and maintained legible at all times, shall appear on both sides of the vehicle body of all vehicles transporting freshwater fish in this state when such fish are for sale or sold, except those fish exempt from a transportation permit in divisions (A), (B) and (E) of this section... .

1533.324 Mussel taking permit; crow foot bar permit; commercial mussel buyer; operation report.

1533.39 Permits for private hatchery ponds. The chief of the Division of Wildlife may issue permits to regulate the possession, propagation, use, protection, transportation and sale of live fish and fish food under the control of the Division of Wildlife for the propagation and stocking of waters only, under such rules as are prescribed by the chief, for private ponds. Each license shall be in such form and shall have such rules and specify such species of fish and fish food as the chief prescribes. Such license may be issued upon application to any person who satisfies the chief that he has suitable private hatchery ponds and equipment of which he is the owner or lessee for breeding, hatching, raising, handling, transporting and wintering such live fish and fish food. The brood stock of live fish shall be procured only by angling or through the chief under his rules. Commercial species of fish of legal size and suitable for propagation may be purchased from licensed commercial fishermen. Fish and fish food, their eggs or young shall not

be sold under such permit except alive and in proper condition for propagation and stocking purposes. The yearly fee for such license is \$10.

1533.40 Permits for collecting or dealing in bait. Each person, firm, partnership, association or corporation which buys, sells or deals in minnows, crayfish or hellgrammites or collects the listed species for sale shall obtain, annually, from the chief of the Division of Wildlife, a permit and shall operate under such rules as the chief of the Division of Wildlife prescribes. Such permit shall be issued upon application and the payment of a fee of \$25. This permit expires at midnight December 31. Non-residents engaging in the collecting, seining or picking of minnows, crayfish or hellgrammites for bait shall have a non-resident fishing license as prescribed in section 1533.32 of the Revised Code.

1533.56 Records to be kept by processor. Except as otherwise provided by division order, every person who, in any county adjoining Lake Erie, for consideration, hire or resale scales, fillets, dresses or in any manner processes fish taken with other than commercial fishing gear shall maintain accurate daily records. Such records shall show: the name and address of each owner or other person from whom the processor receives fish, the species, weight of each species and date of receipt during the day. Such name, address, species, weight and date shall be recorded on monthly report forms provided by, and in the manner prescribed by, the chief of the Division of Wildlife. The processor shall keep each batch of fish he receives from one owner or other person separate, and shall attach to the batch or its container a tag or label showing the name of such owner or other person and weight of such fish until the information required to be recorded on the daily records is recorded as prescribed by law or division order. The processor shall mail the monthly report form to the Division of Wildlife on or before the 15th day of the month following the calendar month in which the fish were received by the processor. Any game protector or law enforcement officer who has authority to enforce the wildlife, hunting and fishing laws may enter the premises at any reasonable hour and inspect such records and premises.

No person shall fail to comply with any provision of this section or division order adopted pursuant thereto.

1533.57 Minnows shall be taken only for bait. In the inland fishing district, seining for minnows is prohibited from the first day of May to the 14th day of June, both inclusive, except in streams in which the average width of water at the time seined does not exceed 12 feet for a distance of 50 yards above and below the point seined.

In such district no persons shall take, catch, buy or sell minnows except for bait, and the taking, transporting or shipping of minnows out of the state is prohibited. In the inland fishing district, no minnows shall be taken or caught except with a minnow seine not exceeding 4 feet in depth and 8 feet in length. In the Lake Erie fishing district, no minnows shall be taken with a minnow seine exceeding 30 feet in length. No person at any time in the inland fishing district shall have in his possession, either alive or otherwise, more than 100 minnows, except persons, firms, associations or corporations buying, selling or dealing in bait. Such persons, firms, associations or corporations must be licensed as provided in section 1533.40 of the Revised Code.

1533.61 Certain nets and traps exempted. Chapters 1531 and 1533 of the Revised Code do not apply to nets, traps or other devices for catching fish in the possession of the owner of a private artificial fish pond or privately owned lake for use in such pond or lake only... .

1533.63 Legal length and weight of certain fish; records to be kept; penalties. Except as otherwise provided by Division of Wildlife orders, no person shall take, catch, buy, sell, transport or possess a whitefish less than 17 inches in length, a sturgeon less than 48 inches in length, a catfish less than 15 1/2 inches in length, a yellow perch less than 8 inches in length, a yellow perch fillet or part fillet of not less than 5 3/8 inches in length, a white bass or bullhead less than 9 inches in length, a cisco less than 11 inches in length, a buffalo fish less than 15 inches in length, a sucker less than 10 inches in length, or a coho less than 25 inches in round length or 21 1/2 inches when headless. All such fish caught or taken of a weight or length less than that prescribed in this section or as may be provided by the chief of the Division of Wildlife shall be immediately released with as little injury as possible while the net, seine, trotline, dip net or other fishing device is being lifted, pulled or hauled.

No person shall release such undersized fish or species protected by Chapters 1531 and 1533 of the Revised Code or division order into a privately owned pond, lake, live car or other enclosure; nor shall they bring ashore or possess aboard a boat used in commercial fishing when going to or returning from nets or other fishing devices a fish with its head or tail removed or in such condition that its length, weight or species cannot be determined... .

No person shall take, buy, sell, barter, give away, deliver, ship, transport or possess any package, container or quantity with more than 10 per cent by weight of undersized fish or any other species, either round or

filleted, mentioned in this section or division order. The entire quantity of fish containing more than 10 per cent by weight of undersized fish shall be confiscated along with its containers. No person shall buy, sell, offer for sale, transport, give away, barter or possess a fish caught or taken out of season or in any manner prohibited, or a fish caught or taken unlawfully from in or outside the state. All fish brought into the state from another state or country shall be subject to the laws of this state.

All fish taken or caught from Ohio waters shall be brought into an Ohio port for inspection. No person shall ship, carry, transport or cause to be transported any fish taken or caught from Ohio water directly to a point outside the state.

Walleye or sauger originating from outside of this state may be possessed for sale, bought or sold subject to orders of the Division of Wildlife.

No person shall trade, buy, sell, possess or transport for sale walleye or sauger taken from waters in this state.

Each person who holds a permit under section 1533.301 or 1533.631 of the Revised Code shall keep accurate written records in the English language of all sales and purchases of freshwater fish. The record shall include the name and address of the buyer and seller, the name of fish, the amount of fish in pounds, and the date of sale or purchase. Records for trout, bullhead, herring, whitefish, sauger, walleye, yellow perch, white bass, sturgeon and channel catfish shall be kept on forms provided by the chief. In lieu of keeping the written records concerning sales of freshwater fish as required under this division, a permit holder may, upon applying to the chief of the Division of Wildlife and approval of the chief of the Division of Wildlife, keep such sales information required under this division on normal business records, including, but not limited to, receipts and invoices. All records shall be maintained for at least one year and shall be open to inspection by all Division of Wildlife officers at all reasonable hours. A buyer who purchases fish for his own consumption shall not be required to keep records, and persons selling fish for personal consumption shall not be required to record the names and addresses of persons purchasing such fish.

