

## CHAPTER 98.

## MUSSELS FOR COMMERCIAL PURPOSES.

S. F. 74.

AN ACT providing for the issuance of licenses by the state game and fish commission to those desiring to catch or kill mussels for commercial purposes, regulating and providing the manner in which mussels shall be caught or killed, and providing for the opening or closing of certain streams in Iowa for the purpose of catching mussels.

*Be it enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. **Mussels for commercial purposes—license.** It shall be  
2 unlawful to take, catch or kill mussels for commercial purposes without  
3 a license issued by the state game and fish commission.

SEC. 2. **State fish and game commission—license—regulations—**  
1 **misdemeanor—punishment.** The state game and fish commission  
2 shall upon application issue a license to take, catch or kill mussels.  
3 On making application for such license, residents of this state shall  
4 pay to the state game and fish commission a fee of two (\$2.00) dollars  
5 and non-residents shall pay to such game and fish commission a fee  
6 of twenty-five (\$25.00) dollars and for authority to use a dredge, a  
7 fee of twenty (\$20.00) dollars in addition to the fee fixed for a resi-  
8 dent or a non-resident license. All such licenses shall expire on the  
9 thirty-first day of December following their issue, licenses shall be  
10 consecutively numbered as issued and a record shall be kept thereof  
11 in the office of the state game and fish commission. Such license shall  
12 state it is a resident or non-resident license, whether the license is  
13 authorized to use a dredge, the resident address of the license and the  
14 amount paid for the license. Said license shall also state what waters  
15 have been closed to the capture of mussels by authority of this act.

16 Every person, while taking, catching or killing mussels for com-  
17 mercial purposes, shall have this license with him, ready for exhibition  
18 and shall exhibit the same when requested to do so by an authorized  
19 officer.

20 Any person, firm or corporation violating the provisions of this  
21 section shall be deemed guilty of a misdemeanor and upon conviction  
22 thereof shall be punished by a fine of twenty-five (\$25.00) dollars or  
23 by imprisonment in the county jail not less than twenty days.

SEC. 3. **Limitation as to boats, apparatus, etc.—misdemeanor—**  
1 **punishment.** Any person, firm or corporation to whom a license under  
2 the provisions of this act has been issued, under such license so issued:

3 (1) May operate not more than one boat for each license, or one  
4 rig in taking, catching or killing mussels for commercial purposes.  
5 Any such person, firm or corporation may use one additional boat for  
6 purposes of towing only when no apparatus for taking, catching or  
7 killing is used or kept thereon.

8 (2) It shall be unlawful to have in possession in the waters while  
9 engaged in taking, catching or killing mussels for commercial purposes  
10 more than four crowfoot bars, not more than two of said bars to be  
11 in the water at one time, or more than one dredging mechanism, or  
12 to use or have in possession a crowfoot bar of greater length than  
13 twenty feet, or a dredge the length of the openings of which is more

14 than three feet, and which has prongs or forks more than four inches  
15 in length, or to have in possession on the waters while engaged in  
16 taking, catching or killing clams, a dredge without licensed authority  
17 therefor, provided it shall not be unlawful to use a pitchfork in  
18 gathering clam shells.

19 Any person, firm or corporation violating any of the provisions of  
20 this section shall be guilty of a misdemeanor and upon conviction  
21 thereof shall be punished by a fine of twenty-five (\$25.00) dollars, or  
22 by imprisonment in the county jail not less than twenty days.

**SEC. 4. Undersized mussels—"pigtoes"—misdemeanor—penalty.**

1 It shall be unlawful to take, catch or kill, offer for sale or have in  
2 possession for commercial purposes, any mussel of a size less than  
3 one and three-fourths inches in greatest dimensions, except mussels  
4 taken in the ordinary course of clamming for larger mussels, and such  
5 undersized mussels shall be immediately culled and returned to the  
6 water whence taken without avoidable injury, excepting that the  
7 so-called pigtoes may be retained.

