

# MINNESOTA STATUTES 1975 SUPPLEMENT

## REGULATION OF MANUFACTURES AND SALES 325.248

to be paid or delivered shall agree to be bound by the purposes, policies, articles and bylaws of the soliciting organization.

[1975 c 386 s 1,2]

### CHAPTER 317. NONPROFIT CORPORATIONS

Sec.  
317.65 Corporations to secure or maintain homes for dependent children.

**317.65 Corporations to secure or maintain homes for dependent children.**

[For text of subds 1 to 6, see M.S.1974]

**Subd. 7. Expense reimbursement.** (1) Any organization, association or society licensed by the department of public welfare may receive payment for expenses related to adoption services in an amount that fairly reflects the agency's reasonable and necessary expenses of adoptive counseling, whether or not legal adoption is completed; provision of services to children prior to adoptive placement; and the supervision of children in the home until legal adoption is completed. Only that portion of the expenses may be requested which the person seeking to adopt is financially able to meet. No person shall be barred from receiving a child for adoption because of inability to pay any part of the expenses referred to in this subdivision. In addition to any other reports as may be required, each licensed agency, shall file annually with the commissioner of public welfare a full accounting of all expense reimbursement received pursuant to this subdivision, together with the record of the services given for which the reimbursement was made. If he returns the child to the corporation, the person shall not receive compensation for the care, clothing, or medical attendance of the child.

This provision shall not preclude voluntary contributions by any individual or organization at any time.

(2) No organization, association or society shall be eligible to receive an expense reimbursement from a person who takes a child into his home or who adopts a child in any amount whatsoever during the first five years that the organization, association or society is licensed by the department of public welfare.

[1975 c 70 s 1]

[For text of subd 8, see M.S.1974]

### CHAPTER 325. REGULATION OF MANUFACTURES AND SALES

Sec. 325.248	Sale of beverage containers having detachable parts; penalty. [New]	Sec. 325.333	Regulations. [New]
325.28	Repealed.	325.334	Civil penalties. [New]
325.29	Repealed.	325.335	Criminal penalty. [New]
325.30	Sales forbidden; exceptions; penalties.	325.774	Application.
325.32	Bedding to be labeled.	325.79	Unlawful practices.
325.331	Flame resistant public assembly tents. [New]	325.942	Definitions. [New]
325.332	Flame resistant tents and sleeping bags. [New]	325.943	Disclosure obligation. [New]
		325.944	Penalties; remedies. [New]
		325.962	Notice to members.

**325.248 Sale of beverage containers having detachable parts; penalty.** Subdivision 1.

No person shall sell or offer for sale in this state a carbonated or non-carbonated soft drink, beer, other malt beverage, or tea in liquid form and intended for human consumption contained in an individual sealed metal container designed and constructed so that a part of the container is detached in the process of opening the container.

# MINNESOTA STATUTES 1975 SUPPLEMENT

## 325.248 REGULATION OF MANUFACTURES AND SALES

Subd. 2. A violation of subdivision 1 is a misdemeanor and each day of violation is a separate offense.

[1975 c 308 s 1,2]

(NOTE: This section is effective January 1, 1977, pursuant to Laws 1975, Chapter 308, Section 3.)

**325.28** [Repealed, 1975 c 350 s 3]

**325.29** [Repealed, 1975 c 350 s 3]

**325.30 Sales forbidden; exceptions; penalties.**

No person shall sell, lease, offer to sell or lease, or deliver or consign for sale or lease, or have in his possession with intent to sell, lease, deliver, or consign for sale or lease, any bedding made, remade, or renovated in violation of sections 325.25 to 325.33 or any second-hand bedding unless since last used it has been thoroughly sterilized and disinfected as provided under section 325.27. A violation of sections 325.25 to 325.33 is a misdemeanor. The penalty provisions of section 325.907 shall apply when any person is found to have violated sections 325.25 to 325.33.

[1975 c 350 s 1]

**325.32 Bedding to be labeled.**

No person shall make or remake, or sell, offer for sale, consign for sale, or have in his possession with intent to sell, offer for sale, or consign for sale any article of bedding unless the same is labeled as follows:

On each article of bedding a label of durable material not less than three by four and one-half inches in size shall be displayed, upon which shall be in plain print, in the English language, a description of the material used as filling of such article of bedding; and, if such material, or any portion thereof, shall not have been previously used, the words "manufactured of new material" shall appear upon the label, together with the name and address of the maker or vendor thereof. If any of the material used in the making or remaking of such article of bedding shall have been previously used, the words "manufactured of second-hand material" or "re-made of second-hand material," as the case may be, shall appear upon the label, together with the name and address of the maker or vendor thereof, and also a description of the material used in the filling of such article of bedding. On any article of bedding, not remade, but which has been previously used, the words "second-hand materials used in filling not known" shall appear upon the label, together with the name and address of the vendor thereof.

