

auditor or the municipal clerk shall file the same and forthwith on the delivery to him of the ballots, shall mail to the applicant without charge, at the address specified in the application one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelope hereinafter specified. If the application is made within 30 days of the election, he shall forthwith upon receipt of such application or as soon thereafter as ballots are available, mail, or deliver to the applicant, without charge, if he apply therefor in person, and fill out and sign the application blank specified in the manner provided in section 207.03, one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelopes hereinafter specified. The provisions of this subdivision shall not be construed to require mailing of absentee ballots to applicants to whom delivery by election judges is required pursuant to section 11.

Sec. 13. Minnesota Statutes 1976, Section 207.10, is amended to read:

207.10 VOTER TO MAIL BALLOT. Any qualified voter of any precinct of this state to whom ballots have been delivered by the county auditor or by the municipal clerk, may mark and mail the ballots so delivered to him at any place, the same to be marked and mailed in the manner specified in the directions to voters, set forth in section 207.08, and before an attesting witness belonging to one of the classes specified in the directions to voters. Ballots delivered to qualified voters pursuant to section 11 may be returned in person to the municipal clerk by the judges who delivered the ballots. The municipal clerk shall forthwith deliver those ballots to the judges of the appropriate precincts either by mail or in person.

Sec. 14. Minnesota Statutes 1976, Section 207.101, is amended to read:

207.101 CLERK OF MUNICIPALITY TO DELIVER BALLOTS IN CERTAIN CASES. Any clerk of a municipality who receives "Return Envelopes" as provided for in sections 207.08 and 207.20, subdivision 1 by mail, or by delivery in person by election judges pursuant to section 11, before the closing hours of the polls shall forthwith deliver them to the judges of election of the appropriate precincts in his municipality. "Return Envelopes" not delivered as provided herein shall promptly be sent to the county auditor by the clerk with a notation on the "Return Envelope" of the reason for nondelivery.

Sec. 15. **APPROPRIATION.** The sum of \$12,000 is appropriated from the general fund to the secretary of state for the purpose of providing voters registration cards pursuant to section 8. This appropriation shall not lapse but shall be available for expenditure until June 30, 1978.

Approved June 2, 1977.

CHAPTER 396—H.F.No.801

[Coded in Part]

An act relating to crimes; specifying certain acts which constitute theft in relation to cable television services and systems; providing penalties; amending Minnesota Statutes 1976,

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Sections 238.09, Subdivision 1, and by adding a subdivision; 609.52, Subdivision 2; and Chapter 609, by adding a section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 609.52, Subdivision 2, is amended to read:

Subd. 2. **CABLE TELEVISION; ACTS CONSTITUTING THEFT.** Whoever does any of the following commits theft and may be sentenced as provided in subdivision 3:

(1) Intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of the property; or

(2) Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of the property; or

(3) Obtains for himself or another the possession, custody or title to property of a third person by intentionally deceiving him with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes without limitation:

(a) The issuance of a check, draft, or order for the payment of money or the delivery of property knowing that he is not entitled to draw upon the drawee therefor or to order the payment or delivery thereof; or

(b) A promise made with intent not to perform. Failure to perform is not evidence of intent not to perform unless corroborated by other substantial evidence; or

(c) The unauthorized use of a credit card, credit plate, charge plate, or other identification device issued by an organization to a person for use in purchasing goods on credit; or

(d) The preparation or filing of a claim for reimbursement, a rate application, or a cost report used to establish a rate or claim for payment for medical care provided to a recipient of medical assistance under chapter 256B, which intentionally and falsely states the costs of or actual services provided by a vendor of medical care; or

(4) By swindling, whether by artifice, trick, device, or any other means, obtains property from another person; or

(5) Intentionally commits any of the acts listed in this subdivision but with intent to exercise temporary control only and;

(a) The control exercised manifests an indifference to the rights of the owner or the

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restoration of the property to him; or

(b) He pledges or otherwise attempts to subject the property to an adverse claim; or

(c) He intends to restore the property only on condition that the owner pay a reward or buy back or make other compensation; or

(6) Finds lost property and, knowing or having reasonable means of ascertaining the true owner, appropriates it to his own use or to that of another not entitled thereto without first having made reasonable effort to find the owner and offer and surrender the property to him; or

(7) Intentionally obtains property or services, offered upon the deposit of a sum of money or tokens in a coin or token operated machine or other receptacle, without making the required deposit or otherwise obtaining the consent of the owner; or

(8) Intentionally and without claim of right converts any article representing a trade secret, knowing it to be such, to his own use or that of another person or makes a copy of an article representing a trade secret, knowing it to be such, and intentionally and without claim of right converts the same to his own use or that of another person. It shall be a complete defense to any prosecution under this clause for the defendant to show that information comprising the trade secret was rightfully known or available to him from a source other than the owner of the trade secret; or

