

No. 444
AN ACT

SB 841

Amending the act of December 15, 1959 (P. L. 1779), entitled, as 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," authorizing the Fish Commission to bring a trespass action against persons destroying fish.

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

Section 1. The act of December 15, 1959 (P. L. 1779), known as "The Fish Law of 1959," is amended by adding after section 202, a new section to read:

Section 202.1. Civil Suits.—(a) The Commonwealth in its sovereign capacity as the guardian and trustee for the people of Pennsylvania of all the natural resources of Pennsylvania, including fish and aquatic life, is hereby declared to have sufficient interest in said fish, and aquatic animals living in a free state to give it standing, through its duly authorized agencies, to recover damages in civil action against any person or persons who unlawfully or negligently kill or otherwise destroy any fish or other aquatic animals by pollution.

(b) The proprietary ownership, jurisdiction over and control of fish and aquatic animals living free in nature, including bait-fish and fish-bait, as defined in this act, are hereby declared to have been achieved through the continued expenditure of Commonwealth funds and efforts to protect, perpetuate, propagate and maintain populations of fish, bait-fish and fish-bait within the waters of the Commonwealth as a renewable natural resource of the Commonwealth.

(c) The Fish Commission, as an agency of the Commonwealth duly authorized to regulate, control, manage and perpetuate the fish and other aquatic life in the waters of the Commonwealth may, in addition to criminal penalties provided in this act, bring civil suits in trespass

on behalf of the Commonwealth for the value of any fish, bait-fish or fish-bait, destroyed in violation of section 200 of this act.

APPROVED—The 19th day of January, A. D. 1968.

RAYMOND P. SHAFER

No. 445

AN ACT

SB 1241

Amending the act of July 7, 1955 (P. L. 258), entitled "An act providing for anthracite mine drainage, contingent on Federal aid, and making an appropriation," removing certain restrictions and adding certain powers.

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

Section 1. Section 2, act of July 7, 1955 (P. L. 258), entitled "An act providing for anthracite mine drainage, contingent on Federal aid, and making an appropriation," amended August 16, 1961 (P. L. 993) and September 7, 1961 (P. L. 1241), is amended to read:

Section 2. In such event the Department of Mines and Mineral Industries shall construct ditches, flumes, backfill stripping pits and cropfalls, and improve stream beds for the purpose of preventing the flow of surface water into mines, and shall purchase the necessary materials for the same, and also shall purchase and install pumps, pipes, machinery, equipment and materials for the purpose of pumping water from abandoned mines, and shall seal abandoned coal mines and fill voids in abandoned coal mines in those instances where such work is in the interest of public welfare: Provided, however, That the Commonwealth shall not bear any operating and maintenance costs whatsoever other than one-half of the power pumping costs and shall not bear the installation costs of any underground facilities; however, this restriction shall not apply and shall not pertain to cases of emergencies endangering life created by the flooding of mines, nor shall the functions herein set out be restricted to abandoned mines in cases of such emergency.

In such instances, upon the prior determination by the Secretary of Mines and Mineral Industries when the Secretary of the Interior of the United States of America operating under the Federal companion legislation has likewise ruled that an emergency exists, the Department of Mines and Mineral Industries shall: