

Contract.

neither parents nor relatives, the [board] *State Council of Education* may contract with any non-sectarian institution in this State, or elsewhere, established for the education of the blind, whereby any such child may, at a cost not exceeding one dollar and fifty cents per day, —to be paid [out of the State school fund] *by the Commonwealth, out of funds appropriated to the Department of Public Instruction for the education of blind children,*—be educated until it shall reach the age of eight years: Provided, That such education may be continued beyond the age of eight years, when, for physical, mental or other proper reasons, such child or children need special care for a longer period. The contract may be canceled* and the child or children removed at any time by the [board] *State Council of Education*. This act shall not repeal or modify any existing act relative to the education of the blind.

Proviso.

Act effective immediately.

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

APPROVED—The 6th day of May, A. D. 1943.

EDWARD MARTIN

No. 105

AN ACT

To amend sections one, five, seven, nine and twelve, and to repeal section six of the act, approved the twenty-seventh day of May, one thousand nine hundred and thirty-seven (Pamphlet Laws, nine hundred one), entitled "An act for the protection of producers of farm produce; providing for the licensing, the bonding or holding collateral of and the regulation of certain dealers in farm produce, as herein defined, within this Commonwealth; conferring powers, and imposing duties on the Department of Agriculture; providing for appeals and injunctions; and prescribing penalties," by changing definitions; the period of the license, and the fee therefor; and the contents of records; eliminating the requirement for a bond; adding to the reasons for refusing licenses; and increasing the penalties.

Producers of farm produce.

Sections 1, 5, 7, 9 and 12, act of May 27, 1937, P. L. 901, amended; section 6 of said act repealed.

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

Section 1. Sections one and five of the act, approved the twenty-seventh day of May, one thousand nine hundred and thirty-seven (Pamphlet Laws, nine hundred one), entitled "An act for the protection of producers of farm produce; providing for the licensing, the bonding or holding collateral of and the regulation of certain dealers in farm produce, as herein defined, within this Commonwealth; conferring powers, and imposing duties on the Department of Agriculture; providing for ap-

* "cancelled" in original.

peals and injunctions; and prescribing penalties," are hereby amended to read as follows:

Section 1. Be it enacted, &c., That the following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section: Definitions.

(a) "Dealer in farm produce" means any person, association, copartnership or corporation engaged in the business of buying, receiving, selling, exchanging, negotiating, or soliciting the sale, resale, exchange or transfer of any farm produce [and includes every person, association, copartnership or corporation, receiving or purchasing farm produce] *from the producer* on consignment or on a net return basis.

(b) "Department" means the Department of Agriculture of this Commonwealth.

(c) "Farm produce" includes all agricultural, horticultural, vegetable, fruit, and floriculture products of the soil; poultry, eggs, nuts, flowers, and honey, but shall not include timber products, tea, coffee, [or] live stock, *wool, milk or milk products*.

(d) "Net return basis" means a purchase for sale of farm produce from a producer [or shipper] at an unfixed or unstated price at the time the produce is shipped from the point of origin, and it shall include all purchases made "at the market price," ["at net worth"] and on similar terms, which indicate that the buyer is the final arbiter of the price to be paid.

(e) "On consignment" means [any receiving or sale of farm produce for the account of a person, other than the seller, wherein the seller acts as the agent for the owner] *a sending, transfer or delivery of farm produce by a producer to a dealer in farm produce, for the purpose of sale upon a commission basis.*

(f) "Producer" means any producer of farm produce in this Commonwealth.

Section 5. Unless the department refuses the application on one or more of the grounds hereinafter provided, it shall issue to such applicant, upon the payment of proper fees, [and the execution and delivery of a bond as hereinafter provided] a license entitling the applicant to conduct business as a dealer in farm produce at each place named in the application. *Such license shall be in force from the date issued until and including the thirty-first day of December [in the] of the same year. [next following]* The fee for such license shall be [ten dollars (\$10.00)] *five dollars (\$5.00)* for each place of business which the applicant [desires to conduct and] *conducts or names* in the application.

License shall be issued upon payment of fees and the furnishing of proper bond.

Section 2. Section six of said act is hereby repealed.

Section 3. Sections seven, nine and twelve of said act are hereby amended to read as follows:

Dealers to
keep records.

Section 7. Every dealer in farm produce shall, upon the receipt of farm produce for which payment is not made on delivery, and as he handles and disposes of the same, make and preserve for at least two years a record thereof, specifying the name and address of the producer consigning or shipping such farm produce, the date of receipt, the kind and quality of such produce, the amount of goods sold, the name and address of the purchaser, except that where sales total less than five dollars (\$5.00) in value, such sales may be made to order of "cash," the selling price thereof, and the items of expenses connected therewith. An "account sales," together with payment in settlement for said shipment, shall be mailed to the producer within forty-eight hours after the sale of such farm produce, unless otherwise agreed in writing.

Department may
refuse to grant
or may revoke
a license.

Section 9. The department may decline to grant a license or may suspend or revoke a license already granted if it is satisfied that the applicant or licensee has either—

Reasons.

(1) Suffered a money judgment to be entered against him upon which execution has been returned unsatisfied; or

(2) Made false charges for handling or services rendered; or

(3) Failed to account promptly and properly, or to make settlements with any producer; or

(4) Made any false statement or statements as to condition, quality or quantity of goods received or held for sale when he could have ascertained the true condition, quality or quantity by reasonable inspection; or

(5) Made any false or misleading statement or statements as to market conditions or service rendered; or

(6) Been guilty of a fraud in the [attempt to produce] *application for* or the procurement or the renewal of a license; or

(7) Directly or indirectly purchased farm produce received on consignment or on a net return basis for his own account, without prior authority, from the producer, consigning the same, or without notifying such producer.

Violations.

Section 12. Any dealer in farm produce violating the provisions of section three of this act, or interfering with an agent of the department in the enforcement of this act, shall for the first [or second] offense, upon conviction in a summary proceeding, be sentenced to pay a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) and costs of prosecution, and in default of payment of such fine and costs, shall be sentenced to undergo imprisonment in the county jail for a period not exceeding sixty (60) days, and for a [third] *second* or subsequent offense shall be

Penalties.

guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), or to undergo imprisonment not exceeding one year, or both, in the discretion of the court.

Section 4. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 7th day of May, A. D. 1943.

EDWARD MARTIN

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No. 106

AN ACT

To reenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six—Pamphlet Laws, thirteen), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," as previously reenacted and amended, by extending the provisions thereof for a further limited period of time.

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

Section 1. The title and all the sections of the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six—Pamphlet Laws, thirteen), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," as last reenacted and amended by the act, approved the twenty-ninth day of May, one thousand nine hundred forty-one (Pamphlet Laws, seventy-seven), are hereby reenacted and further amended to read as follows:

AN ACT

Imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board.

Section 1. Be it enacted, &c., That the following words, terms, and phrases used in this act are, for the purposes hereof, defined, as follows:

Taxation.

Emergency tax on liquor.

Title and all sections, act of June 9, 1936 (Special Session), P. L. 13, as last reenacted and amended by act of May 29, 1941, P. L. 77, reenacted and further amended.

Definitions.