

*ence or priority as to assets or earnings over its common stock and which shall have net assets of not less than ten million dollars (\$10,000,000) at the date of purchase.*

*“Common Stock” as used in this section shall include the stock certificates, certificates of beneficial interests or trust participation certificates issued by any corporation or unincorporated association included under the definition of “corporation” in the preceding paragraph.*

Act effective  
immediately.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 19th day of June, A. D. 1953.

JOHN S. FINE

No. 57

#### AN ACT

To amend the act, approved the twenty-eighth day of April, one thousand nine hundred thirty-seven (Pamphlet Laws 417), entitled “An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby, authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations,” by increasing the annual license fees on milk dealers.

“Milk Control  
Law.”

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 408 and 409 of the act, approved the twenty-eight day of April, one thousand nine hundred thirty-seven (Pamphlet Laws 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," are hereby further amended to read as follows:

Sections 408 and 409, act of April 28, 1937, P. L. 417, further amended.

Section 408. License Fees Generally.—The commission shall charge and collect license fees from milk dealers on a yearly basis, as follows: Where a milk dealer received, produced or brought within the Commonwealth, during the calendar year preceding the period for which the license is issued, a daily average total quantity of milk—

- (1) Not exceeding twenty (20) pounds, a license fee of one dollar (\$1.00);
- (2) Exceeding twenty (20) pounds, but not exceeding one hundred (100) pounds, a license fee of three dollars (\$3.00);

(3) Exceeding one hundred (100) pounds, but not exceeding five hundred (500) pounds, a license fee of ten dollars (\$10.00);

(4) Exceeding five hundred (500) pounds, but not exceeding one thousand (1,000) pounds, a license fee of fifteen dollars (\$15.00);

(5) Exceeding one thousand (1,000) pounds, but not exceeding two thousand (2,000) pounds, a license fee of thirty dollars (\$30.00);

(6) Exceeding two thousand (2,000) pounds, but not exceeding three thousand (3,000) pounds, a license fee of forty dollars (\$40.00);

(7) Exceeding three thousand (3,000) pounds, but not exceeding four thousand (4,000) pounds, a license fee of fifty dollars (\$50.00);

(8) Exceeding four thousand (4,000) pounds, but not exceeding five thousand (5,000) pounds, a license fee of sixty dollars (\$60.00);

(9) Exceeding five thousand (5,000) pounds, but not exceeding seven thousand five hundred (7,500) pounds, a license fee of seventy-five dollars (\$75.00);

(10) Exceeding seven thousand five hundred (7,500) pounds, but not exceeding ten thousand (10,000) pounds, a license fee of one hundred dollars (\$100.00);

(11) Exceeding ten thousand (10,000) pounds, but not exceeding fifteen thousand (15,000) pounds, a license fee of one hundred fifty dollars (\$150.00);

(12) Exceeding fifteen thousand (15,000) pounds, but not exceeding twenty-five thousand (25,000) pounds, a license fee of two hundred dollars (\$200.00);

(13) Exceeding twenty-five thousand (25,000) pounds, but not exceeding fifty thousand (50,000) pounds, a license fee of three hundred dollars (\$300.00);

(14) Exceeding fifty thousand (50,000) pounds, but not exceeding one hundred thousand (100,000) pounds, a license fee of five hundred dollars (\$500.00);

(15) Exceeding one hundred thousand (100,000) pounds, but not exceeding two hundred fifty thousand (250,000) pounds, a license fee of one thousand dollars (\$1,000.00);

(16) Exceeding two hundred fifty thousand (250,000) pounds, but not exceeding five hundred thousand (500,000) pounds, a license fee of one thousand five hundred dollars (\$1,500.00);

(17) Exceeding five hundred thousand (500,000) pounds, but not exceeding seven hundred fifty thousand (750,000) pounds, a license fee of two thousand five hundred dollars (\$2,500.00);

