

As used in this section, the word "tenant" shall include a subtenant holding under a sublease from a tenant under a prime lease from the owner or from a subtenant under a sublease provided that the prime lease and the intervening subleases, if any, or memoranda thereof complying with the provisions of the act of June 2, 1959 (P. L. 454) shall have been recorded in the office of the recorder of deeds of the proper county at or before the time of recording of the sublease to such subtenant. As applied to a mortgage made by a subtenant, the word "lease" wherever used in this section shall mean sublease.

Section 2. This amendment shall not be construed as derogating from the validity of any mortgage heretofore recorded together with or which contains a reference to the recording of such a lease or sublease or memorandum of lease or of sublease.

Section 3. This act shall take effect immediately.

APPROVED—The 30th day of November, A. D. 1967.

RAYMOND P. SHAFER

No. 307

AN ACT

HB 1240

Amending the act of July 17, 1961 (P. L. 659), entitled "An act relating to bituminous coal mines; amending, revising, consolidating and changing the laws relating thereto; providing for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith; prescribing powers and duties in connection therewith; prescribing penalties; and repealing existing laws," providing for the employment of noncertified miners and imposing powers and duties on mine foremen and their assistants.

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

Section 1. Section 211, subsections (a) and (c) of section 212, and section 215, act of July 17, 1961 (P. L. 659), known as the "Pennsylvania Bituminous Coal Mine Act," are amended to read:

Section 211. Certification of Miners.—No person shall be employed or engaged as a miner in any bituminous coal mine in this Commonwealth, except as hereinafter provided for, without first having obtained a certificate of competency and qualification: Provided, however,

That any miner holding such certificate may have a maximum of two persons working for him and under his direction as [apprentices] noncertified miners for the purpose of learning the business of mining and such [apprentice] noncertified miner or [apprentices] noncertified miners shall be permitted to work under the direction of such miner [, at the face,] without a certificate. Other noncertified miners may be employed or engaged as miners as provided in sections 220 and 225 of this act. For the purposes of this act, in order to determine who shall be required to possess certificates, the term "miner" shall mean only underground workers in bituminous coal mines who cut, drill, blast or load coal or rock at the face of an entry, room, pillar, or other working place, or workers who do general work; also timbermen and ¹trackmen whose duties require them to set timbers and lay or repair tracks at the working faces, and motormen, and shuttle car operators, except as hereinafter provided.

Section 212. Qualifications for Certification as Miners.—Miners shall be examined and granted certificates by the district board of examiners or the mine inspector in the district under such rules and regulations as the secretary shall prescribe.

(a) No person shall be qualified to take the examination unless he produces evidence of having had not less than one year's practical experience in the bituminous coal mines of this Commonwealth as a miner or who has served as a [miner's apprentice] noncertified miner for a period of not less than one year. A certificate shall not be granted unless the applicant appears in person before the board or mine inspector and answers orally, intelligently and correctly, at least eight practical questions propounded to him.

* * *

(c) Supervisory and technically trained employes of the operator whose work contributes only indirectly to mine operations, employes who are not performing the work of a miner as that term is defined in this act, and [apprentices of] noncertified miners, shall not be required to possess a miner's certificate.

Section 215. Unlawful to Use Noncertified Miners.—No person shall be employed as a miner, as the term is defined for the purpose of this act, other than as [an apprentice] a noncertified miner as provided in sections 220 and 225 of this act, in any bituminous coal mine in this Commonwealth, without first having obtained a certificate of competency and qualification as provided for in this act, except as hereinbefore stated; nor shall any person, firm or corporation, or his

¹ "truckmen" in original.

or its agent, ¹employ as a miner, other than as [an apprentice] a noncertified miner as provided in sections 220 and 225 of this act,

any person who does not hold such certificate, except as aforesaid.
Section 2. Section 220 of the act is amended by adding, at the end thereof, a new paragraph to read:

Section 220. Employment of Assistant Mine Foreman.—* * *

Any assistant mine foreman may supervise and direct the work of a maximum of two noncertified miners and he shall instruct such person or persons how safely and properly to perform his or their work.

Section 3. Section 225 of the act is amended to read:

Section 225. Mine Foreman; Employment of Competent Persons.
—The mine foreman under rules and regulations approved by the secretary covering a training period for each occupation, shall see

that no person is employed to work in any mine until he has given satisfactory proof that he can do the work allotted to him without endangering the lives of his co-employees, unless said person is put to work with [an experienced employe whose duty it shall be to instruct such inexperienced person how safely and properly to perform his work] a certified miner.

APPROVED—The 30th day of November, A. D. 1967.

RAYMOND P. SHAFER

—
No. 308

AN ACT

HB 1310

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," increasing the penalties for the crime of shoplifting.

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

Section 1. Subsection (a) of section 816.1, act of June 24, 1939 (P. L. 872), known as "The Penal Code," amended November 10, 1965 (P. L. 707), is amended to read:

Section 816.1. Shoplifting.—(a) Whoever shall wilfully take possession of any goods, wares or merchandise offered for sale by any

¹"employe" in original.