

No. 257.

AN ACT

For the better protection of fish; requiring citizens of the United States residing within this Commonwealth to procure a license from the county treasurer to fish or angle in the waters of this Commonwealth, or in the waters bounding or adjacent thereto, and regulating the issuance of such license; providing penalties for the violation of this act, and the manner of proceeding to enforce compliance therewith; and providing for the disposition of the penalties recovered and license fees received.

Section 1. Be it enacted, &c., That the word "persons," as used in this act, except where the context otherwise indicates, means citizens of the State of Pennsylvania over twenty-one years of age.

Resident fisherman's license act
"Persons" defined.

Section 2. The provisions of this act shall be severable, and, if any of its provisions shall be held to be unconstitutional, the decision of the court shall not affect the validity of the remaining provisions of this act. It is hereby declared as a legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provision not been included therein.

Construction of act.

Section 3. No person, except as hereinafter provided, shall angle or fish, at any time, in any of the waters of this Commonwealth, or in the waters bounding or adjacent thereto, without having first secured a license as hereinafter provided.

Fishermen must have license.

Section 4. Citizens of this State who are citizens of the United States are entitled, upon written or oral application, to receive from any county treasurer or the Commissioner of Fisheries, his officers, or agents, a "resident's fishing license," upon payment of a license fee of one dollar and the cost of such treasurer's fee

Persons entitled to license.

Application to county treasurers.

Fee.

Section 5. All licenses shall be issued on forms prepared and supplied by the Commissioner of Fisheries at the expense of the Commonwealth. The license shall show the name, age, occupation, and residence of the licensee and the date of its issuance. 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 that 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. The license may contain such other information as the Commissioner of Fisheries may require. The Commissioner of Fisheries is authorized to employ

Form and contents of license.

Signature.

Duration of license.

Employee.

such stenographers, clerks, and assistants as may be necessary to carry into effect the provisions of this act, and to fix their salaries.

Record of licenses issued.

Section 6. Every county treasurer of this Commonwealth shall keep, in a book to be supplied by the Commissioner of Fisheries at the cost of the Commonwealth, a correct and complete record of all fishing licenses issued by him. Every county treasurer shall cause to be entered in such book, at the close of each week, the name and place of residence of each individual to whom a license shall have been issued that week. Such book shall be open, at reasonable hours, to 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.

Returns by county treasurers to Commissioner of Fisheries.

Section 7. Every county treasurer of this Commonwealth shall each week forward to the Commissioner of Fisheries a complete list of the licenses granted, with the names and addresses of the licensees and the number and character of their respective licenses, on blanks to be furnished by the Commissioner of Fisheries at the cost of the Commonwealth.

County treasurer's fee.

Section 8. A county treasurer may collect for his own use for services rendered under this act the sum of ten cents, to be paid by the applicant for a license. All license fees, except said treasurer's fees, paid to a county treasurer under this act, shall be, by such county treasurer, paid into the State Treasury at least once a month, to be applied to the purposes herein-after provided. Such county treasurer shall make a return to the State Treasurer upon a form to be supplied by the Commissioner of Fisheries at the cost of the Commonwealth, and shall, in all such cases, forward a duplicate of such report to the Commissioner of Fisheries at Harrisburg.

Payments by county treasurer to State Treasurer.

Exhibition of license.

Section 9. No person shall angle or fish unless the license hereinbefore provided be at such times continuously kept about the person of the licensee, and exhibited upon request of any fish commissioner, fish warden, sheriff, constable, or other officer of the Commonwealth.

Alteration or transfer of license.

Section 10. No person shall alter, loan, or transfer any license authorized by this act, nor give any false or misleading information to the county treasurer or to the Commissioner of Fisheries, his officers, or agents, in the application therefor.

Violations.

Section 11. Any person violating any provision of this act shall, on conviction, be sentenced for each offense to pay a fine of twenty-five dollars, together with the costs of prosecution. In addition to such penalty, the license of any person convicted or sign-

Penalty.

Forfeiture of license.

ing an acknowledgment as hereinafter provided shall be void; and shall be surrendered by such person, and immediately sent, by the court making the conviction or the officer taking the acknowledgment, to the Commissioner of Fisheries, at Harrisburg.

Section 12. Whenever any person shall be convicted of violating any provision of this act, shall refuse or neglect to at once pay a fine imposed, with the cost of prosecution, such person shall be at once committed to the county jail of the county in which the conviction occurs for a period of one day for each dollar of penalty imposed, unless such person enters into good and sufficient recognizance to pay the fine and costs within five days after the date of conviction or to prosecute an appeal according to law.

Refusal to pay fine.

Section 13. Every alderman, magistrate, or justice of the peace shall have the power of summary conviction in matters pertaining to the violation of any provision of this act.

Jurisdiction.

Section 14. All actions for violation of any provision of this act, excepting where the defendant is taken in the act of violating the law or in a pursuit immediately following such violation, shall be commenced by a complaint of any person before an alderman, magistrate, or justice of the peace, made, under oath, within one year after the date of such violation.

