

be established by resolution of the county commissioners in any county of the seventh and eighth class, which system, when established, shall be administered by a county retirement board which shall consist of the county commissioners, the county controller, if any, if not, then the chief clerk to the county commissioners, and the county treasurer. The chairman of the board of county commissioners shall be chairman of the board. Each member of the board may designate a deputy or clerk to act in his stead. Each member of the board shall take an oath of office that he will diligently and honestly administer the affairs of the board and that he will not knowingly violate or permit to be violated any of the provisions of this act. Such oath shall be subscribed by the member taking it and shall be filed among the records of the board. The members of the board shall not receive any compensation for their services, but shall be reimbursed for all expenses necessarily incurred in the performance of their duty.

Three members of the board shall constitute a quorum.

The retirement system herein provided for *in counties of the seventh and eighth class* shall be established on the first Monday of January of the year succeeding the one in which the resolution of the county commissioners was adopted, *and the system herein provided for in counties of the fifth and sixth class shall be established prior to the first Monday of January, 1963.*

APPROVED—The 18th day of August, A. D. 1961.

DAVID L. LAWRENCE

No. 446

AN ACT

Reenacting and amending section 13 and Article VII. of Chapter II. of the act of December 15, 1959 (P. L. 1779), 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," removing the requirement that fishermen be licensed in order to fish in certain regulated fishing lakes; further regulating the issuance of permits or bills of sale for fish caught in such lakes; changing penalties relating to such lakes; and harmonizing language of existing law.

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

Section 1. Section 13 and Article VII. of Chapter II. act of December 15, 1959 (P. L. 1779), known as "The Fish Law of 1959," amended in effect November 19, 1959 (P. L. 1544), are reenacted and amended to read:

The Fish Law of 1959.

Section 13,
Article VII.,
Chapter II., act
of December 15,
1959, P. L. 1779,
amended in
effect November
19, 1959, P. L.
1544, reenacted
and amended.

Section 13. Regulated Fishing Lake Defined.—The term “regulated fishing lake,” as used in this chapter, means any artificial or man made pond or lake *other than farm ponds or lakes as defined in section 56 of this act* 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.

CHAPTER II. FISHING REGULATIONS APPLYING TO INLAND WATERS

* * *

ARTICLE VII. REGULATED FISHING LAKES

Section 59. Licenses.—(a) The Commission shall, upon application therefor accompanied by a license fee as hereinafter prescribed, issue a regulated fishing lake license effective from the first day of January to the thirty-first day of December to the owner, lessee or person controlling in any manner a 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 60. Exemption from Limitations.—The provisions of sections 20 and 21 of this act shall not apply to regulated fishing lakes stocked with fish from commercial hatcheries or licensed fisheries, nor to persons fishing in or fish caught in such lakes.

Section 61. Permits and Bills of Sale.—The owner or person in charge of any regulated fishing lake shall [, during closed seasons for any species of fish, or when fish in numbers exceeding the legal creel limit may be taken,] issue consecutively numbered permits or bills of sale to all fishermen catching or taking [that species or those numbers of] fish from the 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 regulated fishing lake.

[(3)] (2) Number [of fish of the species for which the season is closed or creel limit exceeded] *and species of the fish caught.*

[(4)] (3) Date of issue.

Section 62. Files.—Any person, owning or operating a 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 lake.

Section 63. Fishermen *Not Required to Possess Licenses to Fish in Certain Regulated Fishing Lakes.*— [Any fisherman] *When patronizing a regulated fishing lake [shall have in possession a valid] (i) which has been issued a regulated fishing lake license, and (ii) the source of water of which comes from springs run-off or small feeder streams or from private water largely originating on the property of the regulated fishing lake or water to which the fishing lake has riparian rights as determined by the Commission, a fisherman shall not be required to possess a fishing license issued pursuant to section 220 or 221 of this act. When patronizing any regulated fishing lake for which the Commission has not determined the conditions hereinbefore set forth to exist, a fisherman shall be required to possess a fishing license issued pursuant to section 220 or 221 of this act.*

Section 64. Penalty.—Except as herein otherwise provided, any owner or operator of a 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 dollars (\$100.00).

In addition thereto, for any second or subsequent violation, the owner's or operator's regulated fishing lake license may be revoked for one 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] 65. 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)] *one hundred dollars (\$100.00)*.

Section 2. The act of November 19, 1959 (P. L. 1544), which amended the act of May 2, 1925 (P. L. 448), known as "The Fish Law of 1925," and being enacted at the same session of the Legislature as the act of December 15, 1959 (P. L. 1779), known as "The Fish Law of 1959," was thereby saved from repeal is hereby repealed. Specific repeal.

APPROVED—The 18th day of August, A. D. 1961.

DAVID L. LAWRENCE

No. 447

AN ACT

Amending the act of May 15, 1933 (P. L. 624), entitled, as amended, "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers,

including the conversion of National banks into State banks, and for the licensing of private bankers and employes' mutual banking associations; defining the rights, powers, duties, liabilities, and immunities of such corporations; of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers and employes' mutual banking associations, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations, employes' mutual banking associations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," changing certain provisions with respect to the payment of interest on deposits and further regulating approval of articles of merger or consolidation by the Department of Banking.

Banking Code.

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

Section 1003, act of May 15, 1933, P. L. 624, amended July 2, 1935, P. L. 542 and September 11, 1959, P. L. 881, further amended.

Section 1. Section 1003, act of May 15, 1933 (P. L. 624), known as the "Banking Code," amended July 2, 1935 (P. L. 542) and September 11, 1959 (P. L. 881), is amended to read:

Section 1003. Interest on Deposits.—A. A bank or a bank and trust company shall have the power to credit and pay on all deposits such interest as may be established, from time to time, by agreement or regulation. Such interest shall be paid to the respective depositors, or credited to their accounts, at least annually, and in the case of certificates of deposit, interest shall be paid or accrued at least annually. The department may, from time to time, limit by regulation the maximum rate of interest which may be paid by a bank or a bank and trust company; may classify deposits according to maturities, locations of banks and of bank and trust companies; *may prescribe* conditions respecting receipt, withdrawal, or repayment, or otherwise, as may be deemed advisable in the public interest; and may prescribe different maximum rates for deposits of different classes.

[B. A bank or a bank and trust company shall not credit or pay any interest on any deposit for a longer period than it has been deposited with the bank or bank and trust company, except that deposits made not later than the tenth business day of any month which commences a regular quarterly or semi-annual interest period or the fifth business day of any other month, or deposits withdrawn upon one of the last three business days of the month ending any annual, semi-annual or quarterly interest period, may have interest declared upon them for the whole of the period or month in which they were so deposited or withdrawn. It shall also be lawful for deposit accounts closed between interest pe-