The statement required under this section shall be in form as follows:

"OFFICIAL STATEMENT

Materials used in filling .....

Made by.....

Vendor .....

Address .....

This article is made in compliance with an act of the State of Minnesota approved the ..... day of ....., 1929."

The statement of compliance required in the foregoing official statement shall not be construed to imply that it is prohibited to state also that the article of bedding is made in compliance with any act or acts of other states.

The words "manufactured of new material," or "manufactured of second-hand material," or any article of bedding not remade, "second-hand materials used in filling not known," together with the description of the material used as filling of an article of bedding, shall be in letters not less than one-eighth of an inch in height. No term or description likely to mislead shall be used on any label to describe material used in the filling of any article of bedding. The label shall be attached to each mattress, pad, or upholstered spring by sewing all four edges of the label.

[1975 c 350 s 2]

# MINNESOTA STATUTES 1975 SUPPLEMENT

## REGULATION OF MANUFACTURES AND SALES 325.774

### **325.331 Flame resistant public assembly tents.**

No person, firm or corporation shall establish, maintain or operate any circus, side show, carnival, tent show, theater, skating rink, dance hall, or a similar exhibition, production, engagement or offering or other place of assemblage in or under which ten or more persons may gather for any lawful purpose in any tent, awning or other fabric enclosure unless such tent, awning or other fabric enclosure, and all auxiliary tents, curtains, drops, awnings and all decorative materials, are made from a nonflammable material or are treated and maintained in a flame resistant condition. This section shall not apply to tents used to conduct committal services on the grounds of a cemetery, nor to tents, awnings or other fabric enclosures erected and used within a sound stage, or other similar structural enclosure which is equipped with an overhead automatic sprinkler system.

[1975 c 341 s 1]

### **325.332 Flame resistant tents and sleeping bags.**

No person, firm or corporation may sell or offer for sale or manufacture for sale in this state any tent unless all fabrics or pliable materials in the tent are durably flame resistant. No person, firm or corporation may sell or offer for sale or manufacture for sale in this state any sleeping bag unless it meets the standards of the commissioner of public safety for flame resistancy. Tents and sleeping bags shall be conspicuously labeled as being durably flame resistant.

[1975 c 341 s 2]

### **325.333 Regulations.**

The commissioner of public safety shall act so as to have effective rules and regulations concerning standards for nonflammable, flame resistant and durably resistant materials and for labeling requirements by January 1, 1976. In order to comply with sections 325.331 and 325.332 all materials and labels must comply with the rules and regulations adopted by the commissioner. The commissioner has general rule making power to otherwise implement sections 325.331 to 325.335.

[1975 c 341 s 3]

### **325.334 Civil penalties.**

Any firm or corporation who violates sections 325.331 to 325.333 shall be strictly liable for any damage which occurs to any person as a result of such violation. In addition, any seller shall refund the full purchase price of any item sold in violation of section 325.332 upon return of the item by the buyer.

[1975 c 341 s 4]

### **325.335 Criminal penalty.**

Any person, firm or corporation which violates sections 325.331 to 325.333 is guilty of a misdemeanor.

[1975 c 341 s 5]

(NOTE: Sections 325.331, 325.332, 325.334 and 325.335 are effective January 1, 1977, pursuant to Laws 1975, Chapter 341, Section 6.)

### **325.774 Application.**

Subdivision 1. Sections 325.771 to 325.776 do not apply to:

- (1) conduct in compliance with the orders or rules of, or a statute administered by, a federal, state, or local governmental agency; or
- (2) actions or appeals pending on July 1, 1973.

Subd. 1a. Sections 325.771 to 325.776 shall apply to publishers, broadcasters, printers, or other persons engaged in the dissemination of information or reproduction of printed or pictorial matters who publish, broadcast, or reproduce material only if the persons have either knowledge of the deceptive trade practice or a financial interest in the goods or services being deceptively offered for sale.

# MINNESOTA STATUTES 1975 SUPPLEMENT

## **325.774 REGULATION OF MANUFACTURES AND SALES**

[1975 c 364 s 1,2]

[For text of subd 2, see M.S.1974]

### **325.79 Unlawful practices.**

[For text of subs 1 and 2, see M.S.1974]

**Subd. 3. Advertising media excluded.** Sections 325.78 to 325.80 shall apply to actions of the owner, publisher, agent or employee of newspapers, magazines, other printed matter or radio or television stations or other advertising media used for the publication or dissemination of an advertisement, only if the owner, publisher, agent, or employee has either knowledge of the false, misleading or deceptive character of the advertisement or a financial interest in the sale or distribution of the advertised merchandise.

[1975 c 364 s 3]

[For text of subd 4, see M.S.1974]

### **325.942 Definitions.**

Subdivision 1. As used in sections 1 to 4, the terms defined in this section have the meanings given them.