No person shall fail to comply with any provision of this section or division order adopted pursuant thereto...

As used in this section, "sale of fish" includes, but is not limited to, fish sold in the round or part thereof, and includes fish sold as part of a meal or service, but does not include canned fish...

1533.631 Permit for handling fish at wholesale. Any person may apply for a permit to handle commercial fish, or other fish that may be bought or sold under the Revised Code or division order, at wholesale. The chief of the Division of Wildlife shall issue an annual permit granting the applicant the privilege to handle such fish at wholesale at one or more designated premises upon filing of an application on a form prescribed by the chief and payment of a fee of \$50. No person or his agent shall handle at wholesale any freshwater fish or part thereof unless a permit has been issued for the calendar year in which the fish is handled at wholesale for the premises at which the fish is handled.

A fish is handled at wholesale for purposes of this section when it is on a premises within the state and is being held, stored, handled or processed for the purpose of sale to a person who ordinarily resells such fish.

The permit required by this section shall be issued subject to the right of entry and inspection of the designated premises of the permittee by any law enforcement officer authorized by section 1531.13 of the Revised Code to enforce laws and the orders, rules or regulations of the Division of Wildlife. Such officer may enter and inspect the designated premises and any box, package or receptacle, and the contents thereof, for the purpose of determining whether any provision of Chapter 1531 or 1533 of the Revised Code or division order is being violated.

No person holding a permit under this section shall remove a label required by section 1533.301 of the Revised Code, unless the box, package or receptacle bearing the label has been opened, or unless the label is replaced with another label which meets the requirements of said section.

No person shall fail to comply with any provision of this section or division order adopted pursuant thereto...

1533.68 Suspension or revocation of license or permit.

1543.09 Fishery companies . When a company organized for the purpose of propagating fish and establishing fisheries in this state acquires the right to use any stream, canal or reservoir from the owner of the land adjoining thereto for the establishment of a fishery to be owned, maintained and used for the purpose of propagating fish, no person shall fish from such stream, canal or reservoir without first obtaining authority from such company. A person who violates this section shall be liable to such company in trespass and to the fines authorized by law against persons trespassing upon lands.

The navigable streams and public canals in this state are not subject to this section, and this section does not cut off the privilege of any person to use or fish from any lake, river, stream or reservoir which by custom has been used for fishing.

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Title 37	Health, Safety and Morals.
3715.52	Food, drugs, devices and cosmetics; prohibitions.
3715.59	Adulterated food.
3715.60	Misbranded food.
3715.62	Unsafe food.

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Title 57	Taxation.
5739.02	Levy of tax; purpose; rate; exemptions. ... (2) Sales of food for human consumption off the premises where sold.
5739.025	Schedules for collection of taxes (rate dependent upon local rates of tax levied).

Ohio Administrative Code

1501: 31-13-03

Sale of certain fish . (A) Gar, carp, buffalo fish, freshwater drum, quillback (carpsuckers), suckers and catfish taken from the inland fishing district may be sold, provided catfish taken from this district shall not be less than the minimum size specified in rule 1501:31-3-02 of the Administrative Code or section 1533.63 of the Revised Code.

(a) Trout and bluegills.

(1) Trout and bluegills taken from private ponds and private raceways in this state, raised under authority of a fish propagator's permit issued by the chief of the Division of Wildlife, may be sold at any time and for any purpose. Persons selling bluegills shall record each sale, listing date, number of pounds of fish sold, to whom the fish were sold, and size pond or lake from which the bluegills were taken.

(2) Trout raised under a fish propagator's permit duly issued by another state, foreign province or county

may be sold in this state for any purpose when such sale is authorized and permitted by the state, foreign province or county of their origin.

(c) Northern pike, grass pike or mud pickerel, eastern chain pickerel.

(1) It is unlawful for any person to sell northern pike (*Esox lucius*), eastern chain pickerel (*Esox niger*), and mud pickerel or grass pike (*Esox americanus vermiculatus*) within this state, provided such fish legally acquired from without this state or raised under authority of a permit issued pursuant to section 1533.39 of the Revised Code may be sold alive for stocking or propagation purposes only.

(2) It is unlawful for any person to sell, transport for sale or have in possession for the purpose of sale any northern pike, eastern chain pickerel, and mud pickerel or grass pike unless the fish are alive and for propagation or stocking purposes.

(d) Channel catfish.

(1) Channel catfish (*Ictalurus punctatus*) 6 inches or less in length and raised under authority of a fish propagator's permit issued by the chief of the Division of Wildlife may be sold alive for stocking purposes only.

(2) Channel catfish 6 inches or less in length and raised under a fish propagator's permit duly issued by another state, foreign province or country, or raised in another state, province or country where a permit is not required, may be sold alive in this state for stocking purposes only when such sale is authorized and permitted by the state, foreign province or country of their origin.

(f) It shall be unlawful to buy, sell, transport or introduce for stocking purposes in any inland waters in the state live white perch.

(g) All definitions set forth in section 1531.01 of the Revised Code shall apply to this rule.

1501: 31-13-04

Fish food and fish food dealers...

(b) Fish propagator's permit. Minnows and bait fish raised under a fish propagator's permit in private hatchery ponds or legally acquired from without the state may be sold to and possessed by licensed bait dealers in unlimited numbers, and such dealers and propagators may



sell such minnows and bait fish to other bait dealers and propagators in and out of the state in unlimited numbers, provided they make and keep a record of each such sale; such records shall be on file in the place of business and shall be open for inspection at all reasonable hours. Failure to comply with the mandatory provisions of this paragraph shall be unlawful. This paragraph does not supersede or alter the law requiring a permit to buy, sell or deal in minnows for bait purposes.

1501: 31-19-01

Wild animal importing, exporting, selling and possession regulations.

(a) It shall be unlawful for any person to possess, im-

port or sell a walking catfish (*Clarias batrachus*), white amur or grass carp (*Ctenopharyngodon idellus*), silver carp or white bream (*Hypophthalmichthys molitrix*), black amur or black carp (*Mylopharyngodon piceus*), bighead carp or bighead or bighead amur (*Aristichthys nobilis*) or hybrid of such species at any time. Further, it shall be unlawful for any person to possess such a fish obtained after the effective date of this rule. Such fish may be used only for research by zoos, public aquariums and public displays after permission from the wildlife chief is obtained.

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# South Dakota statutes

## South Dakota Codified Laws

Title 10 Taxation.