(9) *Leases or rents personal property under a written instrument and who with intent to place such property beyond the control of the lessor conceals or aids or abets the concealment of such property or any part thereof, or any lessee of such property who sells, conveys or encumbers such property or any part thereof without the written consent of the lessor, without informing the person to whom he sells, conveys, or encumbers that the same is subject to such lease and with intent to deprive the lessor of possession thereof. Evidence that a lessee used a false or fictitious name or address in obtaining such property or fails or refuses to return such property to lessor within five days after written demand for such return has been served personally in the manner provided for service of process of a civil action or sent by registered or certified mail to the last known address of the lessee, whichever shall occur later, shall be evidence of intent to violate this clause. Service by certified or registered mail shall be deemed to be complete upon deposit in the United States mail of such demand, postpaid and addressed to such person at the address for such person set forth in the lease or rental agreement, or, in the absence of such address, to such person's last known place of residence; or*

(10) Alters, removes or obliterates numbers or symbols placed on movable property for purpose of identification by the owner or person who has legal custody or right to possession thereof with the intent to prevent identification, if the person who alters, removes or obliterates the numbers or symbols is not the owner and does not have the permission of the owner to make the alteration, removal or obliteration; or

(11) With the intent to prevent the identification of property involved, so as to
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deprive the rightful owner of possession thereof, alters or removes any permanent serial number, permanent distinguishing number or manufacturer's identification number on personal property or possesses, sells or buys any personal property with knowledge that the permanent serial number, permanent distinguishing number or manufacturer's identification number has been removed or altered; or

(12) Intentionally deprives another of a lawful charge for cable television service by

(i) making or using or attempting to make or use an unauthorized external connection outside the individual dwelling unit whether physical, electrical, acoustical, inductive or other connection, or by

(ii) attaching any unauthorized device to any cable, wire, microwave, or other component of a licensed cable communications system as defined in chapter 238. Nothing herein shall be construed to prohibit the electronic video re-recording of program material transmitted on the cable communications system by a subscriber for fair use as defined by Public Law 94-553, Section 107.

Sec. 2. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to read:

[609.80] INTERFERING WITH CABLE COMMUNICATIONS SYSTEMS.
Whoever does any of the following is guilty of a misdemeanor:

(1) intentionally and with the purpose of making or aiding in an unauthorized connection as defined in Minnesota Statutes, Section 609.52, Subdivision 2, Clause (12) to a licensed cable communications system as defined in chapter 238 sells, rents, lends, offers or advertises for sale, rental or use, any instrument, apparatus, equipment, device or plan, specification or instruction for making an unauthorized connection; or

(2) intentionally tampers with, removes or injures any cable, wire, or other component of a licensed cable communications system as defined in chapter 238; or

(3) intentionally and without claim of right interrupts a service of a licensed cable communications system as defined in chapter 238.

Sec. 3. Minnesota Statutes 1976, Section 238.09, Subdivision 1, is amended to read:

238.09 CERTIFICATE OF CONFIRMATION. Subdivision 1. Except as provided in subdivisions 4 and, 5 and 10, after May 24, 1973, no person shall exercise a franchise, and no such franchise shall be effective, until the board has confirmed such franchise.

Sec. 4. Minnesota Statutes 1976, Section 238.09, is amended by adding a subdivision to read:

Subd. 10. Any cable communications company which, pursuant to an existing franchise was lawfully engaged in actual operations and which was providing extension of service to an area or areas outside of its franchise boundaries on May 1, 1977 may,

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notwithstanding any other law to the contrary, continue to provide such extension of service until May 1, 1978 or such time as the commission adopts line extension rules, whichever date is earlier.

Approved June 2, 1977.

CHAPTER 397—H.F.No.818

[Coded]

An act relating to highway traffic regulations; implements of husbandry; restricting the speed of certain implements of husbandry on the highways; providing a penalty; amending Minnesota Statutes 1976, Chapter 169, by adding a section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Chapter 169, is amended by adding a section to read:

[169.145] TRAFFIC REGULATIONS; IMPLEMENTS OF HUSBANDRY; SPEED. No person shall drive a self-propelled implement of husbandry, nor shall any person tow a self-propelled implement of husbandry, at a speed in excess of 30 miles per hour. Violation of this section is a misdemeanor.

Sec. 2. EFFECTIVE DATE. This act is effective the day following its final enactment.

Approved June 2, 1977.

CHAPTER 398—H.F.No.823

[Coded]

An act relating to public health; permitting plastic well casings in certain counties; amending Minnesota Statutes 1976, Chapter 156A, by adding a section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Chapter 156A, is amended by adding a section to read:

[156A.031] WATER WELLS; PLASTIC CASINGS. [Subdivision 1.] The use of plastic casings in water wells is expressly permitted within the state of Minnesota. Any plastic casing used for water wells must meet the current standard specifications of the American Society for Testing and Materials (ASTM) for thermoplastic water well casing

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