

without a design to effect the death of the person killed or of another and without deliberation or premeditation by a person attempting to commit or engaged in the commission of rape, assault with an attempt to commit rape, indecent assault, or sodomy, or any thereof, either upon or affecting the person killed or otherwise, is murder in the second degree and shall be punished by imprisonment in the state prison for *not less than 15 nor more than 40 years, except when such killing is committed by a person attempting to commit or engaged in the commission of rape, assault with an attempt to commit rape, indecent assault, or sodomy, or any thereof either upon or affecting the person killed or otherwise, in which event the punishment shall be imprisonment in the state prison for the offender's natural life.*

All offenses committed, and all penalties and punishments incurred therefor, prior to April 19, 1941, shall be prosecuted and punished in the same manner and with the same effect as if the amendment made to this section by Laws 1941, Chapter 314, Section 1, had not been passed.

*All offenses committed, and all penalties and punishments incurred therefor, prior to the taking effect hereof, shall be prosecuted and punished in the same manner and with the same effect as if this amendment had not been passed.*

Approved April 24, 1959.

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#### CHAPTER 684—S. F. No. 955

*An act relating to wild rice; providing for regulations of the harvesting, processing, and sale thereof and the issuance of licenses therefor; amending Minnesota Statutes 1957, Sections 84.111; 84.14; 98.46, Subdivisions 3 and 18.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1957, Section 84.111, is amended to read:

**84.111 Watercraft; methods of harvest; hours of harvest.** Subdivision 1. It shall be unlawful to use, in harvesting wild rice in any public waters in this state, any water craft other than a boat, skiff, or canoe propelled by hand, which boat, skiff or canoe may have a top width of not more than 36 inches and a length of not more than 16 feet, or any machine or mechanical device for gathering or harvesting the grain

other than with flails not over 30 inches in length nor over one pound in weight, which flails must be held and operated by hand.

Subd. 2. It is unlawful to use any pole for propelling *any water craft* used in such harvesting which is not forked at the end, with each *branch* less than 12 inches in length.

Subd. 3. It is unlawful to use in such harvesting any machine or device for gathering the grain other than a flail not over 30 inches in length nor over one pound in weight, held and operated by hand.

Subd. 4. It is unlawful to harvest any wild rice in any public waters between three o'clock p.m. and nine o'clock a.m. following except as otherwise expressly permitted in writing by an authorized committeeman or other agent of the commissioner pursuant to regulations of the commissioner.

Sec. 2. Minnesota Statutes 1957, Section 84.14, is amended to read:

84.14 Director of wild rice harvest. *Subdivision 1.* The commissioner may appoint a director of the wild rice harvest, who shall be a man of proven experience in the actual cultivation and harvesting of wild rice, and such assistants as may be deemed necessary. The director shall serve at the will of the commissioner and shall not be within the classified service of the state. He may be paid such salary, not to exceed the sum of \$250 a month, as may be determined by the commissioner and for such periods during the year as may be designated by the commissioner, together with reasonable traveling expenses, from any sums available to the division of game and fish. The director shall have the duty of investigating the conditions affecting the crop of wild rice upon any waters that are proposed to be harvested.

*Subd. 2.* The director, with the approval of the commissioner, shall prescribe such further rules and regulations as may be necessary to properly carry out the purposes of sections 84.09 to 84.15 and Laws 1939, Chapter 231, and to properly regulate the harvest. He may, with the approval of the commissioner, appoint deputies or committeemen to assist him in any or all of his duties. *The director and all assistants, deputies, and committeemen appointed for the purpose of regulating the harvesting of wild rice shall enforce all the laws and regulations relating thereto.*

*Subd. 3.* The commissioner is hereby authorized to designate the season for the harvesting of the wild rice in each

lake or rice bed or close the same upon the recommendation and report of the director of rice harvest. *Notice of each season shall be published five days, or less, in advance, and shall be posted at each lake or rice bed open for harvesting under the supervision of the committeemen at least 24 hours before the time fixed for opening in such manner as the commissioner may prescribe.*

*Subd. 4.* The provisions of sections 84.09 to 84.15 shall not limit or supersede any authority otherwise conferred on the commissioner by law.

Sec. 3. Minnesota Statutes 1957, Section 98.46, Subdivision 3, is amended to read:

*Subd. 3.* The fees for the following license, to be issued to residents only, shall be:

(1) To harvest wild rice, \$3.

(2) *No license shall be required of any person under 16 years of age.* No license shall be required of a recipient of old age assistance or members of his immediate family. Identification cards shall be issued without fee to any such recipient and to each member of the family. The term "immediate family" shall include husband and wife and minor children having their abode and domicile with the parent or legal guardian.