10-45-2 Tax on sale of tangible property (4%).

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## Title 38 Agriculture and Horticulture.

38-1-18 Promotion of agricultural interests; experimental and extension work; marketing of farm products. The Department of Agriculture shall have power to encourage, protect and promote, in every practical manner, the interests of agriculture, including...game and fish...; to promote methods of conducting these several industries, with a view of increasing the production and facilitating the distribution thereof at the least possible cost; to cooperate with the South Dakota State University in its experimental and extension work; and to promote and encourage a system of marketing farm products, and cooperate with the federal government in the matter of securing new foreign markets for surplus farm products.

38-1-35 Enforcement of food and commodity laws. The Department of Agriculture shall have power to execute and enforce all laws within the jurisdiction of the department, including the inspection of...food products and sanitation of premises used for the manufacture, preparation, storage and sale of food and food products; cold storage warehouses...and from time to time promulgate such rules and regulations and, with the advice of the director of laboratories, adopt such standards of food products as are necessary and proper to enforce the provisions of this title and Title 39.

38-1-36 Cooperation in protection of fish and game. The Department of Agriculture shall have power to cooperate with the Department of Game, Fish and Parks of the state of South Dakota in the protection, preservation, propagation and distribution of fish, game and wild animals.

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## Title 39 Food and Drugs.

39-1-5 Definitions and standards for foods; conformity to federal standards; non-conforming foods deemed adulterated or misbranded.

39-3-2 License required to operate refrigerated locker plant.

39-3-12 Storage and handling of fish and game. Any game or fish stored or handled in a refrigerated locker plant shall be stored or handled only in conformity with the fish and game laws of South Dakota and the rules and regulations of the state Game, Fish and Parks Commission.

39-4-2 Conditions constituting adulteration of food.

39-4-8 Imitation or unauthorized use of distinctive name as misbranding.

39-4-17 Exemption of articles intended for export.

39-4-19 Transportation of adulterated or misbranded foods a misdemeanor.

39-23-2 When product may be labeled as organic food.

39-23-3 Requirements imposed on vendors using term "organic food."

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## Title 41 Game, Fish, Parks and Forestry.

41-1-1 Definitions of terms. Terms used in this title unless the context otherwise plainly requires, shall mean: ...

(14) "Game fish" shall include all species belonging to the paddlefish, sturgeon, salmon (trout), pike, catfish (including bullheads), sunfish (including black bass and crappies), perch (including walleye and sauger) and bass families. "Rough fish" shall include all species not included in the game fish families;...

(22) "Bait fish" includes fish of the minnow family (Cyprinidae) except carp (Cyprinus spp.) and goldfish (Carassius spp.), fish of the sucker family (Catostomidae) except buffalofish (Ictiobus spp.) and

	carpsucker ( <i>Carpoides</i> spp.) and fish of the stickleback family ( <i>Gasterosteidae</i> ).	41-6-10	Licenses, stamps and permits enumerated; fees set by commission. Licenses and stamps issued under this title are classified as follows: ...
41-1-2	Game birds, animals and fish as property of state.		(20) private fish hatchery license;
41-1-5.5	Damages to state for unlawful killing, taking or possessing fish in excess of limit.		(21) resident wholesale bait dealer license;
41-1-7	Fish grown or raised for breeding purposes or sale. For the purposes of sales taxes and commercial motor vehicle licensing and all other classifications and administration of the statutes of the state of South Dakota, the executive orders of the governor of the state of South Dakota, administrative rules and regulations promulgated pursuant to chapter 1-26, fish grown or raised for breeding purposes for sale to other means:		(22) resident retail bait dealer license; ...
	(1) the fish and the products thereof are agricultural products;	41-6-39	(31) non-resident wholesale bait dealer license;
	(2) the breeding, raising, producing or marketing of such fish or their products by the producer is a farming operation;		(32) export bait dealer license; ...
	(3) one who engages in an operation defined by subdivision (2) of this section is a farmer.		(35) non-resident retail bait dealer license.
41-2-18	Rules for administration of game, fish and conservation laws. The Game, Fish and Parks Commission may adopt such rules as may be necessary to establish uniform procedures for the administration of the provisions of Chapter 41-1 to 41-15, inclusive. Such rules may be adopted in the following areas:		The rights and privileges of such licenses are set forth in 41-6-11 to 41-6-45.1, inclusive, and in 41-17-13. The Game, Fish and Parks Commission shall promulgate rules pursuant to Chapter 1-26 to set the fees for such licenses.
	(1) conservation, protection, importation and propagation of wild animals and fish;	41-6-40	Private fish hatchery license. A person shall obtain a private fish hatchery license from the Department of Game, Fish and Parks to maintain and operate a fish hatchery and to sell any fish propagated at such hatchery or any other licensed hatchery by written permission of the department.
	(2) hunting, taking, killing, possession, sale and transportation of all wild birds, wild animals and wild fish;		Fishing allowed to purchaser from private fish hatchery; removal. A private fish hatchery licensee may, with the permission of the secretary of game, fish and parks, allow the purchaser of fish propagated or held in a hatchery to fish for them in any private pool located on the hatchery and to remove and transport the fish so caught and purchased from licensee in accordance with rules adopted by the Game, Fish and Parks Commission, pursuant to 41-2-18.
	(3) management of non-game, endangered or threatened wildlife to ensure their perpetuation as viable components of the ecosystem; ...	41-6-42	Unlawful transportation of fish caught in private hatchery. It is a Class 2 misdemeanor for any person to transport fish sold or caught pursuant to 41-6-39 or 41-6-40 in violation of rules and regulations prescribed by the Game, Fish and Parks Commission.
	(10) form, manner and placement of any tags, coupons or permits necessary for the transportation of any wild animal or fish; ...	41-6-43	Records and reports required. A private fish hatchery licensee shall keep such records and render such reports to the Department of Game, Fish and Parks as required by rules promulgated by the Game, Fish and Parks Commission pursuant to 41-2-18.
	(21) acquisition, possession, transportation, sale and release of bait fish and frogs;	41-6-44	Resident wholesale bait dealer license. The Department of Game, Fish and Parks may issue any resident over 16 years of age a resident wholesale bait dealer license. The license permits the licensee to raise, trap, seine, buy, sell to any retail, wholesale or export bait dealer licensed under the provisions of this chapter, possess and transport bait and other wild animals commonly used as fish bait or biological specimens within
	(22) acquisition, possession, transportation, sale and release of fish from private fish hatcheries... .		

the state, and to transport and sell bait and specimens to retail outlets, public fish hatcheries, aquariums and biological supply companies for forage or study purposes in any adjoining state. The licensee shall comply with the rules adopted pursuant to 41-2-18 by the Game, Fish and Parks Commission to protect and perpetuate the bait and biological specimen animal resources of the state. A resident wholesale bait dealer's license is not required for residents under 16 years of age.

