

Section 1. A. Delegation of Taxing Powers and Restrictions Thereon.—

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Any assessment of a tax on personal property of a decedent shall include all property owned, held or possessed by the decedent, which should have been returned by him for taxation for any former year or years not exceeding five (5) years.

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 28th day of June, A. D. 1957.

GEORGE M. LEADER

No. 219

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 amending, revising and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth.

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, added September 7, 1955, P. L. 580, amended.

Section 1. Section 12.1, act of May 2, 1925 (P. L. 448), known as "The Fish Law of 1925," added September 7, 1955 (P. L. 580), is amended to read:

Section 12.1. Fee-Fishing Lake Defined. The term "fee-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.

Section 22 of the act amended.

Section 2. Section 22 of the act is amended to read:

Section 22. Exceptions to Penalty Clause. Charr, commonly called brook trout, or any species of trout, except lake trout and large or small mouth bass, caught during the lawful season respectively provided therefor, may be kept in possession [six] *ninety* days after the expiration of such season.

The provisions of section twenty-one of this act do not apply to a person who, having caught any fish during the closed season respectively provided therefor, immediately returns such fish in the condition in which it was captured to the water from which it was taken, nor shall

such provisions apply to fish artificially propagated under the authority of this act.

Section 3. Clauses (a), (c) and (d) of section 50 of the act, amended March 31, 1943 (P. L. 26), May 7, 1943 (P. L. 246), and March 19, 1956 (P. L. 1302), are amended to read:

Clauses (a), (c) and (d), section 50 of the act, amended March 31, 1943, P. L. 26, May 7, 1943, P. L. 246, and March 19, 1956, P. L. 1302, further amended.

Section 50. Devices to Catch Game-fish, Bait-fish and Fish-bait.—No person shall use any device, means, or method whatsoever, except as in this article otherwise provided, for taking fish from the waters within this Commonwealth, except the following; that is to say for:

(a) Game-fish, *not more than* two rods and two lines and one hand line, with not more than three hooks attached to [either] *any* line.

* * * * *

(c) [Pickerel and perch not more than five tip-ups.] *Any species, when fishing only through holes in the ice not more than five tip-ups or other legal devices.*

(d) [It] *Except as hereinafter provided in the case of rough fish or trash fish it shall be unlawful to take or attempt to take fish of any kind by the methods known as snatch-fishing, foul hooking, or snag-fishing, or the taking or fishing for fish with hook or hooks, baited or otherwise attached to rod or line or other device for the taking of or fishing for fish with any device whatsoever which may be used to capture any fish by engaging such device in, to or with any part of the body of a fish. Nothing in this section shall prohibit the use of long bows and arrows for taking or killing carp. Rough fish or trash fish, when so designated by the commission, may be taken with such devices and under such regulations as the commission determines.*

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Section 4. Section 71 of the act is amended to read:

Section 71 of the act, amended.

Section 71. Creel Limits. No person shall in any one day catch, kill, or have in possession [—the same being killed—] more than the number of fish herein designated for the respective species, that is to say:

- (a) Rock-bass, twenty-five;
- (b) Crappie, twenty-five;
- (c) Strawberry or calico, twenty-five;
- (d) Any species of black bass, [twelve] *six*;
- (e) Any species of grass pike, [twelve] *six*;
- (f) Any species of muscallonge, [twelve] *two*.

Section 5. Section 72 of the act, amended March 31, 1943 (P. L. 26), is amended to read:

Section 72 of the act, amended March 31, 1943, P. L. 26, further amended.

Section 72. Closed Season. No person shall catch, take, or have in possession [—the same being

killed—] any game-fish from the first day of December to the fourteenth day of June next ensuing, both dates inclusive: Provided, however, That pickerel and perch may be caught and taken, not exceeding the daily creel limits fixed by this act, during the months of December and January, but only when tip-ups are employed while fishing through holes in the ice.

Any person violating the provisions of sections seventy-one or seventy-two of this act shall on conviction, in the manner provided in chapter fourteen of this act, be subject to a penalty of five dollars for each and every fish caught, killed, or had in possession.

In addition to such penalty, the license of such person may be revoked for one year for the first offense, and two or more years for the second offense, at the discretion of the Board.

Section 185 of the act, amended April 20, 1949, P. L. 623, further amended.

