

Section 3. Section 3 of the act is amended to read :

Section 3 of the act, amended.

Section 3. [The] (a) *Except for the purposes of subsection (b) of this section as used in this act, the word "person" includes an individual, copartnership, association and corporation.*

(b) *As used in this act, the word "obscene" means that which to the average person applying contemporary community standards has as its dominant theme taken as a whole an appeal to prurient interest.*

Section 4. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 22nd day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 671

AN ACT

Amending 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," integrating existing law giving protection to and regulating the catching, taking, killing or having possession of frogs, tadpoles and turtles into the act; providing penalties for violation of provisions relating to frogs, tadpoles and turtles; and repealing certain acts.

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

The Fish Law of 1959.

Section 1. The title of the act of December 15, 1959 (P. L. 1779), known as "The Fish Law of 1959," is amended to read :

Title, act of December 15, 1959, P. L. 1779, 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.

New title.

Section 2. Sections 270, 274, 276 and subsection (a) of section 279 of the act are amended to read :

Sections 270, 274, 276 and subsection (a), section 279 of the act, amended.

Section 270. Powers of Officers to Destroy Unlawful Devices and Make Arrests.—Any fish warden, special warden, sheriff, constable or any special officer, or any peace officer in this Commonwealth, is hereby authorized and required to proceed, with such force of the county as may be necessary to confiscate and turn over to the Commission any device for catching fish, *frogs, tadpoles or turtles*, used contrary to or prohibited by law in any

of the waters within or on the boundary of or adjoining to this Commonwealth. Such officers are hereby required to arrest with or without warrant any person owning, placing or using such device or violating any provisions of this act.

Section 274. Penalty upon Officers for Failure to Perform Duties.—Any sheriff, deputy sheriff, constable, special officer or other peace officer of this Commonwealth, refusing or neglecting to proceed with such force of the county to forthwith remove and destroy any existing device illegally used for the catching of fish, *frogs, tadpoles or turtles*, within its jurisdiction, after being notified, in writing, of the existence of such illegally used device, or any such officer neglecting or refusing to remove or destroy any such illegal device for catching fish, *frogs, tadpoles or turtles*, within the Commonwealth of which he shall be cognizant, shall, on conviction as provided in this chapter, be sentenced to pay a fine of fifty dollars (\$50.00).

Section 276. Prima Facie Evidence.—In all cases of arrest for the violation of any of the provisions of this act the possession of the fish, *frogs, tadpoles or turtles*, or of the nets or appliances, or the possession of or operation of any other device herein prohibited, shall be prima facie evidence of the violation of this act.

Section 279. Certain Costs to Be Paid by Commission.—(a) Whenever any fish warden or other peace officer makes a complaint before any alderman, magistrate or justice of the peace, and secures a search warrant to search for fish, *frogs, tadpoles or turtles*, caught, taken, killed or possessed contrary to the provisions of this act or for any device used for catching fish, *frogs, tadpoles or turtles*, contrary to the provisions of this act, and no such fish, *frogs, tadpoles or turtles*, or device is found during such search, all costs in such proceeding shall be paid by the Commission.

* * * * *

Act amended by
adding a new
Chapter XVI.

Section 3. The act is amended by adding, after Chapter XV., a new chapter to read:

CHAPTER XVI. FROGS, TADPOLES AND TURTLES.

Section 300. Unlawful Acts Relating to Frogs, Tadpoles and Turtles.—(a) It shall be unlawful for any person:

(1) To catch, take or kill any frogs or tadpoles from the first day of November to the first day of July, both dates inclusive, in any of the waters within this Commonwealth or in the boundary waters thereof.

(2) To catch, kill or have in possession in any one day more than fifteen frogs, and each and every frog so taken, caught or had in possession in excess of fifteen shall constitute a separate offense.

(3) To catch, take, kill or have in possession in any one day more than fifteen tadpoles, and each and every tadpole so taken, caught or had in possession in excess of fifteen shall constitute a separate offense.

(4) To catch, take, kill or have in possession more than ten turtles in any one day. Hooks used for taking turtles by set line shall be not less than three and one-half inches long with not less than one inch space between point and shank. Each turtle taken, caught or had in possession in violation of this clause shall constitute a separate offense.

(5) To catch, take or kill any frogs by the use of a light at night.

(b) Any person violating the provisions of clauses (1), (2), (3) or (4) of this section shall, on conviction as provided in chapter XIV. of this act, be subject to a penalty of ten dollars (\$10.00) for each offense. Any person violating the provisions of clause (5) of this section shall, on conviction as provided in chapter XIV. of this act, be subject to a penalty of twenty-five dollars (\$25.00).

Section 301. Fishing License Required.—Frogs and turtles may be taken only by persons holding valid Pennsylvania fishing licenses.

Section 4. The chapter heading of chapter XVI. and sections 300, 301 and 302 of the act are amended to read:

Chapter heading
XVI and sections
300, 301 and
302 of the act,
amended.

CHAPTER [XVI] XVII. CONSTRUCTION;
REPEALER AND EFFECTIVE DATE.

Section [300] 310. Construction.—It is the intent of this act to prescribe an exclusive system for the angling, catching and taking of fish, and for their propagation, management and protection in waters within, bounding on, or adjacent to, this Commonwealth, but this act shall not repeal any law relating to the taking and catching or for the protection of frogs, tadpoles and turtles.

Section [301] 311. Repealer.—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,” is repealed.

Section [302] 312. Effective Date.—This act shall take effect immediately, except as to the provisions con-

cerning fees and licenses which shall take effect January 1, 1960.

Specific repeal.

Section 5. The act of May 29, 1917 (P. L. 322), entitled, as amended, "An act to give protection, and to regulate the catching or taking or having in possession, within this Commonwealth, of any turtles, frogs, and tadpoles; and providing penalties and punishments for violation of any of the provisions of this act, and the manner or proceeding to enforce compliance therewith; and providing for the disposition of the penalties and fines recovered and received; and how, and by whom, the costs in such cases shall be paid," is repealed.

APPROVED—The 22nd day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 672

AN ACT

Amending the act of July 11, 1917 (P. L. 758), entitled "An act for the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribing, and use of certain drugs, and keeping records thereof; by regulating the use of drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veterinarians, pharmacists, druggists, and registered nurses for certain causes, and by providing for the enforcement of this act, and penalties," changing penalties for illegal sale, dispensing or giving away of drugs.

Drugs.

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

Subsection (a1), section 12, act of July 11, 1917, P. L. 758, amended July 19, 1957, P. L. 1013, further amended.

Section 1. Subsection (a1) of section 12, act of July 11, 1917 (P. L. 758), entitled "An act for the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribing, and use of certain drugs, and keeping records thereof; by regulating the use of drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veterinarians, pharmacists, druggists, and registered nurses for certain causes, and by providing for the enforcement of this act, and penalties," amended July 19, 1957 (P. L. 1013), is amended to read:

Section 12. * * *

Possession of drugs in violation of act made a felony.

First offense.

(a1) Any person who sells, dispenses or gives away any drugs in violation of the provisions of this act shall be guilty of a felony, and, upon conviction thereof, shall be sentenced as follows: for a first offense, to pay a fine