

LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.

No. **964** Session of
1919.

INTRODUCED BY MR. POWELL, MARCH 17, 1919.

REFERRED TO COMMITTEE ON FISHERIES, MARCH 18, 1919.

AN ACT

To amend an act approved the twenty-eighth day of July one thousand nine hundred and seventeen entitled "An act to revise amend and consolidate the law relating to fish and providing penalties"

1 Section 1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same That*
4 *article six of the act approved July twenty-eighth one*
5 *thousand nine hundred and seventeen entitled "An act to*
6 *revise amend and consolidate the law relating to fish*
7 *and providing penalties" is hereby amended by adding*
8 *thereto an additional section to be known as section*
9 *fifty so that the article will hereafter read as follows*

ARTICLE VI

Fishing Devices

12 Section 45 No person shall use any device means or
13 method whatsoever except as in this article otherwise pro-

1 vided for taking fish from the waters within this Com-
2 monwealth except the following that is to say for

3 (a) Game fish a single rod and line or one hand
4 line with not more than three hooks attached

5 (b) Food fish rods and lines or one hand line with
6 no more than three hooks attached The rods and lines
7 and the hand line must be under the immediate control
8 of the person using the same

9 (c) Bait fish rods hooks and lines with not more
10 than three hooks attached to each line a dip net or
11 minnow seine not over four feet in diameter a minnow
12 trap with not more than one opening which shall not
13 exceed one inch in diameter The rods hooks and lines
14 must be under the immediate control of the person using
15 the same

16 Section 46 Any person violating the provisions of
17 section forty-five of this act is guilty of a misdemeanor
18 and on conviction as provided in article thirteen shall
19 be sentenced to pay a fine of twenty dollars and shall
20 forfeit to the Department of Fisheries all devices unlaw-
21 fully used

22 Section 47 The provisions of this article do not
23 prohibit the use of a gaff or landing net to assist in
24 landing fish already caught by a lawful device

25 Section 48 The provisions of this article do not apply
26 to fish artificially propagated under the authority of article
27 eight of this act

28 Section 49 The provisions of this article do not
29 apply to fish caught by a seine or not for which a

1 license is obtained under the provisions of article seven
2 of this act

3 Section 50 The provisions of this article do not apply
4 to fish caught by a device for which a license is ob-
5 tained under the provisions of article twelve section one
6 hundred and twenty of this act

7 Section 2 That section one hundred and twenty of
8 said act which now reads as follows

9 "Section 120 The Commissioner of Fisheries may grant
10 permission to catch fish in any of the waters of this
11 Commonwealth at any season of the year and with any
12 kind of nets or devices for a period not exceeding one
13 year to a person engaged in scientific research or for
14 the propagation of fish and the stocking of waters there-
15 with Persons permitted to fish pursuant to the foregoing
16 provision of this section shall make a return in writing
17 to the Commissioner of Fisheries of all fish caught by
18 them and also the use made by them of the fish so
19 caught" is hereby amended to read as follows

20 Section 120 The Commissioner of Fisheries may grant
21 permission to catch fish in any of the waters of this
22 Commonwealth at any season of the year and with any
23 kind of nets or devices for a period not exceeding one
24 year to a person engaged in scientific research or for
25 the propagation of fish and the stocking of waters there-
26 with Persons permitted to fish pursuant to the foregoing
27 provision of this section shall make a return in writing
28 to the Commissioner of Fisheries of all fish caught by
29 them and also the use made by them of the fish so caught

1 The Commissioner of Fisheries is authorized to issue
2 a license for devices other than seines and for purposes
3 other than artificial propagation upon written application
4 therefor signed by the applicant and upon the payment to
5 the Department of Fisheries of the sum of two dollars
6 Such license shall be known as a "special device license"
7 and shall authorize the person to whom issued to catch
8 food fish for such a period and under such conditions
9 and restrictions as the Commissioner of Fisheries may
10 prescribe The license shall be revoked by the Commis-
11 sioner of Fisheries upon violation of any condition or re-
12 striction upon which it is issued or of any provision
13 of this act

14 Strike out section one hundred and forty-nine of
15 article thirteen which reads as follows

16 "Section 149 All fines imposed for the violation of
17 any provisions of this act shall be forthwith paid by
18 such alderman magistrate or justice of the peace to the
19 Department of Fisheries at Harrisburg All moneys received
20 or recovered by the Department of Fisheries under any
21 provision of this act shall be immediately paid into the
22 State Treasury where it shall be kept as part of a
23 fund separate and apart to be used solely under the
24 direction of the Department of Fisheries for the purpose
25 of defraying any of the necessary expenses incurred in
26 fish propagation and protection" and insert in lieu thereof
27 the following

1 Section 149 All fines imposed for the violation of
2 any provisions of this act shall be forthwith paid by
3 such alderman magistrate or justice of the peace to the
4 Department of Fisheries at Harrisburg All moneys re-
5 ceived or recovered by the Department of Fisheries under
6 any provision of this act shall be immediately paid into
7 the State Treasury where it shall be kept as part of
8 a fund separate and apart to be used solely under the
9 direction of the Department of Fisheries for the purpose
10 of the payment of the salaries of the commissioner of
11 fisheries clerks stenographers fish wardens travelling ex-
12 penses counsel fees court expenses and contingent expenses
13 for the propagation protection and distribution of fish the
14 stocking of the waters and the employment of necessary
15 labor and the purchase of material and implements there-
16 for for necessary repairs and improvements to fish hatch-
17 eries for field work gathering spawn transferring fish and
18 the employment of necessary labor and the purchase of
19 necessary implements therefor for the purchase of neces-
20 sary land and water supplies to State fish hatcheries for
21 the purchase and erection of buildings ponds and other
22 extensions incidental to State fish hatcheries for the main-
23 tenance and operation of a boat on Lake Erie and the
24 cruiser Anna at Torresdale on the Delaware river and
25 for the dredging of channels ponds and the making of
26 improvements on Presque Isle Peninsula and the approach
27 to the fish hatchery at Erie

1 All moneys in such separate fund from time to time
2 are hereby specifically appropriated to the Department of
3 Fisheries and may be expended for the purposes herein-
4 before enumerated The Auditor General shall upon requisi-
5 tion from time to time of the Commissioner of Fisheries
6 draw his warrant on the State Treasurer for the amount
7 specified in such requisition not exceeding however the
8 amount in such fund at the time of making such re-
9 quisition