41-6-44.1 Non-resident wholesale bait dealer license; privileges granted; rules. The Department of Game, Fish and Parks may issue any non-resident a non-resident wholesale bait dealer's license, if the home state of the non-resident dealer provides a like opportunity to South Dakota residents to be licensed in that state. The license permits the licensee to transport bait and biological specimens into the state, possess bait and biological specimens within the state, and sell bait and biological specimen animals within the state to any retail, wholesale or export bait dealer licensed under the provisions of this chapter. The licensee shall comply with the rules adopted pursuant to 41-2-18 by the Game, Fish and Parks Commission to protect and perpetuate the bait and biological specimen animal resources of the state.

41-6-45 Retail bait dealer license. The Department of Game, Fish and Parks may issue any resident 16 or older a retail bait dealer license. The license permits the licensee to raise, trap, seine, buy, sell, possess and transport bait and biological specimen animals. No retail bait dealer licensed under this section may sell bait to wholesale, retail or export bait dealers licensed under this chapter. The licensee shall comply with the rules adopted pursuant to 41-2-18 by the Game, Fish and Parks Commission to protect and perpetuate the bait and biological specimen animal resources of the state. A resident retail bait dealer license is not required for residents under 16 years of age. The Department of Game, Fish and Parks may issue any non-resident a non-resident retail bait dealer license if the home state of the non-resident dealer provides a like opportunity to South Dakota resident dealers to be licensed in that state. The license permits the licensee to buy, sell, possess and transport bait and biological specimen animals. No non-resident bait dealer licensed under this section may sell bait to wholesale, retail or export bait dealers licensed under this chapter. The licensee shall comply with the rules adopted pursuant to 41-2-18 by the Game, Fish and Parks Commission to protect and perpetuate the bait and biological specimen animal resources of the state.

41-6-45.1 Export bait dealer license. The Department of Game, Fish and Parks may issue any person an export bait dealer license. The license permits the licensee to buy and possess bait and biological specimen animals within the state and transport the bait and biological specimen animals without the state for resale. The licensee shall comply with the rules adopted pursuant to 41-2-18 by the Game, Fish and Parks Commission to protect and perpetuate the bait and biological specimen animal resources of the state.

41-12-2 Fishing in private water used for propagation as misdemeanor except by consent. It is a Class 2 misdemeanor for any person to catch, kill or take any fish in any manner from any private water used for the propagation of fish except by the consent of the proprietor thereof.

41-12-9 Nets, seines and similar devices, weirs, dams and artificial obstructions prohibited; violation as misdemeanor; permits for use of devices by private landowners. ...The Department of Game, Fish and Parks may authorize private landowners to use specified devices to take minnows or control undesirable or overpopulated species of fish in their private waters.

41-13-3.1 Unauthorized importation of Salmonidae as misdemeanor. It is a Class 2 misdemeanor for any person to import live fishes or viable eggs of the family Salmonidae into the state of South Dakota unless such importation complies with rules and regulations established by the Department of Game, Fish and Parks.

41-14-2 Possession of protected bird, animal or fish as prima facie evidence of state ownership.

41-14-3 Possession during closed season as prima facie evidence of taking during closed season (in burden of proof on possessor as to lawful taking).

41-14-26 Permit required for transportation of fish by common carrier; violation as misdemeanor. It is a Class 2 misdemeanor for any express company or other common carrier to receive, ship or transport any fish taken or killed in any of the waters of this state unless such shipment is accompanied by a permit issued by a state conservation officer.

41-14-29 Sale and transportation of rough fish permitted. Rough fish legally taken, acquired and possessed may be sold, and/or transported within or without the state if such act or acts conform with rules and regulations of the South Dakota Department of Agriculture.

- 41-14-34 Bait fish dealing without license as misdemeanor.  
It is a Class 1 misdemeanor for any person to barter, trade or sell bait fish within South Dakota or to export bait fish from South Dakota, unless he is licensed by the Game, Fish and Parks Department in accordance with provisions of this chapter.
- 41-15-6 Inspection and counting of birds, animals and fish to be permitted by person in possession; stopping of motor vehicle or other conveyance for inspection.

- 41-15-8 Inspection of hotels, restaurants, cold storage plants and icehouses authorized.
- 41-15-17 Search warrant for contraband bird, animal, fish or skin; execution of warrant.
- 41-15-18 Unlawfully possessed bird, animal, fish, skin or container as contraband; seizure by officer.

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# Wisconsin statutes

## Wisconsin Statutes Annotated

### Ch. 29 Fish and Game

29.01 General definitions. ... "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, moon-eye, carpsucker and quillback 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.

29.02 Title to wild animals.

29.05 Police powers, searches, seizures.

29.08 Interstate comity.

29.092 Fish, wildlife and wild plant fee schedule ...

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

(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.

29.093 Fish and wildlife; effective periods; restrictions ...

(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 ... .

(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.

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 shellfish 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, barter, 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 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 filets 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, 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 employee 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.

29.137 Bait dealer license ... .

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

29.175 Non-game species; rules promulgated.

(1) The department may conduct investigations of non-game 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 non-game 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 non-game species ....

29.38 Clams, clamming and commercial clamming.

29.415 Endangered and threatened species protected ... .

(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 paragraph (a).

29.43	Transportation, general provisions.	29.52	Private fish hatcheries.
29.44	Interstate transportation of game.		(1) Private fish hatchery licenses may be issued by the department under this section.
	(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 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 closed 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 ... .		(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:
29.47	Transportation of fish. (Section 29.50 exempts private fish hatcheries from these provisions.)		(a) His name and address.
29.48	Sale of game or fish.		(b) The specific description of the lands to be included in the license.
29.49	Serving of game to guests.		(c) A description of the water supply to be used in the operation of the hatchery.
	(1) Restaurants, etc.		(d) A description or diagram showing the ponds, raceways, wells, flumes, dams, buildings and other improvements in connection with the proposed hatchery.
	(a) Except as provided by 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...game fish taken from inland waters at any time ....		(e) His title or leasehold.
29.50	Propagation privileged. Nothing in the foregoing provisions concerning the protection of wild animals shall affect...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 employees, 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.		(f) Such additional information that may be required by the department.
29.51	State propagation of fish.		(3) After May 12, 1965, private fish hatcheries shall be licensed only under the following conditions:
29.513	Permit for private management.		(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 it was 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 hatchery facility and purchases fish and fish eggs and produces fish eggs therein for sale or trade; or
2. hatches fish eggs or rears fish so produced for sale or trade; or
3. sells or trades fish so produced or permits public fee fishing for fish so produced.