Section 6. Section 185 of the act, amended April 20, 1949 (P. L. 623), is amended to read:

Section 185. Devices to Enable Fish to Migrate to be Erected at Dams.—Any person now or hereafter erecting or maintaining a dam in the waters of this Commonwealth, shall immediately, on a written order from the board, erect therein such chutes, slopes, fishways, gates, or other devices, as the board may deem necessary, to enable the fish to ascend and descend the waters at all seasons of the year, but in lieu of requiring the erection of such chutes, slopes, fishways, gates or other devices, at any dam where the same is not deemed by the board to be practicable or advisable for the ascending or descending of fish, the board is empowered to enter into an agreement with the owner, lessee, or operator of such dam, to pay to the board annually or at other stated periods, a sum of money, which shall be not less than two and one-half per centum per annum upon the estimated cost of the erection of such chutes, slopes, fishways, gates, or other devices, plus the estimated cost of reasonable depreciation and maintenance of the same, except in such cases where the sum of such interest, depreciation and maintenance so calculated would be equal to or exceed the sum of six thousand five hundred dollars (\$6500) per annum, *then the annual payment shall, in all such cases, be six thousand five hundred dollars (\$6500) per annum, to be expended by the board for the purpose of stocking with fish the waters of the pool above said dam, and for the purpose of propagating, rearing, and distributing the fish actually placed in said waters, and the acquisition of the necessary facilities therefor *as well as for carrying out such other fish managing practices at or in said waters as are deemed proper for the improvement of public fishing opportuni-*

* "than" in original.

ties therein. Any money received by the [board] *commission* pursuant to such an agreement shall be paid into the Fish Fund, and is hereby specifically appropriated to be expended by the [board] *commission* for the purposes above named.

Section 7. Section 251 of the act, amended June 24, 1939 (P. L. 834), is amended to read:

Section 251. Power of [Commissioner] *Executive Director* and His Agent to Fish; Rules and Regulations.—The [Commissioner] *Executive Director* or his agent may catch fish in any of the waters of this Commonwealth at any season of the year and with any kind of nets or devices. The [Commissioner] *Executive Director*, with the approval of the [Board] *commission*, may promulgate such rules and regulations for the angling, catching, *introduction* or removal of fish in or from any of the inland waters, artificial or otherwise, and the boundary lakes and boundary rivers of this Commonwealth, as he may deem necessary. To aid in the better protection of fish in any of the inland waters and boundary lakes and boundary rivers of this Commonwealth, the [board] *commission* may also reduce or increase open seasons and creel possession size and season limits, or may close or open seasons, as, in its judgment, may be necessary to conserve the future fish supply in any portion of the inland waters and boundary lakes and boundary rivers of this Commonwealth.

Section 251 of the act, amended June 24, 1939, P. L. 834, further amended.

To reduce or increase open seasons or creel limits, or to open or close seasons for fishing in any portion of the inland waters or boundary lakes or boundary rivers of the Commonwealth, the [board] *commission* shall prepare and distribute such posters or notices, as, in its judgment, may be necessary to give due notice of its regulations adopted hereunder.

Any person violating any of said rules and regulations shall upon conviction, as provided in chapter fourteen of this act, be sentenced to pay a fine of twenty dollars and in addition thereto, may be fined ten dollars for each fish caught, taken, or had in possession, contrary to such rules and regulations of the [board] *commission*.

Section 8. Section 258 of the act, amended April 22, 1929 (P. L. 621), is amended to read:

Section 258. Special Fish Wardens.—[The Board of Fish Commissioners, on written application of a properly organized fish protective association or on the written application of any association or individual owning or leasing waters, may appoint one or more special fish wardens for the county in which the application is made. The Board of Fish Commissioners may] *The Pennsyl-*

Section 258 of the act, amended April 22, 1929, P. L. 621, further amended.

vania Fish Commission may appoint special fish wardens to act anywhere within the Commonwealth. Newly appointed special wardens (excluding reappointments) may have a minimum of two weeks' training by the commission. All special fish wardens appointed under the authority of this section may exercise the powers of their appointments until the thirty-first day of December next succeeding the date of their appointment and no longer. Special fish wardens shall have the same powers and shall make the same reports as is conferred on and required from other fish wardens.

Section 273 of
the act,
amended.

Section 9. Section 273 of the act is amended to read :

Section 273. Arrests on Sunday and Holidays. Such arrests may be made on Sunday or any legal holiday, in which case the person so arrested shall be taken before the proper officer and proceeded against on the first lawful day following the arrest, *or he may acknowledge guilt and pay the penalty in full, as provided in section 279 of the act to which this is an amendment.*

APPROVED—The 28th day of June, A. D. 1957.

GEORGE M. LEADER

No. 220

AN ACT

Authorizing the Department of Highways to conduct a study and survey to determine the advisability of constructing a highway in Chester County.

State highways.

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

Department of
Highways to
conduct survey
and determine
advisability of a
highway near
Phoenixville in
Chester County.

Section 1. The Department of Highways is hereby empowered and its duty shall be to conduct a study and survey, at or near the intersection of routes 23 and 83, in Chester County west of Phoenixville to a point near Valley Forge, to determine the advisability of constructing, as part of the State highway system, a highway between such points to be located south of routes 23 and 83 over a route of approximately eight miles. In such study and survey due regard shall be had to the necessity and importance of such a highway from a traffic viewpoint as well as to the consideration of cost and feasibility of the highway at such location.

APPROVED—The 28th day of June, A. D. 1957.

GEORGE M. LEADER