8 Any person, firm or corporation violating any of the provisions of  
9 this section shall be deemed guilty of a misdemeanor and upon conviction  
10 thereof shall be punished by a fine of fifty (\$50.00) dollars, or  
11 by imprisonment in the county jail not less than thirty days.

**SEC. 5. Conservation of mussel resources—closed areas—period specified — notice by publication — misdemeanor — punishment.**

1 The state game and fish commission may from time to time, and as may  
2 be required for the conservation of the mussel resources of the state,  
3 prescribe areas in any part of the state from which mussels shall not  
4 be taken for such a period as may be specified by the commission, but  
5 no such period shall exceed five years, nor shall more than one-half  
6 of the mussel producing waters of the state be closed at the same time.  
7 It shall be unlawful to take, catch or kill mussels for commercial  
8 purposes in waters so closed.

9 All orders of the game and fish commission affecting mussels shall  
10 be published once in the newspapers of general circulation, published  
11 within each county containing or having on its boundary waters  
12 affected by such order. All such orders shall take effect at the fixed  
13 time therein, but not less than thirty days after the publication  
14 thereof. The game and fish commission may extend the time within  
15 which such order shall take effect.

16 Any person, firm or corporation who shall violate the provisions of  
17 this section in taking, catching or killing mussels for commercial  
18 purposes, in any waters of this state which have been declared closed  
19 by the game and fish commission shall be deemed guilty of a misde-  
20 meanor and upon conviction thereof shall be punished by a fine of  
21 one hundred (\$100.00) dollars, or by imprisonment in the county jail  
22 not less than sixty days.

1 **SEC. 6. Report to commission—failure bars license.** On or before  
2 the thirty-first day of December of the year in which any license was  
3 issued, the holder thereof shall make a written report to the state  
4 game and fish commission on blanks furnished by them stating the  
5 total weight of mussels taken, caught or killed under such license, the  
6 names and locations of waters from which the mussels were taken and  
7 the amount received for shell sold. Upon failure to make such a

8 report, the state game and fish commission shall not issue another  
9 license until such report shall be made.

1 SEC. 7. Revenue. All moneys received under the provision of this  
2 act shall at the end of each month be paid into the general revenue  
3 fund of the state.

SEC. 8. Commission, executive agent and game wardens—powers  
1 and duties. The state game and fish commission shall enforce the  
2 law relating to mussels and for the purposes of carrying into effect  
3 said law, the commission, its executive agent and game wardens are  
4 authorized and empowered without warrant, to arrest anyone violating  
5 any of the provisions of this act, and to seize mussels and devices  
6 adapted to taking, catching or killing mussels, and to inspect and  
7 examine mussels in any warehouse, boat, store, car, conveyance,  
8 vehicle, basket or other receptacle, when they have good cause to  
9 believe that any of the provisions of the law relating to mussels has  
10 been violated, except when it is necessary forcibly to enter a dwelling  
11 house. Any court having jurisdiction of the offense, upon receiving  
12 proof of the probable cause for believing that mussels illegally taken,  
13 caught, killed or had in possession are concealed, shall issue a search  
14 warrant and cause a search of the place of concealment to be made.  
15 The confiscation and sale of mussels by the state game and fish com-  
16 mission or by any game warden shall proceed in the manner provided  
17 by law for the sale of confiscated fish.

1 SEC. 9. Terms defined. As used in this act the words:

- 2 (1) "Mussels" shall mean and embrace the pearly, fresh water  
3 mussels, or clams, or naiad, and the shell thereof.  
4 (2) "Crowfoot Bar" shall mean a bar of any material bearing a  
5 series of hooks designed to catch or adapted for catching mussels by  
6 the insertion of such hooks between the shells of the mussels.  
7 (3) "Dredge" shall mean any mechanism of capture which is  
8 adapted for dragging the bottom of waters and is operated with or  
9 without the aid of mechanical power, except the crowfoot bar.  
10 (4) "Commercial purposes" shall mean and be presumed the  
11 taking, catching or killing of any mussel and having in possession of  
12 mussels unless the contrary is proven.  
13 (5) "Rig" shall mean one boat equipped with not more than four  
14 crowfoot bars, one boat equipped with power and one barge.