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

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

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

1. has live eggs or fish lawfully in his possession by purchase or otherwise; and
2. maintains and operates an artificial fish hatchery 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 non-contiguous lands... .

(m) 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 non-navigable 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 employee 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 employees or by persons expressly authorized by the license 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 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 1 foot square in at least two 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 29.535(1).

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 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.

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

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Ch. 77	Sales and Use Taxes.
77.52	Imposition of retail sales tax (5%).
77.54	General exemptions. (Food, including fish and fish products, exempted.)

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Ch. 93	Department of Agriculture, Trade and Consumer Protection.
93.07	Department duties. (Promotion of agriculture includes promoting the interests of commercial fishing.)

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96.01	Agricultural Marketing Act; definitions.
96.03	Marketing orders.

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Ch. 97 Food Regulation.

97.02 Standards; adulterated food.

97.03 Standards; misbranding.

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# Directory of State Government Agencies

## Illinois agencies

Senate Standing Committees  
State Capitol  
Springfield, IL 62706

Agriculture and Conservation	(217) 782-5304
Energy and Environment	782-5500
Public Health, Welfare and Corrections	782-5966
Transportation	782-8505

House Standing Committees  
State Capitol  
Springfield, IL 62706

Agriculture	(217) 782-2021
Consumer Protection	782-5986
Energy, Environment and Natural Resources	782-5971
Labor and Commerce	782-8191
Registration and Regulation	782-5961
Small Business	782-0140
Transportation and Motor Vehicles	782-8087

Department of Agriculture  
State Fairgrounds  
Springfield, IL 62706  
(217) 782-2172

Bureau of Product Inspection and Standards  
P.O. Box 19281  
Springfield, IL 62794-9281

Department of Commerce and Commercial Affairs  
620 E. Adams St.  
Springfield, IL 62701  
(217) 782-7500

Bureau of Marketing  
State of Illinois Center  
Room 3-400  
100 W. Randolph St.  
Chicago, IL 60601  
(312) 917-6306

Department of Conservation  
Lincoln Tower Plaza  
524 S. Second St.  
Springfield, IL 62706  
(217) 782-6302

Division of Fisheries  
600 N. Grand Ave. West  
Springfield, IL 62706  
(217) 782-6424

Department of Energy and Natural Resources  
325 W. Adams St., 3rd floor  
Springfield, IL 62704  
(217) 785-2800

Department of Public Health  
Division of Food, Drugs and Dairies  
525 W. Jefferson St.  
Springfield, IL 62761  
(217) 785-2439

Department of Revenue  
Willard Ice Revenue Center  
101 W. Jefferson St.  
Springfield, IL 62794-9014  
(217) 785-2602

Department of Transportation  
IDOT Administration Bldg.  
2300 S. Dirksen Pkwy.  
Springfield, IL 62764

Division of Water Resources  
(217) 782-2152

Environmental Protection Agency  
2200 Churchill Rd.  
Springfield, IL 62706  
(217) 782-3397

Water Pollution Control  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-1654

Office of the Attorney General  
Consumer Protection Division  
500 S. 2nd St.  
Springfield, IL 62706  
(217) 782-9011

-or-  
State of Illinois Center  
13th Floor  
100 W. Randolph St.  
Chicago, IL 60601  
(312) 917-3580

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# Indiana agencies

Senate Standing Committees  
State House  
Indianapolis, IN 46204

Agriculture and Small Business	(317) 232-9400
Commerce	232-9400
Environment and Consumer Affairs	232-9400
Health and Human Services	232-9400
Interstate Cooperation	232-9400
Natural Resources	232-9400

House Standing Committees  
State House  
Indianapolis, IN 46204

Agriculture	(317) 232-9600
Commerce	232-9600
Environmental Affairs	232-9600
Interstate Cooperation	232-9600
Natural Resources	232-9600
Public Health	232-9600
Roads and Transportation	232-9600

Department of Commerce  
One N. Capitol Ave., Suite 700  
Indianapolis, IN 46204-2288  
(317) 232-8801

Division of Business Expansion  
(317) 232-0160

Department of Environmental Management  
Office of Water Management  
105 S. Meridian St.  
Indianapolis, IN 46225  
(317) 232-8670

Department of Natural Resources  
Division of Fish and Wildlife  
608 State Office Building  
100 N. Senate Ave.  
Indianapolis, IN 46204  
(317) 232-4020

State Hatchery Headquarters  
2650 SR 44  
Martinsville, IN 46151  
(317) 342-5527

Division of Water  
2475 Directors Row  
Indianapolis, IN 46241  
(317) 232-4161

Department of Revenue  
State Office Bldg., Room 202  
100 N. Senate Ave.  
Indianapolis, IN 46204  
(317) 232-2101

Department of Transportation  
Harrison Bldg., Room 300  
143 W. Market St.  
Indianapolis, IN 46204  
(317) 232-1470

Illinois/Indiana Sea Grant  
Purdue University  
Forestry Blvd.  
West Lafayette, IN 47907  
(317) 494-6264

Office of the Attorney General  
Consumer Protection Division  
State House, Room 219  
200 W. Washington St.  
Indianapolis, IN 46204  
(317) 232-6330

Office of the Lt. Governor  
Commissioner of Agriculture  
State House  
200 W. Washington St.  
Indianapolis, IN 46204  
(317) 232-4545

State Board of Health  
Bureau of Laboratories  
Health Bldg., Room 303S  
1330 W. Michigan St.  
P.O. Box 1964  
Indianapolis, IN 46206-1964  
(317) 633-0720

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# Iowa agencies

Senate Standing Committees  
State Capitol Bldg.  
Des Moines, IA 50319

Agriculture	(515) 281-3371
Commerce	281-3371
Environment and Energy Utilities	383-8865
Natural Resources	357-3439
Small Business and Economic Development	281-3371
Transportation	281-3371

House Standing Committees  
State Capitol Bldg.  
Des Moines, IA 50319

Agriculture	(515) 281-3221
Economic Development	281-3221
Energy and Environmental Protection	281-3221
Natural Resources and Outdoor Recreation	792-9780
Small Business and Commerce	281-3221
Transportation	281-3221

Department of Agriculture and Land Stewardship  
Wallace State Office Bldg.  
E. 9th and Grand Ave.  
Des Moines, IA 50319  
(515) 281-5322

Department of Commerce  
1918 SE Hulsizer Ave.  
Ankeny, IA 50021  
(515) 281-7401

Department of Economic Development  
Division of Marketing and Business Development  
200 E. Grand Ave.  
Des Moines, IA 50309  
(515) 281-3036

Bureau of Domestic Marketing  
(515) 281-3036

Department of Inspection and Appeals  
Inspections Division  
Lucas State Office Bldg., 3rd floor  
E. 12th and Walnut St.  
Des Moines, IA 50319  
(515) 281-4192