(18) Exceeding seven hundred fifty thousand (750,000) pounds, but not exceeding one million (1,000,000) pounds, a license fee of three thousand five hundred dollars (\$3,500.00);

(19) Exceeding one million (1,000,000) pounds, a license fee of five thousand dollars (\$5,000.00);

*In addition to the foregoing specific annual fee and to be added to the amount thereof, the commission shall charge and collect one cent per hundredweight, for the license year beginning the first day of May, one thousand nine hundred fifty-four, and one-half cent per hundredweight for each license year thereafter, on all milk, the prices of which the commission is required to fix by the mandatory provision of section eight hundred two of this act, received, produced or brought within the Commonwealth by the dealer during the calendar year preceding the period for which the license is issued. If the dealer was engaged in the milk business during a part only of the preceding calendar year, the number of hundredweight on which the additional license fee shall be computed shall be determined by dividing the total number of hundredweight of milk, as defined above, received, produced or brought into the Commonwealth by the dealer during the preceding license year, by the number of months during which the dealer was licensed, and multiplying by twelve. The foregoing provisions do not apply to sub-dealers, sub-handlers or stores.*

The commission shall charge and collect license fees from sub-dealers on a yearly basis of fifteen dollars (\$15.00) for each route owned or operated at the commencement of the license period.

Except as otherwise expressly provided by this act, the license fee fixed by this section shall be paid before any license, or any renewal thereof, is issued. Where a license is applied for by a milk dealer, and the commission declines to grant a license to the applicant, the license fee shall be charged and retained by the commission only pro rata for so much of the license year as expired prior to the issuance of the order refusing the license.

Section 409. License Fees of Certain Milk Dealers.—Milk dealers who are not engaged in the milk business at the commencement of the license period shall pay a proportionate amount of the *specific* annual fee as follows:

(1) For a license issued on or after August first, but prior to November first, three-fourths of the annual fee;

(2) For a license issued on or after November first, but prior to February first of the succeeding year, one-half of the annual fee;

(3) For a license issued on or after February first, but prior to May first, one-fourth of the annual fee.

Milk dealers not engaged in the milk business during any month in the preceding calendar year shall submit with their application a license fee in the sum of one dollar (\$1.00) and, in addition thereto, (1) at such time

or times as the commission may fix, but not more than four months after the granting of the license, shall pay an additional sum based upon the daily average total quantity of milk received, produced or brought within the Commonwealth by such dealer during any of such months, in the proportionate amount above stated; and (2) shall pay monthly one cent per hundredweight during the part of the license year beginning the first day of May, one thousand nine hundred fifty-four, for which he is licensed, and one-half cent per hundredweight during the part of any license year thereafter for which he is first licensed, on all milk, the prices of which the commission is required to fix by the mandatory provision of section eight hundred two of this act, received, produced or \*brought within the Commonwealth by the dealer during the preceding month. The foregoing provisions do not apply to sub-dealers, sub-handlers or stores.

Act effective immediately.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 19th day of June, A. D. 1953.

JOHN S. FINE

No. 58

AN ACT

To further amend section 12 of the act, approved the eleventh day of July, one thousand nine hundred seventeen (Pamphlet Laws 758), entitled "An act for the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribing, and use of certain drugs, and keeping records thereof; by regulating the use of drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veterinarians, pharmacists, druggists, and registered nurses for certain causes, and by providing for the enforcement of this act, and penalties," by changing the penalties for the illegal possession, sale, dispensing or giving away of drugs.

Drugs.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 12, act of July 11, 1917, P. L. 758, as last amended by act of August 10, 1951, P. L. 1198, further amended.

Section 1. Section 12 of the act, approved the eleventh day of July, one thousand nine hundred seventeen (Pamphlet Laws 758), entitled "An act for the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribing, and use of certain drugs, and keeping records thereof; by regulating the use of drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veterinarians, pharmacists, druggists, and registered nurses for certain causes, and by

\* "bought" in original.