

No. 281

AN ACT

HB 740

Amending the act of December 15, 1959 (P.L.1779), entitled, as amended, "An act relating to fish, frogs, tadpoles and turtles; 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," transferring certain powers and duties from the Department of Revenue to the Fish Commission.

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

Section 1. Subsection (a) of section 220, act of December 15, 1959 (P.L.1779), known as "The Fish Law of 1959," amended August 14, 1963 (P.L.1055), is amended to read:

Section 220. Resident Fishing License; Fees.—(a) For the purposes of this article, every person sixteen years of age and upward, upon application to any issuing agent within the Commonwealth, or to the [Department of Revenue] *Commission*, and upon the establishment of his identity to the satisfaction of the issuing agent or the [Department of Revenue] *Commission* by producing a bank book, letters, lodge cards, police cards, a motor vehicle operator's permit or some other positive means of identification, that he has been a bona fide resident of this Commonwealth for a period of sixty days next preceding his application and was born in the United States, and in the case of naturalized foreign-born residents, the production of such applicant's naturalization papers, shall, upon the payment to the issuing agent or the [Department of Revenue] *Commission* of a license fee of five dollars (\$5.00), except as hereinafter provided for persons sixty-five years of age and over, for the use of the Commonwealth, and in the event that the license is issued by an issuing agent, a fee of twenty cents (20¢) for the use of the issuing agent, be entitled to the license herein referred to as a "resident fishing license." Residents with the above qualifications, who are sixty-five or more years of age at the time of application, shall be entitled to a "resident fishing license" upon payment to said agent or the [Department of Revenue] *Commission* of a license fee of two dollars (\$2.00) for the use of the Commonwealth, and in the event that the license is issued by an issuing agent, a fee of twenty cents (20¢) for the use of the issuing agent. The application for the issuance of a license in such cases shall, in addition to the other information required, give the date of birth of the applicant.

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Section 2. Subsections (c) and (d) of section 220 of the act are amended to read:

Section 220. Resident Fishing License; Fees.—* * *

(c) In case the license certificate is lost or destroyed, a new license

may be secured from the **[Department of Revenue] Commission** upon making affidavit to that effect, and the payment of a fee of fifty cents (50¢).

(d) Upon the making of an application by any person to the **[Department of Revenue] Commission** for a special license to catch eels by the use and operation of eel chutes, and the payment of a fee of one dollar (\$1.00) for the use of the Commonwealth, such person shall be entitled to a special eel chute license, which shall give him the right to use and operate an eel chute in the Susquehanna River below the boundary line of the City of Pittston and the Duryea Borough line on the north branch, below the bridge at the Northumberland-Lycoming County line on the west branch, in the Juniata River below Mount Union and in the Delaware River in accordance with the provisions of this act.

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Section 3. Subsections (a) and (b) of section 221 of the act, amended August 14, 1963 (P.L.1055), are amended to read:

Section 221. Nonresident and Alien Nonresident Fishing License Fees; Tourist Fishing License Fees for Nonresidents and Alien Nonresidents.—(a) For the purposes of this article, every person, twelve years of age and upward, upon application to any issuing agent within the Commonwealth or to the **[Department of Revenue] Commission** and the presentation of proof that he is an alien or a nonresident of this Commonwealth, shall, upon the payment to the issuing agent or the **[Department of Revenue] Commission** of the sum of nine dollars and fifty cents (\$9.50), and in the event the license is issued by an issuing agent, the payment of twenty cents (20¢) for the use of the issuing agent, be entitled to the license herein referred to as a “nonresident fishing license.”

(b) For the purposes of this article, every person, twelve years of age and upward, upon application to any issuing agent within the Commonwealth, or to the **[Department of Revenue] Commission** and the presentation of proof that he is a nonresident of the Commonwealth, shall, upon the payment to the issuing agent or the **[Department of Revenue] Commission** a license fee of five dollars (\$5.00) for the use of the Commonwealth, and in the event that the license is issued by an issuing agent, a fee of twenty cents (20¢) for the use of the issuing agent, be entitled to the license herein referred to as a “tourist fishing license,” which shall be valid for a period of five consecutive days.

In case the license certificate is lost or destroyed, a new license may be secured from the **[Department of Revenue] Commission** upon making affidavit to that effect and the payment of a fee of fifty cents (50¢).

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Section 4. Subsection (d) of section 221 of the act is amended to read:

Section 221. Nonresident and Alien Nonresident Fishing License Fees; Tourist Fishing License Fees for Nonresidents and Alien Nonresidents.—* * *

(d) The **[Department of Revenue] Commission** is authorized to sell expired trout stamps upon payment of one dollar (\$1.00) per stamp, or fifty cents (50¢) per stamp in lots of one hundred or more.

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Section 5. Section 222 of the act, amended September 24, 1965 (P.L.541), is amended to read:

Section 222. Applications for Licenses; License Year.—All licenses shall be issued on forms prepared and supplied by the **[Department of Revenue] Commission**, the cost thereof to be paid from the Fish License Fund hereafter provided for. The license shall show the name, age, occupation and residence of the licensee and the date of its issue. It shall also contain the signature of the licensee, written in ink, and shall authorize the person named therein to fish or angle in the waters of this Commonwealth or in the waters bounding or adjacent thereto under the restrictions and requirements of existing laws during the year, the date of which is inscribed thereon. The license shall become void upon the thirty-first day of December next following the date of issue. **[However, all licenses issued for the year 1965 shall be valid until February 28, 1966.]** The license may contain such other information as the **[Department of Revenue] Commission** may require.