Department of Natural Resources  
Wallace State Office Bldg.  
Des Moines, IA 50319-0034  
(515) 281-5385

Division of Environmental Protection  
(515) 281-6824

Division of Fish and Wildlife  
(515) 281-5154

State Water Coordinator  
(515) 281-8926

Department of Public Health  
Lucas State Office Bldg.  
E. 12th and Walnut St.  
Des Moines, IA 50319-0075  
(515) 281-5605

Department of Revenue and Finance  
Hoover State Office Bldg  
1300 E. Walnut St.  
Des Moines, IA 50319  
(515) 281-3204

Department of Transportation  
800 Lincoln Way  
Ames, IA 50010  
(515) 239-1112

Office of the Attorney General  
Consumer Protection Division  
Hoover State Office Bldg.  
1300 E. Walnut St.  
Des Moines, IA 50319  
(515) 281-5926

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# Kansas agencies

Senate Standing Committees  
State Capitol  
Topeka, KS 66612

Agriculture	(913) 296-7361
Economic Development	296-7368
Energy and Natural Resources	296-7358
Interstate Cooperation	296-7358
Labor, Industry and Small Business	296-7374
Public Health and Welfare	296-7354
Transportation and Utilities	296-7385

House Standing Committees  
State Capitol  
Topeka, KS 66612

Agriculture and Small Business	(913) 296-7500
Economic Development	296-7500
Energy and Natural Resources	296-7500
Interstate Cooperation	296-7500
Labor and Industry	296-7500
Public Health and Welfare	296-7500
Transportation	296-7500

Board of Agriculture  
Mills Bldg., Mezzanine  
109 SW 9th St.  
Topeka, KS 66612-1280  
(913) 296-3558

Division of Inspections  
Agricultural Commodities Assurance Program  
(913) 267-4641

Department of Economic Development  
Industrial Development Division  
400 W. 8th St., Suite 500  
Topeka, KS 66603-3957  
(913) 296-3483

Department of Health and Environment  
Division of Environment  
Bldg. 740, Forbes Field  
Topeka, KS 66620  
(913) 296-1535

Bureau of Food, Drug and Lodging  
109 SW 9th St., Suite 604  
Topeka, KS 66612  
(913) 296-5600  
Division of Health  
Landon State Office Bldg.  
900 SW Jackson St.  
Topeka, KS 66612-1290  
(913) 296-1343

Kansas Water Office  
(913) 296-3185

Department of Revenue  
Docking State Office Bldg., 2nd floor  
915 Harrison St.  
Topeka, KS 66612-1588  
(913) 296-3041

Department of Transportation  
Docking State Office Bldg., 7th floor  
915 Harrison St.  
Topeka, KS 66612  
(913) 296-3461

Department of Wildlife and Parks  
Landon State Office Bldg., Room 502  
900 Jackson St.  
Topeka, KS 66612-1220  
(913) 296-2281

Fish and Game Commission  
RR 2 Box 54A  
Pratt, KS 67124  
(316) 672-5911

Office of the Attorney General  
Consumer Protection Division  
Kansas Judicial Center Bldg.  
301 W. 10th St.  
Topeka, KS 66612  
(913) 296-3751

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# Michigan agencies

## Senate Standing Committees

State Capitol  
Lansing, MI 48909

Agriculture and Forestry	(517) 373-2426
Commerce and Technology	373-0797
Economic Development	373-7670
Health Policy	373-1734
Natural Resources and Environmental Affairs	373-1801
Regulatory Affairs	373-7315
State Affairs, Tourism and Transportation	373-1758

## House Standing Committees

State Capitol  
Lansing, MI 48909

Agriculture	(517) 373-0158
Conservation, Recreation and Environment	373-3817
Economic Development and Energy	373-1770
Marine Affairs and Port Development	373-0820
Public Health	373-1705
Tourism, Fisheries and Wildlife	373-0828
Transportation	373-1983

## Department of Agriculture

Ottawa Bldg. North  
611 W. Ottawa St.  
P.O. Box 30017  
Lansing, MI 48909  
(517) 373-1050

Food Division  
(517) 373-1060

## Department of Commerce

Law Bldg.  
525 W. Ottawa St.  
P.O. Box 30004  
Lansing, MI 48909  
(517) 373-7230

## Department of Natural Resources

Fisheries Division  
Stevens T. Mason Bldg.  
P.O. Box 30028  
Lansing, MI 48909  
(517) 373-3960

Division of Environmental Protection  
(517) 373-7917  
Surface Water Quality Division  
(517) 373-1949

## Department of Public Health

Baker-Olin West Bldg., Room 207  
3423 N. Logan St.  
P.O. Box 30195  
Lansing, MI 48909  
(517) 335-8024

## Department of Transportation

Transportation Bldg.  
425 W. Ottawa St.  
P.O. Box 30050  
Lansing, MI 48909  
(517) 373-2114

## Department of Treasury

Bureau of Revenue  
Treasury Bldg.  
Lansing, MI 48922  
(517) 373-3196

## Consumers Council

Hollister Bldg., Room 414  
106 W. Allegan St.  
Lansing, MI 48933  
(517) 373-0701

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# Minnesota agencies

## Senate Standing Committees

State Capitol  
St. Paul, MN 55155

Agriculture and Rural Development	(612) 296-2302
Commerce	296-4188
Economic Development and Housing	296-2877
Environment and Natural Resources	296-4136
Health and Human Services	296-4261
Transportation	296-4167

## House Standing Committees

State Capitol  
St. Paul, MN 55155

Agriculture	(612) 296-4247
Commerce	296-4219
Economic Development	296-9281
Environment and Natural Resources	296-4282
Health and Human Services	296-7808
Transportation	296-4240

## Department of Agriculture

Food Inspection Division  
90 W. Plato Blvd.  
St. Paul, MN 55107  
(612) 296-2627

## Department of Commerce

Metro Square Bldg., Room 500  
7th and Robert St.  
St. Paul, MN 55101  
(612) 296-6848

## Department of Health

Environmental Health Division  
717 Delaware St. SE  
P.O. Box 9441  
Minneapolis, MN 55440  
(612) 623-5320

## Department of Natural Resources

Division of Fish and Wildlife  
500 Lafayette Rd.  
St. Paul, MN 55155-4012  
(612) 297-1308

Division of Waters  
(612) 296-4810

Section of Fisheries  
(612) 296-0790

## Department of Revenue

10 River Park Plaza  
8th Floor  
St. Paul, MN 55107  
(612) 297-4160

## Department of Trade and Economic Development

American Center Bldg., Room 900  
150 E. Kellogg Blvd.  
St. Paul, MN 55101  
(612) 296-6424

