

Subd. 5. Additional times beyond the limits set in subdivisions 2, 3, and 4 shall be allowed officials acting on requests for disconnections of fire alarm systems when it is reasonably necessary.

Subd. 6. Approval of deactivation of a fire alarm system shall be valid for a period of three years or less. Conditions under which the request was approved shall be observed by the facility.

Approved February 20, 1976.

CHAPTER 16—S.F.No.1647

An act relating to natural resources; transferring forest pest control jurisdiction from the commissioner of agriculture to commissioner of natural resources; expanding volunteer programs; eliminating certain restrictions on acquisition of public access; changing license fees for commercial fishing on Lake Superior; prohibiting decoys and erection of blinds on public lands; prescribing penalties for certain violations; amending Minnesota Statutes 1974, Sections 18.341, Subdivision 3; 18.391, Subdivision 1; 85.041, Subdivision 1; 97.55, Subdivisions 1, 2, 3 and 4; 98.46, Subdivision 12; 98.47, Subdivision 9; 100.29, Subdivision 18; and 102.28, Subdivisions 2, 3 and 4; amending Minnesota Statutes, 1975 Supplement, Section 97.48, Subdivision 15; repealing Laws 1963, Chapter 70, Section 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 18.341, Subdivision 3, is amended to read:

Subd. 3. **NATURAL RESOURCES; REGULATIONS.** Commissioner, shall mean the commissioner of the ~~department of agriculture-natural resources~~.

Sec. 2. Minnesota Statutes 1974, Section 18.391, Subdivision 1, is amended to read:

18.391 EXPENSES. Subdivision 1. At the end of each fiscal year and upon completion of the infestation control measures in any zone of infestation, the commissioner shall prepare a certified statement of expenses incurred in carrying out such measures, including expenses of owners covered by agreements entered into pursuant to section 18.381. The statement shall show the amount which the commissioner determines to be its share of the expenses. The share of the commissioner may include funds and the value of other contributions made available by the federal government and other cooperators. The balance of such costs shall constitute a charge on an acreage basis as provided herein against the owners of lands in the zone containing trees valuable or potentially valuable for commercial timber purposes and affected or likely to be affected by the forest pests for which control measures

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were conducted. In fixing the rates at which charges shall be made against each owner, the commissioner shall consider the present commercial value of the trees on his land, the present and potential benefits to such owner from the application of the control measures, and the cost of applying such measures to his land, and such other factors as in the discretion of the commissioner will enable him to determine an equitable distribution of the cost to all such owners ~~including the recommendations of the director, division of lands and forestry~~. No charge shall be made against owners to the extent that they have individually or as members of a cooperative association contributed funds, supplies or services pursuant to agreement under this section.

Sec. 3. Minnesota Statutes 1974, Section 85.041, Subdivision 1, is amended to read:

85.041 VOLUNTEERS IN NATURAL RESOURCES PROGRAM. Subdivision 1. The commissioner of natural resources may recruit, train, and accept without regard to ~~civil service classification-personnel laws, or rules, or regulations~~ the services of individuals without compensation as volunteers for or in aid of interpretive functions, or other visitor services or activities in and related to the ~~following~~ areas administered by the commissioner: ~~State parks, monuments, recreation areas, waysides, trails, and natural and scientific areas~~.

Sec. 4. Minnesota Statutes, 1975 Supplement, Section 97.48, Subdivision 15, is amended to read:

Subd. 15. The commissioner shall acquire by gift, lease, purchase, or condemnation in the manner prescribed by chapter 117, in the name of the state, state water access sites, ~~not to exceed five-seven~~ acres, adjacent to public waters to which the public theretofore had no access or where the access is inadequate and upon which the public has a right to hunt and fish, and such easements and rights of way as may be required to connect such sites with public highways, provided, no acquisition ~~costing over \$1,000 by condemnation~~ shall be made without first obtaining the approval of the executive council, and provided further that the authority herein granted shall not extend to lakes completely surrounded by lands owned and maintained for the purpose of conducting an educational or religious institution, or to lakes which are unmeandered or which contain less than 200 acres within the meander lines; provided, that in the case of any lake containing less than 200 acres but not less than 150 acres within the meander lines, the authority herein granted shall apply where the lands, easements, or rights of way required are acquired by gift or purchase but not by condemnation and provided further, that public easements and public right of way may be acquired other than by condemnation to lakes of any size which are to be thereafter managed intensively for fishing. All sites, easements, and rights of way acquired hereunder shall be maintained by the commissioner, except that the commissioner may make agreements with the county board if the connecting public highway is a county state-aid highway or county highway and the town board if the

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connecting public highway is a town road for the maintenance of the easements and rights of way to the sites. The county board and town board may expend money from their respective road and bridge funds for such maintenance in accordance with the agreement.