SEC. 10. Authorization—territorial jurisdiction as between Wis-  
1 consin, Illinois and Iowa. Any person duly licensed by the authorities  
2 of the state of Iowa to take and catch mussels from or in the waters  
3 forming the boundary line between the states of Wisconsin and Illinois  
4 and Iowa, are hereby authorized to take and catch mussels from and  
5 in that portion of said waters lying, being within the territorial juris-  
6 diction of the state of Iowa without first having procured a license  
7 therefor from the authorities of the state of Iowa; provided that such  
8 persons so licensed by the authorities of Wisconsin and Illinois shall  
9 not take or catch any mussels within the territorial jurisdiction of  
10 the state of Iowa at the time and in a place or in a manner otherwise  
11 prohibited by this act. Provided further that the laws of the states  
12 of Wisconsin and Illinois provide and extend a similar privilege to  
13 persons licensed hereunder by the authorities of the state of Iowa to  
14 take and catch mussels from and in the waters lying within the terri-

15 torial jurisdiction of the states of Wisconsin and Illinois without a  
 16 license from the authorities of the states of Wisconsin and Illinois.

1 SEC. 11. **Conflicting acts repealed.** This act shall take effect and  
 2 be in force from and after its passage, and all acts or parts of acts  
 3 inconsistent with this act are hereby repealed.

Approved March 27, A. D. 1919.

## CHAPTER 99.

### WEIGHTS, MEASURES AND INSPECTION.

S. F. 276.

AN ACT to amend the law as it appears in section three thousand nine-n (3009-n), supplemental supplement to the code, 1915, and repealing section three thousand nine-j (3009-j), supplemental supplement to the code, 1915, and enacting a substitute therefor relating to weights and measures.

*Be it enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. **Repeal and substitute.** That the law as it appears in  
 2 section three thousand nine-j (3009-j), supplemental supplement to  
 3 the code, 1915, be and the same is hereby repealed and the following  
 4 enacted in lieu thereof:

5 Section 3009-j1. *Dry commodities—weights and measures—exceptions.*  
 6 All dry commodities, weighing ten ounces or more, except  
 7 drugs, section comb honey and those specified in section nine, shall  
 8 be bought or sold only by standard weight or numerical count, lineal  
 9 measure or surface measure, except where parties otherwise agree  
 10 in writing.

11 Section 3009-j2. *Selling price of product—seller's statement—hay*  
 12 *or straw.* Whenever any product is sold and the selling price is  
 13 determined other than by numerical count, lineal or surface measure,  
 14 and the product does not have the net weight plainly written, stamped  
 15 or printed thereon, the seller shall at the time of delivery, upon the  
 16 request of the purchaser, furnish a plainly written or printed state-  
 17 ment showing the name of the article sold, the quantity in net weight  
 18 thereof, and the price paid for each item. No person, firm or corpora-  
 19 tion shall sell, offer or expose for sale any bales of hay or straw  
 20 without first attaching thereto a plain and conspicuous statement of  
 21 the minimum net weight contained in such bales. Provided that  
 22 nothing in this act shall be construed to require a statement of weight  
 23 on each bale where hay or straw is sold by the ton and a ticket showing  
 24 the gross, tare and net weight accompanies the delivery.

25 Section 3009-j3. *Misdemeanor—punishment for specific violations*  
 26 *of act.* That for the purpose of this act, any person, firm or corpora-  
 27 tion shall be deemed guilty of a misdemeanor and shall be punished  
 28 by a fine of not less than five dollars (\$5.00) nor more than one  
 29 hundred dollars (\$100.00), or by imprisonment in the county jail not  
 30 exceeding thirty (30) days.