

## **CHAPTER 20.1-04 BIRDS, REGULATIONS**

**20.1-04-01. General penalty.** Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class B misdemeanor.

**20.1-04-02. Game birds protected.** No person may hunt, take, kill, possess, convey, ship, or cause to be shipped, by common or private carrier, sell, or barter any game bird or any part thereof taken in this state, except as provided in this title.

**20.1-04-02.1. Game bird parts - Decorative purposes.** Nothing in this title prohibits the use of any part of a legally taken game bird for decorative purposes or in the making of art works for private use or sale, except that any part of any legally taken migratory bird may not be sold or bartered except as provided under federal regulations.

**20.1-04-03. Harmless wild birds protected - Imported songbirds as domestic pets may be possessed and sold.** No person, without a permit issued by the director, shall kill, catch, take, ship, cause to be shipped, purchase, offer, or expose for sale, sell, have in that person's possession or under that person's control, any harmless wild bird, or any part thereof, irrespective of whether the harmless wild bird was captured or killed in or out of this state. Imported songbirds used and to be used as domestic pets may be bought, sold, shipped, or possessed at any time.

**20.1-04-04. Nests and eggs of protected birds protected.** No person, without a permit issued by the director, may take, have in that person's possession or under that person's control, or needlessly break up or destroy, or in any manner interfere with, the nest or the eggs of any kind of bird, the killing of which is prohibited.

**20.1-04-05. Golden eagle, bald eagle protected.** No person may take, kill, hunt, possess, sell, purchase, pursue, shoot at, disturb, capture, or destroy any golden eagle, bald eagle, or any nest or egg thereof, within North Dakota.

**20.1-04-06. Possession limit of game birds.** A person may not possess, control, ship, transport, or store, can, or otherwise preserve, more than the number authorized in the governor's proclamation of any species of game bird mentioned in this chapter. However, properly tagged game birds legally taken out of state or taken on Indian land may be possessed, transported, or shipped in state.

**20.1-04-07. Governor's proclamation concerning the taking of wild turkeys - National wild turkey federation raffle - Youth spring wild turkey licenses.** By proclamation the governor may provide for a permit season to take wild turkeys in the manner, number, places, and times deemed in the state's best interests; however:

1. By proclamation the governor may make available to the national wild turkey federation one license per year to hunt wild turkeys in the spring in the manner, places, and times as the governor prescribes. The national wild turkey federation shall hold a raffle or may auction to the highest bidder, whether resident or nonresident, a license to hunt wild turkeys. If an individual receives a wild turkey license through the raffle or the auction, the individual is not eligible to apply for a wild turkey license through the game and fish department that year. No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle. Ten percent of the net proceeds of the raffle or auction may be retained by the local, state, or national wild turkey federation entity conducting the raffle or auction. All remaining net proceeds must be deposited in the national wild turkey federation superfund and used for wild turkey management and related projects in this state. The national wild turkey federation shall submit reports concerning the raffle or auction as the director requires.

2. By proclamation the governor also may allow individuals who are first-time youth spring wild turkey hunters to receive one spring wild turkey license valid for the regular spring wild turkey season. To be eligible to receive a spring wild turkey license, an individual must be fifteen years of age or younger on the opening day of the spring wild turkey season and have never received a spring wild turkey license.

The governor shall make available to residents and nonresidents any permits remaining after the resident fall drawing.

**20.1-04-08. Red, yellow, or orange color to be displayed by hunters of wild turkeys - Exception.** Repealed by S.L. 1983, ch. 276, § 1.

**20.1-04-09. Guns lawfully usable in pursuing or taking game birds - Penalty.** Repealed by S.L. 1991, ch. 246, § 1.

**20.1-04-10. Shell-holding capacity of shotguns used in taking game birds restricted - Plugs authorized - Penalty.** Repealed by S.L. 1999, ch. 224, § 1.

**20.1-04-11. Blinds, boats, and decoys lawfully usable in taking ducks and geese.** Wild ducks and geese may be taken:

1. In the open or from a stationary natural or artificial blind or other place of concealment on land or water, except a sinkbox.
2. From a floating craft, excluding a sinkbox, if such craft is beached, or fastened within or tied immediately alongside any type of fixed hunting blind, or from such craft resting at anchor if authorized by governor's proclamation.
3. With the aid of artificial decoys. The use, directly or indirectly, of live duck or goose decoys is not permitted.

A motorboat, sailboat, or other craft may be used to pick up dead or injured birds.

**20.1-04-12. When gun dogs not to be trained or permitted to run loose - Exceptions - Penalty.** No person, classified as a professional trainer, between April first and July fourteenth of each year, both dates inclusive, may train or run any gun dog or allow any such dog to run loose. For purposes of this section, a professional trainer is any person who trains any breed of gun dog for remuneration which is the basis for the person's livelihood. This section does not prohibit the running of gun dog field trials, nor does this section prohibit the training of an individual's personal gun dog during that period provided that:

1. Landowner permission is secured by the trainer;
2. The trainer is present;
3. No native game birds are killed or captured; and
4. The training is not on a designated game management area or designated waterfowl production area.

Any person who violates this section is guilty of a class 2 noncriminal offense.

**20.1-04-12.1. Gun dog activities - Permit required - Fee.**

1. The director shall issue a permit for the following gun dog activities:
  - a. The training exercises of a resident or nonresident professional trainer;

- b. The training exercises of a nonresident amateur trainer who brings more than four gun dogs into the state; and
  - c. Hosting field trials that use live wild birds.
- 2. The application for the permit must be in a form prescribed by the director and must be accompanied by the appropriate fee.
- 3. Upon the receipt of the completed application and fee the director shall issue a permit for a specified period of time and shall require the permit holder to submit an annual report.
- 4. The fees for the permits are:
  - a. For a resident professional gun dog trainer for training exercises or hosting field trials, ten dollars.
  - b. For a nonresident professional gun dog trainer for training exercises or hosting field trials, one hundred dollars.
  - c. For a permit to a nonresident amateur who brings more than four gun dogs into this state, twenty-five dollars.
- 5. For purposes of this section, a professional trainer is a person who trains any breed of gun dog for remuneration that is the basis for that person's livelihood.

**20.1-04-12.2. Gun dog training area - Permit.** Notwithstanding section 20.1-04-12, a professional trainer may apply to and obtain from the department a permit designating a specific training area, not to exceed forty acres [16.19 hectares], as an exempt training area.

- 1. In the exempt training area, a professional trainer may train or run any gun dog or allow the gun dog to run loose at any time.
- 2. The fee for the permit may not exceed ten dollars per year.

**20.1-04-13. When harmful wild birds may be killed.** Any person may kill any harmful wild bird in this state during daylight hours.

**20.1-04-14. Use of propane exploders - Penalty.** Any propane exploder or similar noisemaking device designed to ward off blackbirds which is located within one hundred sixty rods [804.67 meters] of an inhabited dwelling may only be used during the period between sunrise and sunset. Any person who violates this section is guilty of a class 2 noncriminal offense.

**20.1-04-15. Pheasant season - Opening.** The open or lawful season on pheasant and the open or lawful season on duck may not commence on the same weekend. Except as otherwise provided in this section for the opening of pheasant season for youth, the open or lawful season on pheasant may not open earlier than one-half hour before sunrise and the season may not commence earlier than the first Saturday of October of any given year. The governor, in the governor's proclamation, may provide a pheasant hunting season for youth.