

No. 800, A.]

[Published June 22, 1909.

CHAPTER 531.

AN ACT to create sections 4560a—42 to 4560a—50, inclusive, and section 1497cm—2 of the statutes, to amend subsection a of section 4560a—27; and to repeal sections 4560a—5, and 4565k and sections 4560a—25 to 4560a—32, inclusive, of the statutes, as far as they conflict, relating to fishing on the outlying waters.

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

SECTION 1. There are added to the statutes ten new sections to read: Section 4560a—42. It shall be unlawful and is hereby prohibited for any person, persons, firm, company or corporation, to set, cause to be set, placed or used in the waters of Lake Superior:

1. A gill net having meshes less than three and one half inches; provided that gill nets having meshes not less than two and three eighths inches, stretch measure, may be set in said waters during the months of October, November, and December, solely for the purpose of catching herring.

2. Within one mile of the main shore thereof a gill net or nets having meshes less than four and one quarter inches stretch measure, or a seine or any pound net or nets having meshes less than four inches stretch measure, in the pot or crib thereof, between July 15 and the following 15th day of September, or to use any pound net or seine having meshes less than two inches stretch measure in the pot or crib thereof at any time.

3. In that part of Chequamegon Bay and Lake Superior included within the following described boundary lines, to-wit; Beginning at Houghton stone quarry, Bayfield County, from thence following the shore line of Chequamegon Bay, South and East to a point where the section line between sections two and three in township forty-eight North, of Range three West, Ashland County, intersects the shore line, thence North on a straight line to Long Island, thence along the South and West shores of Long Island to the extreme Northwest point of said island, thence Southwesterly in a straight line to the point of beginning; a net of any kind, except a gill net or nets having meshes not less than four and one quarter inches, stretch measure, may be used between the first day of January and the 1st day of May following; and provided that gill nets with meshes

not less than two and three eights inches, stretch measure, and pound nets with meshes not less than two inches, stretch measure, in the pot or crib thereof, and seines may be used in the above bounded waters during the months of November and December for the purposes of taking herring and other fish, except lake trout, whitefish, pike and bass.

4. A net of any kind, except as otherwise provided by law, from October 1 to November 1, inclusive, in any year; provided, however, if any person, persons, firm, company or corporation shall have set in such waters nets which, owing to stress of weather, such person, persons, firm, company or corporation, shall be unable to raise or bring in on said date, three days of grace thereafter shall be allowed for the purpose of raising and bringing in such nets and the fish caught therein.

5. Within the boundary of Douglas County, Wisconsin,

(a) A net or nets of any kind in water less than ten feet in depth or within six hundred feet of the shore or within one thousand feet of any pier, harbor, entrance or river mouth.

(b) Within one mile of the main shore a pound net having meshes less than three and one half inches, stretch measure, excepting pound nets having meshes not less than two and three eighths inches, stretch measure, may be used during the months of November and December in any year for catching herring.

Section 4560a—43. 1. It shall be unlawful and is hereby prohibited for any person, persons, firm, company or corporation to set or use or place or cause to be set or used or placed in the waters of Lake Michigan,

(a) A gill net having meshes less than four inches, stretch measure, in less than forty fathoms of water,

(b) A gill net or nets having meshes less than four inches; provided, however, gill nets having meshes two and three quarters inches and gill nets having meshes three and one half inches, may be set in forty fathoms of water or over. Provided, however, that gill nets having less than four inches stretch measurement may be used for the purpose of taking or catching rough fish in less than forty fathoms of water during the open season. Any person, persons, firm or corporation fishing in less than forty fathoms of water shall not have any undersized lake trout or whitefish in his or their possession. That any person, persons, firm, or corporation having in his or their possession any undersized lake trout and whitefish while fishing for rough fish shall be prima facie evidence of violation of this section.

(c) A net of any kind or other device for trapping fish

within one third of a mile of any harbor, pier or breakwater, on the shores of Lake Michigan.

2. All fish taken in gill nets (excepting as otherwise provided for whitefish and pike.) set and used as specified in the preceding section of this act. shall be deemed of legal size and may lawfully be possessed, sold and transported.

Section 4560a—44. 1. It shall be unlawful and is hereby prohibited for any person, persons, firm, company or corporation to set or cause to be set, placed or used in the waters of Green Bay and Fox river below the dam at De Pere,

(a) A gill net having meshes less than three and one half inches for lake trout and whitefish; provided, however, that gill nets having meshes not less than two and three eighths inches may be used during the open season for perch and other rough fish.