Section 6. Sections 223 and 224 of the act are amended to read:

Section 223. Issuing Agent's Record.—Every issuing agent of this Commonwealth shall keep, on a printed form supplied by the **[Department of Revenue] Commission**, a correct and complete record of all resident and nonresident fishing licenses issued by him. Every issuing agent shall cause to be entered on such printed form at the close of each month, the name and place of residence of such individual to whom a license shall have been issued that month. Such printed form shall be available at reasonable hours for the inspection of any officer of the Commonwealth whose duty it is, by law, to protect the fish in the waters of this Commonwealth or in the waters bounding or adjacent thereto, or of any representative of the **[Department of Revenue] Commission**, or of any representative of the Department of the Auditor General.

Section 224. Monthly Returns of Licenses Issued by Issuing Agents.—Every issuing agent of this Commonwealth shall each month forward to the **[Department of Revenue] Commission** a complete list of the resident and nonresident licenses granted, with the names and addresses of the licensees, on forms to be furnished by the **[Department of Revenue] Commission**.

Section 7. Section 225 of the act, amended August 14, 1963 (P.L.1055), and March 21, 1968 (Act No. 28), is amended to read:

Section 225. Issuing Agent to be Agent of the Commonwealth; Monthly Payment to State Treasurer; Duplicate Report.—The issuing agents in the several counties shall be agents of the Commonwealth for the collection of said license fees unless and until the **[Department of**

Revenue] Commission shall determine, with the approval of the Governor, to issue all of said licenses directly: Provided, That the **[Department of Revenue] Commission** may recall the appointment of any agent at any time with or without cause, and shall recall the appointment of any agent, either upon receipt of evidence that such agent has not complied with the requirements of this act, or upon receipt of a recommendation from the Executive Director that such agent be recalled because of carelessness or other fault in the issuance of licenses. For services rendered in collecting and paying over the said fees, the said issuing agents, as long as they continue to act in that capacity, shall be allowed to collect and retain the sum of twenty cents (20¢) for each resident and nonresident fishing license as provided in section 221 of this act, which amount shall be full compensation for services rendered by them under the provisions of this act. Such compensation shall be retained by the respective issuing agents, said compensation to cover, among other things, the cost of issuing licenses, postage, mailing, returns and bonding of said agents.

All license fees, except said agent's fees, paid to an issuing agent under this act, shall be, by such agent, paid into the State Treasury through the **[Department of Revenue] Commission**, at least once a month, to be applied to the purposes hereinafter provided. Such issuing agent shall make a return to the **[Department of Revenue] Commission**, upon a form to be supplied by the **[Department of Revenue] Commission**, and shall in all such cases forward a duplicate of such report to the **[Executive Director at Harrisburg] Department of Revenue**. Any issuing agent who shall fail to comply with any of the provisions of this act shall not be entitled to retain the sum herein fixed for his services, but such sums shall be paid to the State Treasurer, and if not so paid, may be recovered by the Commonwealth by suit in the same manner as like amounts are now recoverable by law.

Every agent designated to issue fishing licenses shall give bond to the Commonwealth in a sum not less than three thousand dollars (\$3000.00) before the annual supply of licenses is delivered to him.

Section 8. Section 227 of the act is amended to read:

Section 227. Loan and Transfer of License Prohibited; False Information.—No person shall alter, loan or transfer any license authorized by this act nor give any false or misleading information to the issuing agents or to the **[Department of Revenue] Commission**, its officers or agents in the application therefor.

Section 9. The first and last two paragraphs of section 290 of the act are amended to read:

Section 290. Fish License Fund Established.—All fees, fines, penalties and other moneys paid, received and collected (i) under the provisions of any law repealed and replaced by this act and now held in the State Treasury as a fund or any part of a fund separate and apart from the various purposes designated by law, or (ii) that may be hereafter paid,

recovered, received and collected under the provisions of any act repealed and replaced by this act, or (iii) that may be paid, received, recovered and collected under the provisions of this act, shall be placed in a separate fund by the State Treasurer to be known as "The Fish Fund," and shall be used [solely] for the payment of all expenses incurred [by the Department of Revenue] in procuring, issuing or supervising the issuance of resident and nonresident fishing licenses, and [under the direction of the Commission] for the following purposes:

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All moneys in such separate fund, from time to time, are hereby specifically appropriated to [the Department of Revenue and] the Commission, and may be expended for the purposes hereinbefore enumerated. All printing and other supplies or materials, purchased by the [Department of Revenue] Commission for the purpose of performing its duties under the provisions of this act, shall be purchased through the Department of Property and Supplies as purchasing agency.

Estimates of the amounts to be expended under this act, from time to time, by [the Department of Revenue and] the Commission [, respectively,] shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations made to administrative departments, boards and commissions, and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by [the Department of Revenue or by] the Commission in excess of the estimates approved by the Governor. Subject to the foregoing provisions, the Auditor General shall, from time to time, upon requisition of the [Secretary of Revenue or of the] Executive Director, draw his warrant on the State Treasurer for the amount specified in such requisition not exceeding, however, the amount in such fund available for the purposes for which such requisition was made at the time of making such requisition.

APPROVED—The 10th day of December, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 281.



Secretary of the Commonwealth.