

No. 222, S.]

[Published June 22, 1951.

### CHAPTER 391.

AN ACT to repeal and recreate 29.52 of the statutes, relating to private fish hatcheries and providing a penalty.

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

29.52 of the statutes is repealed and recreated to read:

29.52 PRIVATE FISH HATCHERIES. (1) Private fish hatchery licenses shall be issued by the commission to any person applying therefor who is the owner or lessee of lands suitable for propagating fish.

(2) The term "private fish hatchery" includes private fish hatcheries already registered with the commission and private fish hatcheries hereafter licensed by the commission.

(3) As to private fish hatcheries hereafter established, such private fish hatcheries shall be licensed only under the following conditions:

(a) The water areas included in the license shall not include the bed of any navigable stream and shall be limited to artificially constructed ponds and lakes, and springs or natural landlocked ponds wholly surrounded by the lands of the applicant and where no substantial public interest in such ponds or springs exists. Such public interest shall be determined by the commission through public hearing.

(b) The supply of water for the hatchery may be obtained by the use of flumes, pipes or ditches from flowing streams. All such flumes, pipes or ditches shall be properly screened so as to prevent the passage of fish from such streams to the hatchery.

(4) Application for license shall be made on forms prepared by the conservation commission and shall include a verified declaration describing the lands to be used for a private fish hatchery and setting forth the title or lease of the applicant.

(5) Upon the filing of the application the commission shall inspect and investigate the same. All expenses of the inspection, except the salary of the employe who inspects the hatchery, shall be paid by the applicant. When satisfied that the applicant is the owner or lessee of the lands described and that he has complied with the provisions of this section, the commission shall issue a license to propagate, rear and sell fish of the kind specified in the application. All private fish hatchery licenses shall expire on December 31 of each year and shall be renewed, subject to the provisions of this section, upon filing of a verified report with the commission within 30 days thereafter, containing the information on

the operation of the hatchery requested by the commission, together with the license fee. The fee for each license shall be \$5.

(6) 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: . . . .*)".

(7) 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.

(8) Any person who shall, without permission of the licensee, trespass on any licensed fish hatchery shall be fined not less than \$15 nor more than \$25 or imprisoned not more than 30 days; provided that the licensee gives notice by maintaining signboards at least one foot square, in at least 2 conspicuous places on each 40 acres of the lands included in such license. Prosecutions under this subsection shall be by the licensee.

Approved June 14, 1951.

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