(b) Any net, set line or set hook of any kind from April 1st, to May-10th in any year; excepting gill nets having meshes not less than four inches, stretch measure, may be used for the purpose of catching lake trout and whitefish, and pound nets having meshes not less than two inches in the pot or crib thereof may be used to catch herring only, during the closed season above specified.

2. It shall be unlawful to possess on the waters of Green Bay or the Fox river below the dam at De Pere or on the land bordering said waters, or to ship from any port on said waters, any green fish of any kind, except lake trout, whitefish, and herring, from April 1st to May 10th in any year.

Section 4560a—45. 1. It shall be unlawful and is hereby prohibited for any person, persons, firm, company or corporation to set or use or place or cause to be set or used or placed in the waters of Lake Michigan and Green Bay and the Fox river below the dam at Depere.

(a) A net, set line or set hook of any kind, excepting as otherwise provided by law during the period from October 15th to December 1st in any year, which period shall be known as the closed season on said waters; provided, if on the 15th day of October in any year, any person shall have set in such waters, nets or set lines which, owing to stress of weather, such person, persons, firm, company or corporation shall be unable to raise or bring in on said date, three days of grace thereafter shall be allowed for the purposes of raising and bringing in such nets or set lines and the fish caught therein or thereon. Subdivision (a) shall not apply to Green Bay and the Fox river, below the dam at Depere, only for lake trout and whitefish.

(b) A pound net having meshes less than three and one half inches, stretch measure, in the pot or crib thereof; provided that pound nets having meshes not less than two inches, stretch measure, may be used for the purpose of taking herring and other fish, except bass, if set on perch and herring grounds.

2. Any person, persons, firm, company or corporation who or which shall own, at the time this act is passed, gill nets having meshes less than two and three quarters inches, but not less than two inches, which were purchased prior to January 1st, 1909, are hereby authorized to use such nets in Lake Michigan, Lake Superior and Green Bay, until October 15th, 1910, subject to all the restrictions herein provided for gill nets having meshes two and three quarters inches. Provided, however, that persons owning such small meshed nets shall furnish the state fish and game warden on or before July 1st, 1909, a sworn statement showing the number of feet of such gill nets on hand, the sizes of the meshes in said nets, the kinds of fish for which such nets will be set; and stating approximately the length of time such nets have been in use.

Section 4560a—46. It shall be unlawful and is hereby prohibited to set or cause to be set or used a net of any kind or other device for trapping fish in any of the following named waters:

1. The waters of Sturgeon Bay, to-wit: That portion of said bay lying south of a straight line running easterly from Sherwood point light house to a point where the south line of lot 1 in section 19, township 28 north, of range 26 east, intersects the meandered line of Sturgeon Bay in Door County, including also the waters of Sawyer Harbor, excepting one gill net, not exceeding three hundred feet in length and having meshes not less than four and one half inches, may be used by each person during the months of December, January and February to catch lawyers, ell-pout, suckers and pickerel only.

2. The waters of Detroit Harbor, to-wit: That portion of said harbor lying north and west of a straight line running in an easterly direction from the extreme southern point of lot 3 in section 14, township 33 north, of range 29 east, to the most southerly point of lot 2 in section 18, township 33 north, of range 30 east in Door county.

3. The waters of Little Sturgeon Bay, south of a straight line drawn from Horse Shoe or Squaw Island to Bonnet's Point on the main land.

Section 4560a—47. From May 10th in each year until

March 1st of the year following it shall be lawful to have in possession, to sell or transport to points within and without this state, pike which have been lawfully taken from the waters of Lake Superior, Lake Michigan, Green Bay and the Fox river below the dam at Depere, without restrictions as to the number of pounds possessed, sold or transported. Provided that such shipments shall be filled from a port on said waters directly to their destination, and shall not be re-billed or re-shipped from any other point within this state.

Section 4560a—48. 1. It is unlawful and is hereby prohibited in the outlying waters of this state,

(a) To use in the pot or crib of a pound net any apron or other device which would prevent small fish escaping through the meshes of the net when it is set or raised.

(b) To set or use any fyke net having meshes less than two and one fourth inches, stretch measure, in the pot or tail thereof, or any seine having meshes less than three inches, stretch measure, except a minnow seine for bait.

