

No. 552

AN ACT

Amending the act of May 2, 1925 (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," further regulating the licensing and operation of man made lakes and ponds where fishing is permitted upon payment of fees.

The Fish Law of 1925.

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

Section 12.1, act of May 2, 1925, P. L. 448, amended June 28, 1957, P. L. 402, further amended.

Section 1. Section 12.1, act of May 2, 1925 (P. L. 448), known as "The Fish law of 1925," amended June 28, 1957 (P. L. 402), is amended to read:

Section 12.1. [Fee-Fishing] *Regulated Fishing Lake Defined.* The term [fee-fishing] "*regulated fishing lake*," as used in this chapter, means any artificial or man made pond or lake owned, leased or controlled in any manner by any individual, partnership, association or corporation, where fishing is permitted for payment of a fee, and in which all fish stocked are artificially propagated by commercial hatcheries, or purchased from persons licensed to sell fish.

Article VII., Chapter II., of the act, added September 7, 1955, P. L. 580, amended.

Section 2. Article VII. of Chapter II. of the act, added September 7, 1955 (P. L. 580), is amended to read:

CHAPTER II

FISHING REGULATIONS APPLYING TO INLAND WATERS

Article VII

[Fee-Fishing] *Regulated Fishing Lakes*

Section 59. Licenses. (a) The Pennsylvania Fish Commission (hereafter referred to in this article as the commission) shall, upon application therefor accompanied by a license fee [of twenty-five (\$25) dollars] *as hereinafter prescribed*, issue a [fee-fishing] *regulated fishing lake license*, effective from the first day of [April] *January* to the thirty-first day of [March] *December* to the owner, lessee or person controlling in any manner a [fee-fishing] *regulated fishing lake*. The licenses may be renewed each year: *Each application for a license or a renewal thereof shall be signed by the owner or operator of the regulated fishing lake and shall state the approximate total area of fishing water on the premises to be licensed, whether such area consists of one body of water or more than one, together with such other information relative thereto as the commission shall prescribe.*

(b) *Effective January 1, 1960, and thereafter, the annual license fee for a regulated fishing lake shall be based on the total area of fishing water on the premises to be licensed, whether such area consists of one body*

of water or more than one. Where the total area of water is less than five acres, the fee shall be twenty-five dollars (\$25). Where the area is five acres or more but less than ten acres, the fee shall be thirty dollars (\$30). Where the area is ten acres or more but less than twenty acres, the fee shall be forty dollars (\$40). Where the area is twenty acres or more but less than forty acres, the fee shall be fifty dollars (\$50). Where the area is forty acres or more but less than eighty acres, the fee shall be sixty dollars (\$60). Where the area is eighty acres or more, the fee shall be seventy-five dollars (\$75).

(c) All licenses issued in, and effective for any part of, the calendar year 1959 shall expire December 31, 1959. Upon the renewal of any such license, the applicant shall be given a credit of six dollars and twenty-five cents (\$6.25) towards the fee required for his 1960 license.

Section 59.1. Exemption from Limitations. The provisions of sections twenty and twenty-one of this act shall not apply to [fee-fishing] *regulated fishing* lakes stocked with fish from commercial hatcheries or licensed fisheries, nor to persons fishing in or fish caught in such lakes.

Section 59.2. Permits and Bills of Sale. The owner or person in charge of any [fee-fishing] *regulated fishing* lake shall, during closed seasons for any species of fish, issue consecutively numbered permits or bills of sale to all fishermen catching or taking that species of fish from the [fee-fishing] *regulated fishing* lake. The permit or bill of sale shall be valid only on the date of issue. The permits or bills of sale shall be made in duplicate, and one copy shall be kept on file by the issuer for inspection by the commission or any persons designated by it. Each fisherman, while in possession of such fish, shall have in his possession the permit or bill of sale relative thereto, and shall produce it upon demand by proper authority.

All permits or bills of sale shall contain the following information:

(1) Name, location and license number of the [fee-fishing] *regulated fishing* lake.

[(2) Fishing license number of the fisherman.]

(3) Number of fish of the species for which the season is closed.

(4) Date of issue.

Section 59.3. Files. Any person, owning or operating a [fee-fishing] *regulated fishing* lake, shall keep on file for inspection by the commission, or any person designated by it, all bills of sale received by the owner or operator for purchases of fish made for the purpose of stocking the [fee-fishing] lake.

Section 59.4. Fishermen to Possess Licenses. Any fisherman patronizing a [fee-fishing] *regulated fishing* lake shall have in possession a valid fishing license issued pursuant to sections two hundred twenty or two hundred twenty-one of this act.

Section 59.5. Penalty.—Except as herein otherwise provided, any owner or operator of a [fee-fishing] *regulated fishing* lake, who operates the lake without a license as herein provided for, *or who knowingly makes a false statement in his application for a license*, or who violates any of the provisions of this act, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of one hundred (\$100) dollars.

In addition thereto, for any second or subsequent violation, the owner's or operator's [fee-fishing] *regulated fishing* lake license may be revoked for one (1) year, at the discretion of the commission. For the purpose of enabling the imposition of the penalty or revocation of any license authorized by this section, any magistrate, alderman, or justice of the peace, imposing a penalty in a summary proceeding pursuant to this section, shall report the imposition of such penalty to the commission.

Section 59.6. Unlawful Acts; Penalties.—(a) No person shall fish or trespass with intent to fish in or upon any waters, bed or banks of any licensed fishing lake without having paid the fee fixed by the owner or operator thereof, or without having obtained permission from the owner or operator. No person shall wilfully or maliciously destroy or damage any lake, property or appliances whatever on the premises whereon a licensed regulated fishing lake is located.

(b) Any person violating any of the provisions of this section, shall, on conviction thereof in a summary proceeding, be sentenced to pay a fine of twenty-five dollars (\$25).

Act effective
immediately.

Section 3. This act shall take effect immediately.

APPROVED—The 19th day of November, A. D. 1959.

DAVID L. LAWRENCE

No. 553

AN ACT

Amending the act of April 12, 1951 (P. L. 90), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, trans-