Sec. 4. Minnesota Statutes 1957, Section 98.46, Subdivision 18, is amended to read:

*Subd. 18.* Fees for the following licenses, to be issued to either residents or non-residents shall be:

(1) For a wild rice dealer's license to buy wild rice within the state for resale to anyone except consumers, or to sell wild rice imported from outside the state to anyone within the state except consumers, or to process for resale by the processor to anyone wild rice not harvested by the processor himself, \$150 if the amount of wild rice bought, sold or processed by the licensee within the year covered by the license exceeds 50,000 pounds, \$100 if such amount exceeds 25,000 pounds but does not exceed 50,000 pounds, \$50 if such amount exceeds 5,000 pounds but does not exceed 25,000 pounds, or \$15 if such amount does not exceed 5,000 pounds. For the purposes hereof the weight of wild rice in its raw state shall govern, and two and one-half pounds of raw rice shall be deemed equivalent to one pound of processed rice.

(2) Every application for a license under this subdivi-

sion shall be made on oath in writing in such form as the commissioner shall prescribe, stating the amount of wild rice, whether raw or processed, bought, sold, or processed by the applicant during the calendar year preceding the year for which the license is sought, the amount which the applicant estimates he will buy, sell, or process under the license, and such other pertinent information as the commissioner may require. The license fee shall be paid in advance, based on such estimate, subject to adjustment as hereinafter provided; provided, that no license shall be issued for any year based on a lesser amount of wild rice than was bought, sold, or processed by the applicant during the preceding calendar year.

(3) Every licensee under this subdivision shall keep a correct and complete book record in the English language of all wild rice bought, sold, or processed by him during the period covered by his license, showing the date of each transaction, the names and addresses of all other parties thereto, and the amount of wild rice involved, whether raw or processed. Every such record shall be open for inspection by the commissioner, the director of wild rice harvesting, or any game warden or agent of the commissioner at all reasonable times. Every such licensee shall transmit to the commissioner within ten days after the end of each calendar month during the period covered by the license a written report, in such form as the commissioner shall prescribe, signed by the licensee, stating the total amount of wild rice bought, sold, or processed by him during such calendar month, whether raw or processed.

(4) No licensee under this subdivision shall at any time buy, sell, or process any wild rice for which a license is required hereunder in excess of the amount covered by his license. In case a licensee shall desire to buy, sell, or process any wild rice in excess of such amount, he shall before doing so make application for a supplemental license covering the increased amount of wild rice involved, and such license shall be issued to him upon payment of the prescribed fee therefor, less credit for the fees paid for the previous license or licenses issued to him hereunder for the same calendar year. Upon the issuance of such supplemental license, such previous license or licenses shall be surrendered to the commissioner.

(5) The wilful making of a false statement in any application for a license under this subdivision or in any report required hereunder, or the wilful making of a false entry in any record required hereunder, or any other violation of or failure to comply with any provision of this subdivision shall be a misdemeanor, punishable as provided by Minnesota Stat-

utes, Section 97.55, Subdivision 1. Upon conviction of any person of any offense under this subdivision, any license hereunder then held by him shall immediately become null and void, and no such license shall be issued to him for one year after the date of such conviction.

Approved April 24, 1959.

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CHAPTER 685—S. F. No. 391

[Coded]

*An act for an act relating to jurisdiction of juvenile courts over delinquent, neglected, dependent and adoptive children, and children requiring special judicial supervision; their care; persons contributing to the delinquency or neglect of children; prescribing penalties; providing for the numbering of the sections thereof; amending Minnesota Statutes 1957, Sections 259.23, Subdivision 1; 259.24, Subdivision 1; 259.26, Subdivision 3; 259.27; 259.28; 259.32; 260.36; and 636.07; and repealing Minnesota Statutes 1957, Sections 260.01 to 260.04, 260.06 to 260.08, 260.10 to 260.26, 260.28 to 260.34, and 260.37.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [260.011] Title, intent, and construction. Subdivision 1. Sections 1 to 44 may be cited as the Juvenile Court Act.

Subd. 2. *The purpose of the laws relating to juvenile courts is to secure for each minor under the jurisdiction of the court the care and guidance, preferably in his own home, as will serve the spiritual, emotional, mental, and physical welfare of the minor and the best interests of the state; to preserve and strengthen the minor's family ties whenever possible, removing him from the custody of his parents only when his welfare or safety and protection of the public cannot be adequately safeguarded without removal; and, when the minor is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents. The laws relating to juvenile courts shall be liberally construed to carry out these purposes.*

Sec. 2. [260.015] Definitions. Subdivision 1. As used in sections 1 to 44, the terms defined in this section have the meanings given to them.