## Department of Transportation

Transportation Bldg., Room 411  
John Ireland Blvd.  
St. Paul, MN 55155  
(612) 296-8044

## Environmental Quality Board

Centennial Office Bldg., Room 300  
658 Cedar St.  
St. Paul, MN 55155  
(612) 296-2603

## Office of the Attorney General

Consumer Division  
Ford Bldg., Room 200  
117 University Ave.  
St. Paul, MN 55155  
(612) 296-3353

## Pollution Control Agency

Division of Water Quality  
520 Lafayette Rd.  
St. Paul, MN 55155  
(612) 296-7202

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# Missouri agencies

## Senate Standing Committees

State Capitol  
Jefferson City, MO 65101

Agriculture and Agribusiness	(314) 751-2601
Commerce and Consumer Protection	751-3327
Conservation, Parks and Tourism	751-3534
Energy and Environment	751-2420
Interstate Cooperation	751-2400
Local Government and Econ. Development	751-4200
Public Health and Welfare	751-4650
Transportation	751-2795

## House Standing Committees

State Capitol  
Jefferson City, MO 65101

Agribusiness	(314) 751-4580
Agriculture	751-3557
Commerce	751-2516
Consumer Protection	751-2902
Energy and Environment	751-3599
Interstate Cooperation	751-4994
Public Health and Safety	751-2726
State Parks, Recreation and Natural Resources	751-4950
Transportation	751-3822

## Department of Agriculture

1616 Missouri Blvd.  
P.O. Box 630  
Jefferson City, MO 65102  
(314) 751-3359

## Department of Conservation

Division of Fisheries  
2901 W. Truman Blvd.  
P.O. Box 180  
Jefferson City, MO 65102-0180  
(314) 751-4115

## Department of Economic Development

Harry S. Truman State Office Bldg., Room 680  
301 W. High St.  
P.O. Box 118  
Jefferson City, MO 65102  
(314) 751-2133

## Department of Health

Division of Environmental Health and Epidemiology  
1730 E. Elm St.  
P.O. Box 570  
Jefferson City, MO 65102-0570  
(314) 751-6090

## Highway and Transportation Department

Highway and Transportation Bldg.  
P.O. Box 270  
Jefferson City, MO 65102  
(314) 751-4922

## Department of Natural Resources

Jefferson State Office Bldg.  
205 Jefferson St.  
P.O. Box 176  
Jefferson City, MO 65102  
(314) 751-4422

## Division of Environmental Quality

(314) 751-4810

## Soil and Water Conservation Program

(314) 751-4932

## Water Pollution Control Program

(314) 751-1300

## Department of Revenue

Harry S. Truman State Office Bldg.  
301 W. High St.  
P.O. Box 311  
Jefferson City, MO 65105-0311  
(314) 751-4450

## Office of the Attorney General

Consumer Protection Division  
Supreme Court Bldg.  
P.O. Box 899  
Jefferson City, MO 65102  
(314) 751-3321



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# Nebraska agencies

## Unicameral Legislature - Standing Committees

Agriculture	(402) 471-2630
Banking, Commerce and Insurance	471-2720
Health and Human Services	471-2610
Intergovernmental Cooperation	471-2621
Natural Resources	471-2719
Transportation	471-2628

Department of Agriculture  
State Office Bldg.  
301 Centennial Mall South  
P.O. Box 94947  
Lincoln, NE 68509-4947  
(402) 471-2341

Bureau of Dairies and Foods  
P.O. Box 95064  
Lincoln, NE 68509-5064  
(402) 471-2536

Department of Economic Development  
State Office Bldg.  
301 Centennial Mall South  
P.O. Box 94666  
Lincoln, NE 68509-4666  
(402) 471-2536

Industry Recruitment Division  
(402) 471-3111

Department of Environmental Control  
Water Quality Division  
State Office Bldg., 4th floor  
301 Centennial Mall South  
P.O. Box 98922  
Lincoln, NE 68509-8922  
(402) 471-2186

Surface Water Section  
(402) 471-4700

Department of Health  
State Office Bldg.  
301 Centennial Mall South  
P.O. Box 95007  
Lincoln, NE 68509-5007  
(402) 471-2133

Department of Revenue  
State Office Bldg.  
301 Centennial Mall South  
P.O. Box 94818  
Lincoln, NE 68509-4818  
(402) 471-5607

Department of Roads  
S. Jct. U.S. 77 and State Route 2  
P.O. Box 94759  
Lincoln, NE 68509-4759  
(402) 471-4615

Department of Water Resources  
State Office Bldg.  
301 Centennial Mall South  
P.O. Box 94676  
Lincoln, NE 68509-4676  
(402) 471-2363

Game and Parks Commission  
Fisheries Division  
2200 N. 33rd St.  
P.O. Box 30370  
Lincoln, NE 68503  
(402) 464-0641

Natural Resources Commission  
State Office Bldg.  
301 Centennial Mall South  
P.O. Box 94876  
Lincoln, NE 68509-4876  
(402) 471-2081

Office of the Attorney General  
Consumer Affairs Division  
Department of Justice  
State Capitol, Room 2115  
Lincoln, NE 68509  
(402) 471-4723

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# North Dakota agencies

## Senate Standing Committees

State Capitol  
Bismarck, ND 58505

Agriculture	(701) 224-3506
Industry, Business and Labor	224-3506
Natural Resources	224-3506
Transportation	224-3506

## House Standing Committees

State Capitol  
Bismarck, ND 58505

Agriculture	(701) 224-3506
Industry, Business and Labor	224-3506
Natural Resources	224-3506
Transportation	224-3506

## Department of Agriculture

600 E. Blvd., 6th floor  
Bismarck, ND 58505  
(701) 224-2231

## Game and Fish Department

Fisheries Division  
100 N. Bismarck Expressway  
Bismarck, ND 58501  
(701) 221-6300

## Department of Health

Consolidated Laboratories  
2635 E. Main St.  
P.O. Box 937  
Bismarck, ND 58502-0937  
(701) 221-6140

### Environmental Health Section

Missouri Office Bldg.  
1200 Missouri Ave.  
P.O. Box 5520  
Bismarck, ND 58502-5520  
(701) 224-2374

### Division of Water Supply and Pollution Control

(701) 224-2354

## State Highway Department

Highway Blvd.  
600 E. Boulevard Ave.  
Bismarck, ND 58505-0700  
(701) 224-2513

## Tax Department

State Capitol  
Bismarck, ND 58505  
(701) 224-2770

## Economic Development Commission

Liberty Memorial Bldg., 2nd floor  
State Capitol Grounds  
Bismarck, ND 58505  
(701) 224-2810

### Natural Resources Division

(701) 224-4187

## Office of the Attorney General

Consumer Fraud and Antitrust Division  
State Capitol  
Bismarck, ND 58505  
(701) 224-3404