(c) For any person, persons, firm, company or corporation to have in his or their possession more than five pounds of under-sized whitefish for each pound net and fifteen pounds of any under-sized lake trout for each pound net. No person, persons, firm, company or corporation shall have in his or their possession in any one day any more than the above amount, whitefish of less than two pounds dressed or undressed one and one half pounds, or to sell, offer for sale or transport any under-sized white fish. Any person, persons, firm, company or corporation, having in any one day any more than the specified amount of whitefish or under-sized lake trout shall be fined not less than fifty dollars, nor more than one hundred dollars, or by imprisonment not less than sixty, nor more than ninety days in jail. Sub. (c) shall apply only to pound net fishermen.

(d) To take from said waters bass of any kind by means of nets; or to take, kill or retain any perch or other rough fish less than seven inches in length except rough fish minnows or bloaters for bait.

2. It shall be lawful to use in the outlying waters of this state not exceeding one thousand lineal feet of gill net having meshes from one and one-half to one and three-quarters inches, stretch measure, for the purpose of taking bloaters for bait for set hooks. Provided, however, that any person, persons, firm, company or corporation, who or which shall use or fish with a bait net shall not sell, offer for sale or have any whitefish less than

two pounds round or one and one-half pounds dressed, or any lake trout less than fourteen inches in length.

3. All persons, firms, companies, and corporations operating nets or set lines in the outlying waters within the jurisdiction of the state are hereby required to carry any officer or officers, authorized to enforce the fish and game laws, on their boats to and from their nets and shall raise same for his or their inspection upon demand made by such officer or officers.

4. Nothing in this act shall be construed to prohibit the taking of rough fish with a minnow dip net, or a minnow seine not more than fifty feet in length or five feet in depth; or to prohibit the taking of fish from said waters at any time, by angling or trolling, except black bass and pike shall not be taken or caught during the closed season prescribed for the taking of such fish from inland water.

Section 4560a—49. Any person, persons, firm, company or corporation violating any of the provisions of the preceding sections of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred fifty dollars for the first offense and not less than one hundred dollars nor more than two hundred and fifty dollars for a second offense, or by imprisonment for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Section 4560a—50. 1. It shall be unlawful and is hereby prohibited in this state,

(a) For any person, persons, firm, company or corporation to take, catch or kill or have in his or their possession pike or pickerel of any variety of less than twelve inches in length, or any catfish of any kind of less than one and one-half pounds round or undressed weight, or less than one pound dressed weight, or any black bass, green bass, green bass or oswego bass of a length less than ten inches, or any white bass, crappie or sunfish less than seven inches long. For the purpose of enforcing the laws in which is specified the length of fish which may be had in possession, sold or transported, to determine the length of such fish, measurement shall be taken from the tip of the nose to the extreme fleshy part of the tail or caudal base; and this shall be the rule for measurement in all such cases.

(b) For any person, persons, firm, company or corporation to have whitefish of less weight than two pounds round or undressed or one and one-half pounds dressed, or to sell, offer for sale, or transport any under-sized whitefish.

2. Any person, persons, firms, company or corporation who or which violates any of the provisions of this section shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail not less than sixty days nor more than six months, or by both such fine and imprisonment in the discretion of the court.

Section 1497em—2. For the purpose of stocking waters or securing fish eggs for artificial propagation the commissioners of fisheries or the superintendent of fisheries or his duly appointed agents authorized by him in writing may take fish at any time from any of the waters within the jurisdiction of the state; provided that no fish shall be taken except in the presence and under the direction of one of the above enumerated persons. Whenever permission is granted to any agent for the taking of fish for the purposes herein specified, same shall be a written permit and shall plainly state to whom the permit is given, the date of expiration and what kind or kinds of fish shall be taken thereunder and only such fish shall be taken and possessed and no other. Fish necessarily killed in such taking shall be disposed of for the best interest of the state.

SECTION 2. Subsection "a" of section 4560a—27 of the statutes is amended to read: Section 4560a—27. a. To have in his or their possession or to sell, offer for sale, or transport, in any one day, more than one hundred pounds of under-sized lake trout, to-wit: lake trout of less than * * * *fourteen inches in length. The above provision shall apply to pound net fishermen only.*

SECTION 3. Sections 4560a—5 and 4565k and sections 4560a—25 to 4560a—32, inclusive, of the other acts are so far as they conflict herewith, repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication, except the provisions hereof which relate to the size of the meshes of nets shall take effect and be in force from and after October 15, 1910.

Approved June 17, 1909.