Sec. 5. Minnesota Statutes 1974, Section 97.55, Subdivision 1, is amended to read:

97.55 VIOLATIONS, PENALTIES. Subdivision 1. Unless a different penalty or punishment is specifically prescribed, a person who takes, buys, sells, transports or possesses any wild animal in violation of any provisions of chapters 97 to 102, or who aids, or assists in such violation, or knowingly shares in the proceeds thereof, or who fails to perform any duty or comply with any of the requirements or provisions imposed by chapters 97 to 102, or who violates any duly adopted order, rule or regulation of the commissioner or director, or who attempts to do so, is guilty of a misdemeanor; ~~and upon conviction shall be punished by a fine of not less than \$10 nor more than \$100 for the first offense, not less than \$25 nor more than \$100 for subsequent offenses, committed within three years of the former, or by imprisonment in the county jail for not less than 30 days nor more than 90 days~~. Each wild animal taken, bought, sold, transported or possessed in violation of law shall constitute a separate and distinct offense, provided that an acquittal in any case shall constitute a bar to any subsequent prosecution upon a charge of a like offense based upon another animal involved in the same transaction.

Sec. 6. Minnesota Statutes 1974, Section 97.55, Subdivision 2, is amended to read:

Subd. 2. The punishment for violating any of the provisions of law or commissioner's order, relating to commercial fishing, shall be a fine of not less than \$50 nor more than \$100; or imprisonment in the county jail for not less than 60 days nor more than 90 days as provided by law for a misdemeanor.

Sec. 7. Minnesota Statutes 1974, Section 97.55, Subdivision 3, is amended to read:

Subd. 3. Except where it becomes a gross misdemeanor under subdivision 5, a person who takes, transports, or possesses deer in violation of any of the provisions of chapters 97 to 102, ~~shall be punished by a fine of not less than \$25 nor more than \$100; or by imprisonment in the county jail for not less than 30 days nor more than 90 days~~ is guilty of a misdemeanor.

Sec. 8. Minnesota Statutes 1974, Section 97.55, Subdivision 4, is amended to read:

Subd. 4. Violation of any provision relating to game and fur farms, to unlawfully taking or possessing wild animals on state parks,

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to hunting deer with bow and arrows, to hunting with prohibited types of guns or ammunition, or of section 101.42, subdivisions 11 and 12, relating to certain prohibited methods of fishing, ~~shall be punishable by a fine of not less than \$50 nor more than \$100, or by imprisonment in a county jail for not less than 30 days nor more than 90 days—~~ is guilty of a misdemeanor.

Sec. 9. Minnesota Statutes 1974, Section 98.46, Subdivision 12, is amended to read:

Subd. 12. Fees for the following licenses to fish commercially in Lake Superior, to be issued to residents only, shall be:

- (1) ~~For a boat 18 feet or less in length, \$10;~~
 - (2) ~~For a boat over 18 feet, but no more than 24 feet in length, \$25;~~
 - (3) ~~For a boat over 24 feet in length, but not more than 35 feet in length, \$50;~~
 - (4) ~~For a boat over 35 feet in length, \$50, plus \$1 per foot over 35 feet.~~
- (1) For not to exceed 1,000 feet (305 m) of gill net of mesh size not less than 2.25 inch (5.75 cm) nor more than 2.75 inch (7 cm) extension measure, \$50 plus \$1 for each additional 1,000 feet (305 m);
 - (2) For not to exceed 1,000 feet (305 m) of gill net of mesh size not less than 4.5 (11.5 cm) inch mesh extension measure, \$50 plus \$1 for each additional 1,000 feet (305 m).
 - (3) For a pound or trap net, \$50 plus \$1 for each additional pound or trap net;
 - (4) For a helper's license, \$5.

Sec. 10. Minnesota Statutes 1974, Section 98.47, Subdivision 9, is amended to read:

Subd. 9. Helpers' licenses shall be issued under section 98.46, subdivision 7, clause (6), subdivision 8, clause (3), subdivision 10, clause (6), subdivision 11, clause (3), subdivision 12, clause (4), and subdivision 13, clause (3), to the holder of a master's license, and shall be transferable upon his application. Every person assisting the holder of a master's license, in going to and from fishing locations, or in setting or lifting nets, or removing fish from nets, shall have a helper's license, unless he be the holder of a master's license.