## Water Commission

State Office Bldg.  
900 E. Boulevard Ave.  
Bismarck, ND 58505  
(701) 224-2750

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# Ohio agencies

Senate Standing Committees  
State Capitol  
Columbus, OH 43215

Agriculture and Aging	(614) 466-8150
Commerce and Labor	466-7584
Econ. Development, Science and Technology	466-4538
Energy, Natural Resources and Environment	466-8056
Health and Human Services	466-7505
Highways and Transportation	466-0626

House Standing Committees  
State Capitol  
Columbus, OH 43215

Agriculture and Natural Resources	(614) 466-8020
Commerce and Labor	466-1405
Economic Development and Small Business	466-1414
Energy and Environment	466-6935
Health and Retirement	466-8997
Interstate Cooperation	466-3100
Transportation and Urban Affairs	466-7954

Department of Agriculture  
Ohio Departments Bldg.  
65 S. Front St.  
Columbus, OH 43215  
(614) 866-6361  
(800) 282-1955 (OH)

Division of Foods, Dairies and Drugs  
Building One  
8995 E. Main St.  
Reynoldsburg, OH 43068  
(614) 466-2732

Department of Commerce  
77 S. High St.  
P.O. Box 0545  
Columbus, OH 43266-0549  
(614) 466-3636

Department of Development  
77 S. High St., 29th floor  
P.O. Box 1001  
Columbus, OH 43266-0101  
(614) 466-3379

Business Development and Economic Development  
Financing Divisions  
(614) 466-2317

Department of Health  
246 N. High St.  
Columbus, OH 43266-0588  
(614) 466-3543

Department of Natural Resources  
Division of Wildlife  
Fountain Square, Bldg. G  
Columbus, OH 43224  
(614) 265-6300

Fish Management and Research  
(614) 265-6342

Law Enforcement and Licensing  
(614) 265-6337

Water Resources Development  
Fountain Square, Bldg. E3  
Columbus, OH 43224  
(614) 265-6730

Department of Taxation  
State Office Tower, 22nd floor  
30 E. Broad St.  
P.O. Box 530  
Columbus, Oh 43215  
(614) 466-2166

Department of Transportation  
25 S. Front St.  
P.O. Box 899  
Columbus, OH 43216-0899  
(614) 466-7170

Office of the Attorney General  
Consumer Protection Division  
State Office Tower  
30 E. Broad St.  
Columbus, OH 43266-0410  
(614) 466-8831

Ohio Environmental Protection Agency  
1800 Watermark Drive  
P.O. Box 1049  
Columbus, OH 43266-0149  
(614) 644-3020

Division of Water Pollution Control  
(614) 644-2001

Division of Water Quality Monitoring and Assessment  
(614) 644-2856

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# South Dakota agencies

## Senate Standing Committees

State Capitol  
Pierre, SD 57501

Agriculture and Natural Resources	(605) 773-3825
Commerce	773-3825
Health and Welfare	773-3251
Transportation	773-3825

## House Standing Committees

State Capitol  
Pierre, SD 57501

Agriculture and Natural Resources	(605) 773-3842
Commerce	773-3842
Health and Welfare	773-3842
Transportation	773-3842

## Department of Agriculture

Sigurd Anderson Bldg.  
445 E. Capitol Ave.  
Pierre, SD 57501-3188  
(605) 773-3375

## Department of Commerce and Regulation

910 E. Sioux  
500 E. Capitol Ave.  
Pierre, SD 57501  
(605) 773-3178

## Department of Game, Fish and Parks

445 E. Capitol  
Pierre, SD 57501  
(605) 773-3381

## Department of Health

Joe Foss Bldg.  
523 E. Capitol Ave.  
Pierre, SD 57501  
(605) 773-3361

## Department of Revenue

Richard F. Kneip Bldg.  
700 Governor's Drive  
Pierre, SD 57501  
(605) 773-5131

## Department of Transportation

Transportation Bldg.  
700 E. Broadway  
Pierre, SD 57501-2586  
(605) 773-3265

## Department of Water and Natural Resources

Joe Foss Bldg., Room 209  
523 E. Capitol Ave.  
Pierre, SD 57501  
(605) 773-3151

Division of Land and Water Quality  
(605) 773-3351

## Division of Commercial Inspection and Regulation

Public Safety Bldg.  
118 W. Capitol Ave.  
Pierre, SD 57501  
(605) 773-3697

## Governor's Office of Economic Development

Capitol Lake Plaza  
711 Wells Ave.  
Pierre, SD 57501  
(605) 773-5032  
(800) 843-8000 (in South Dakota)

## Office of the Attorney General

Division of Consumer Affairs  
Capitol Bldg.  
500 E. Capitol Ave.  
Pierre, SD 57501  
(605) 773-4400

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# Wisconsin agencies

Senate Standing Committees  
State Capitol  
Madison, WI 53702

Agriculture, Health and Human Services	(608) 266-8546
Economic Development, Financial Institutions and Fiscal Policy	266-5830
Labor, Business, Insurance, Veterans and Military	266-5670
Science, Technology, Communications and Energy	266-2056
Transportation, Conservation and Mining	266-2509
Urban Affairs, Environmental Resources and Electricity	266-2512

House Standing Committees  
State Capitol  
Madison, WI 53702

Agriculture	(608) 266-7015
Commerce and Consumer Affairs	266-0960
Environmental Resources and Utilities	277-7990
Health	267-9836
Natural Resources	266-7521
Small Business, Employment and Training	266-3404
Transportation	266-8366

Department of Agriculture, Trade and Consumer Protection  
801 W. Badger Rd.  
P.O. Box 8911  
Madison, WI 53708  
(608) 266-7100

Food Division  
(608) 266-7240

Department of Development  
Justice Bldg.  
123 W. Washington Ave.  
P.O. Box 7970  
Madison, WI 53707  
(608) 266-1916

Department of Health and Social Services  
Division of Health  
Wilson St. State Office Bldg.  
One W. Wilson St.  
P.O. Box 309  
Madison, WI 53701-0309  
(608) 266-1511  
Department of Natural Resources  
101 S. Webster St.  
P.O. Box 7921  
Madison, WI 53707  
(608) 266-0832

Environmental Affairs  
(608) 266-2121

Fish Management  
(608) 266-1877

Fish Production  
(608) 267-7865

Wastewater Management  
(608) 266-3910

Water Regulation and Zoning  
(608) 266-8030

Department of Revenue  
General Executive Facility III, Room 244  
125 S. Webster St.  
Madison, WI 53708  
(608) 266-6466

Department of Transportation  
Hill Farms State Transportation Bldg.  
Room 120B  
4802 Sheboygan Ave.  
P.O. Box 7910  
Madison, WI 53707-7910  
(608) 266-1113

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