Procedure.

Section 15. Upon such complaint any alderman, magistrate, or justice of the peace shall issue a warrant, directed to any constable, peace officer, fish commissioner, or fish warden, and cause such person to be brought before him. Such alderman, magistrate, or justice of the peace shall hear the evidence, and determine the innocence or guilt of the person accused, and, if such person be convicted, shall be sentenced to pay the fine and costs as hereinbefore provided.

Warrants.

Hearing.

Section 16. All fines recovered under this act shall be, as soon as the case is fully determined before him, forwarded by such alderman, magistrate, or justice of the peace to the Commissioner of Fisheries, together with a statement of the cause for which such money shall have been collected. The cost of such statement is hereby fixed at fifty cents, and made a part of the costs of prosecution.

Payment of fines to Commissioner of Fisheries.

Section 17. All fines imposed for violation of this act received by the Commissioner of Fisheries shall be by the commissioner paid into the State Treasury, to be applied for the purposes hereinafter provided.

Payment of fines to State Treasurer.

Section 18. All license fees, fines, and penalties collected under the provisions of this act, and paid into the State Treasury, not in excess of four hundred thousand dollars (\$400,000) in any one year, shall be kept separate and apart in a fund known as the "Resident

Resident Fish License Fund.

Fish License Fund," and shall be used solely under the direction of the Department of Fisheries for the purpose of the payment of the salaries of the Commissioner of Fisheries, clerks, stenographers, fish wardens; traveling expenses; counsel fees; court expenses; and contingent expenses; for the propagation, protection, and distribution of fish, the stocking of the waters, and the employment of necessary labor, and the purchase of material, motor vehicles, machinery, and implements therefor; for necessary repairs and improvements to fish hatcheries; for field work, stream investigations, gathering spawn, transferring fish, and the employment of necessary labor, and the purchase of necessary motor vehicles, machinery, and implements therefor; for the purchase of necessary land and water supplies for State fish hatcheries; for the purchase and erection of buildings, ponds, and other extensions, incidental to State fish hatcheries; for the maintenance and operation of a boat on Lake Erie and the cruiser Anna at Torresdale on the Delaware River; and for dredging the approach to the fish hatchery at Erie.

All moneys in such separate fund from time to time, not in excess of four hundred thousand dollars (\$400,000) in any one year, are hereby specifically appropriated to the Department of Fisheries, and may be expended for the purposes hereinbefore enumerated. **The Auditor General shall, upon requisition from time to time of the Commissioner of Fisheries, draw his warrant on the State Treasurer for the amount specified in such requisition, not exceeding, however, the amount in such fund at the time of making such requisition. All moneys collected under the provisions of this act and not payable into the resident fish license fund, shall be paid into the general fund of the State Treasury.**

Arrests without warrant.

Section 19. Any officer of this Commonwealth whose duty it is to protect fish in the waters of this Commonwealth, or in the waters bounding or adjacent thereto, is authorized to arrest without warrant any person in the act of violating any provision of this act or in a pursuit immediately following such violation. The officer making such arrest shall immediately take the person so arrested to the nearest alderman, magistrate, or justice of the peace for a hearing upon the charge upon which the person was arrested.

Hearing.

Acknowledgment of guilt.

Section 20. A person charged with violating any provision of this act may sign an acknowledgment of the offense committed, either before or after the beginning of prosecution, and pay to any salaried officer of the Department of Fisheries the penalty in full, as fixed by this act, together with costs accrued to that

date. The printed receipt therefor, which shall, in every instance, bear the signature of the Commissioner of Fisheries, shall be full evidence of full satisfaction of the offense committed.

Section 21. No person now required by law to procure a license to fish or to propagate fish for sale shall be required, in addition, to secure a license provided by this act in order to enable such person to exercise those rights conferred by the license or licenses so procured under the laws existing prior to the passage of this act. Persons now licensed.

Section 22. The provisions of this act shall not apply to nor prevent the owner of any farm or other land situated in this Commonwealth, who actually resides thereon throughout the year, or the members of his family so residing upon said farm or land, from angling or fishing, in waters wholly within the limits of said farm or land or within the limits of land abutting thereon, without such license. The exemption provided by the foregoing provisions of this section shall not apply to any person temporarily residing upon said farm or land, or any tenant thereon who is not a member of the family of said owner, nor shall said exemption apply to any servant or employe of said owner. Landowners.

Section 23. This act shall not affect the provisions of an act, approved April twenty-first, one thousand nine hundred and fifteen, entitled "An act to give additional protection to the fish in the waters within the Commonwealth of Pennsylvania; prohibiting the fishing for, or capture or killing of, such fish by unnaturalized foreign-born residents; and prescribing penalties for violation of its provisions," nor the provisions of any act for the propagation or protection of fish. Acts not affected.

Section 24. All acts or parts of acts inconsistent with this act are repealed. Repeal.

Section 25. This act shall go into effect on the first day of January, one thousand nine hundred and twenty-two. When effective.

APPROVED—The 16th day of May, A. D. 1921.

WM. C. SPROUL.