Sec. 11. Minnesota Statutes 1974, Section 100.29, Subdivision 18, is amended to read:

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Subd. 18. It shall be unlawful to place decoys or erect blinds in public waters or on public lands more than one hour before the open season for waterfowl. It shall be unlawful to place decoys in any public waters or on public lands more than one hour before sunrise or to reserve or preempt a shooting location in public waters or on public lands, or to so attempt, by the device of leaving decoys, or a boat, unattended in public waters or on public lands between sunset and one hour before sunrise. This subdivision shall not apply to designated hunting stations established on public lands by order of the commissioner to regulate hunting thereon.

Sec. 12. Minnesota Statutes 1974, Section 102.28, Subdivision 2, is amended to read:

Subd. 2. ~~Chubs and live bait may be taken by gill nets not less than 1 1/4 inch mesh and not to exceed 1 3/4 inch mesh, flexible rule measure, which nets may be used throughout the year for taking bait for set lines only and when set as floats may be set in any water in Lake Superior excepting those restricted by the commissioner of natural resources. When set on the bottom for taking bait, the nets must be set in water not less than 40 fathoms in depth.~~

Pound or trap nets may be used for the taking of Menominee whitefish, herring, ciscoes, chubs, alewives, smelt, and rough fish in Lake Superior, including St. Louis Bay, under such rules and regulations as the commissioner may prescribe.

Sec. 13. Minnesota Statutes 1974, Section 102.28, Subdivision 3, is amended to read:

Subd. 3. Gill nets for taking lake trout and whitefish shall be not less than 4 1/2 inch mesh, flexible rule extension measure. The commissioner may by regulation limit the total amount of gill net to be licensed for the taking of lake trout and whitefish and may limit the amount of net to be operated by each licensee.

Sec. 14. Minnesota Statutes 1974, Section 102.28, Subdivision 4, is amended to read:

Subd. 4. Gill nets for taking herring and ciscoes shall not be less than 2 1/4 inch mesh and shall not exceed 2 3/4 inch mesh, flexible rule-extension measure.

Sec. 15. **REPEALER.** Laws 1963, Chapter 70, Section 1, is repealed.

Sec. 16. **EFFECTIVE DATE.** Sections 1 to 8, 11 and 15 of this act are effective the day following its final enactment. Sections 9, 10, 12, 13, and 14 are effective for the fishing season beginning January 1, 1977, and thereafter.

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Approved February 20, 1976.

CHAPTER 17—H.F.No.1145

An act relating to landlords and tenants; retaliatory evictions; amending Minnesota Statutes 1974, Section 566.03.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 566.03, is amended to read:

566.03 LANDLORD AND TENANT; RETALIATORY EVICTIONS; RECOVERY OF POSSESSION; DEFENSES. Subdivision 1. When any person holds over lands or tenements after a sale thereof on an execution or judgment, or on foreclosure of a mortgage and expiration of the time for redemption, or after termination of contract to convey the same, or after termination of the time for which they are demised or let to him or to the persons under whom he holds possession, or contrary to the conditions or covenants of the lease or agreement under which he holds, or after any rent becomes due according to the terms of such lease or agreement, or when any tenant at will holds over after the determination of any such estate by notice to quit, in all such cases the person entitled to the premises may recover possession thereof in the manner hereinafter provided.

Subd. 2. *It shall be a defense to an action for recovery of premises following the alleged termination of a tenancy by notice to quit for the defendant to prove by a fair preponderance of the evidence that:*

(1) The alleged termination was intended in whole or part as a penalty for the defendant's good faith attempt to secure or enforce rights under a lease or contract, oral or written, or under the laws of the state, any of its governmental subdivisions, or of the United States; or

(2) The alleged termination was intended in whole or part as a penalty for the defendant's good faith report to a governmental authority of the plaintiff's violation of any health, safety, housing or building codes or ordinances.

If the notice to quit was served within 90 days of the date of any act of the tenant coming within the terms of clauses (1) or (2) the burden of proving that the notice to quit was not served in whole or part for a retaliatory purpose shall rest with the plaintiff.

Subd. 3. In any proceeding for the restitution of premises upon the ground of nonpayment of rent, it shall be a defense thereto if the

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