Subd. 2. "Personal solicitation" means any attempt by a seller who regularly engages in transactions of the same kind, to sell goods or services which are primarily for personal, family, or household purposes, and not for agricultural purposes, when either the seller or a person acting for him, contacts the buyer by telephone or in person other than at the place of business of the seller, except:

(a) An attempted sale in which the buyer personally knows the identity of the seller, the name of the business firm or organization he represents, and the identity or kinds of goods or services offered for sale; or

(b) An attempted sale in which the buyer has initiated the contact with the seller; or

(c) An attempted sale of a newspaper subscription in which the seller is a minor child engaged in both the delivery and sale of the newspaper.

Subd. 3. "Sale" includes a lease or rental.

Subd. 4. "Seller" includes a lessor or anyone offering goods for rent, or an assignee of a seller.

Subd. 5. "Buyer" includes a lessee or anyone who gives a consideration for the use of goods or services.

[1975 c 372 s 1]

### **325.943 Disclosure obligation.**

Before any personal solicitation every seller shall, at the time of initial contact or communication with the potential buyer, clearly and expressly disclose: the individual seller's name, the name of the business firm or organization he represents, the identity or kinds of goods or services he wishes to demonstrate or sell, and that he wishes to demonstrate or sell the identified goods or services. When the initial contact is made in person, the seller shall also show the potential buyer an identification card which clearly states the seller's name and the name of the business or organization he represents. The disclosures required by this section shall be made before asking any questions or making any statements except an initial greeting. Non-profit organizations are exempt from the requirements of this section.

[1975 c 372 s 2]

### **325.944 Penalties; remedies.**

Any person who is found to have violated section 325.943 shall be subject to

# MINNESOTA STATUTES 1975 SUPPLEMENT

## EMPLOYMENTS LICENSED BY STATE 326.02

the penalties and remedies provided in section 325.907.

[1975 c 372 s 3]

### 325.962 Notice to members.

[For text of subd 1, see M.S.1974]

Subd. 1a. In lieu of the notice of cancellation required by subdivision 1, the seller may provide notice in a manner which conforms to applicable federal law or regulation or section 325.935 so long as the notice provides the information required by subdivision 1.

Subd. 2. Every contract which does not contain the notice specified in this section may be cancelled by the member at any time by giving notice of cancellation by any means.

[1975 c 357 s 1,2]

## CHAPTER 326. EMPLOYMENTS LICENSED BY STATE

Sec.		Sec.	
326.02	Registration of architects, engineers, surveyors and landscape architects.	326.17	Board of accountancy.
326.03	Registration required.	326.18	Board, duties, officers, examinations.
326.04	Board of registration for architects, engineers, and surveyors.	326.22	Fees.
326.05	Qualifications of board members.	326.241	Board of electricity.
326.06	General powers and duties of board.	326.33	Private detective and protective licensing board; creation; duties; appeal.
326.07	Board, meetings of, officers, quorum.	326.334	Fees; licensing procedure.
326.08	Fees, disposal of; pay of board members; bonds.	326.37	Plumbers; supervision by state board of health; rules; violation; penalty.
326.09	Records and reports of board.	326.42	Applications.
326.10	Certificates of registration.	326.44	Fees paid to general fund.
326.11	Certificates of registration, revocation, reissue, duplicates.	326.541	Board of examiners in watchmaking; fees; disposition.
326.12	Certificates as evidence; seals of registrants.	326.542	Examinations; fees.
326.13	Practice exempt.	326.62	Applications.
326.14	Corporations and partnerships authorized.	326.64	Fees deposited.
		326.66	Water conditioning advisory board.

### 326.02 Registration of architects, engineers, surveyors and landscape architects.

**Subdivision 1. Registration mandatory.** In order to safeguard life, health, and property, and to promote the public welfare, any person in either public or private capacity practicing, or offering to practice, architecture, professional engineering, land surveying or landscape architecture in this state, either as an individual, a co-partner, or as agent of another, shall be registered as hereinafter provided. It shall be unlawful for any person to practice, or to offer to practice, in this state, architecture, professional engineering, land surveying or landscape architecture, or to solicit or to contract to furnish work within the terms of sections 326.02 to 326.16, or to use in connection with his name, or to otherwise assume, use or advertise any title or description tending to convey the impression that he is an architect, professional engineer (hereinafter called engineer), land surveyor or landscape architect, unless such person is qualified by registration under sections 326.02 to 326.16.

[For text of subds 2 to 4, see M.S.1974]

**Subd. 4a. Practice of landscape architecture.** Any person shall be deemed to be practicing landscape architecture, within the meaning of sections 326.02 to 326.16, who holds himself out as able to perform or who does perform any professional service in connection with the development of land areas where the dominant purpose of the service is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings, approaches or environment for structures or other improvements, and the consideration and determination of inherent problems of the land relating to erosion, wear and tear, blight and hazards. This practice shall in-