

of assistance, and on certain State and local officers and employes, and on charitable institutions, persons, co-partnerships, associations, corporations, and State and Federal employment officers; and requiring payments to the Commonwealth on account of certain work performed," is repealed.

APPROVED—The 14th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 458

AN ACT

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," increasing certain fees, exempting certain persons from the requirements of a license, and limiting the amount of fish that may be retained; and providing specially for the fee to be charged certain older persons.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: The Fish Law of 1959.

Section 1. Subsection (a) of section 220 and subsections (a) and (b) of section 221, act of December 15, 1959 (P. L. 1779), known as "The Fish Law of 1959," are amended to read:

Subsection (a), section 220 and subsections (a) and (b), section 221, act of December 15, 1959, P. L. 1779, amended.

Section 220. Resident Fishing License; Fees.—(a) For the purposes of this article, every person sixteen years of age and upward, upon application to any issuing agent within the Commonwealth, or to the Department of Revenue, and upon the establishment of his identity to the satisfaction of the issuing agent or the Department of Revenue by producing a bank book, letters, lodge cards, police cards, a motor vehicle operator's permit or some other positive means of identification, that he has been a bona fide resident of this Commonwealth for a period of sixty days next preceding his application and was born in the United States, and in the case of naturalized foreign-born residents, the production of such applicant's naturalization papers, shall, upon the payment to the issuing agent or the Department of Revenue of a license fee of [three dollars and twenty-five cents (\$3.25)] *five dollars (\$5.00), except as herein-after provided for persons sixty-five years of age and over*, for the use of the Commonwealth, and in the event that the license is issued by an issuing agent, a fee of [fifteen cents (15¢)] *twenty cents (20¢)* for the use

of the issuing agent, be entitled to the license herein referred to as a "resident fishing license." *Residents with the above qualifications, who are sixty-five or more years of age at the time of application, shall be entitled to a "resident fishing license" upon payment to said agent or the Department of Revenue of a license fee of two dollars (\$2.00) for the use of the Commonwealth, and in the event that the license is issued by an issuing agent, a fee of twenty cents (20¢) for the use of the issuing agent. The application for the issuance of a license in such cases shall, in addition to the other information required, give the date of birth of the applicant.*

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Section 221. Nonresident and Alien Nonresident Fishing License Fees; Tourist Fishing License Fees for Nonresidents and Alien Nonresidents.—(a) For the purposes of this article, every person, twelve years of age and upward, upon application to any issuing agent within the Commonwealth or to the Department of Revenue, and the presentation of proof that he is an alien or a nonresident of this Commonwealth, shall, upon the payment to the issuing agent or the Department of Revenue of the sum of [seven dollars and fifty cents (\$7.50), plus a trout stamp license, in cases where it is required, of five dollars (\$5.00)] *nine dollars and fifty cents (\$9.50)*, and in the event the license is issued by an issuing agent, the payment of [fifteen cents (15¢)] *twenty cents (20¢)* for the use of the issuing agent, be entitled to the license herein referred to as a "nonresident fishing license."

(b) For the purposes of this article, every person, twelve years of age and upward, upon application to any issuing agent within the Commonwealth or to the Department of Revenue and the presentation of proof that he is a nonresident of the Commonwealth, shall, upon the payment to the issuing agent or the Department of Revenue a license fee of [three dollars and twenty-five cents (\$3.25)] *five dollars (\$5.00)* for the use of the Commonwealth, and in the event that the license is issued by an issuing agent, a fee of [fifteen cents (15¢)] *twenty cents (20¢)* for the use of the issuing agent, be entitled to the license herein referred to as a "tourist fishing license," which shall be valid for a period of five consecutive days.

In case the license certificate is lost or destroyed, a new license may be secured from the Department of Revenue upon making affidavit to that effect and the payment of a fee of fifty cents (50¢).

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Section 2. Section 225 and clause (n) of section 290 of the act are amended to read:

Section 225 and clause (n), section 290 of act, amended.

Section 225. Issuing Agent to be Agent of the Commonwealth; Monthly Payment to State Treasurer; Duplicate Report.—The issuing agents in the several counties shall be agents of the Commonwealth for the collection of said license fees unless and until the Department of Revenue shall determine, with the approval of the Governor, to issue all of said licenses directly: Provided, That the Department of Revenue may recall the appointment of any agent at any time with or without cause, and shall recall the appointment of any agent, either upon receipt of evidence that such agent has not complied with the requirements of this act, or upon receipt of a recommendation from the Executive Director that such agent be recalled because of carelessness or other fault in the issuance of licenses. For services rendered in collecting and paying over the said fees, the said issuing agents, as long as they continue to act in that capacity, shall be allowed to collect and retain the sum of [fifteen cents (15¢)] *twenty cents (20¢)* for each resident and nonresident fishing license as provided in section 221 of this act, which amount shall be full compensation for services rendered by them under the provisions of this act. Such compensation shall be retained by the respective issuing agents, said compensation to cover, among other things, the cost of issuing licenses, postage, mailing, *returns and bonding of said agents.

All license fees, except said agent's fees, paid to an issuing agent under this act, shall be, by such agent, paid into the State Treasury through the Department of Revenue, at least once a month, to be applied to the purposes hereinafter provided. Such issuing agent shall make a return to the Department of Revenue, upon a form to be supplied by the Department of Revenue, and shall in all such cases forward a duplicate of such report to the Executive Director at Harrisburg. Any issuing agent who shall fail to comply with any of the provisions of this act shall not be entitled to retain the sum herein fixed for his services, but such sums shall be paid to the State Treasurer, and if not so paid, may be recovered by the Commonwealth by suit in the same manner as like amounts are now recoverable by law.

Every agent designated to issue fishing licenses shall give bond to the Commonwealth in a sum not less than one thousand dollars (\$1000.00) before the annual supply of licenses is delivered to him.

Section 290. Fish License Fund Established.—All fees, fines, penalties and other moneys paid, received and

* "return" in original.

collected (i) under the provisions of any law repealed and replaced by this act and now held in the State Treasury as a fund or any part of a fund separate and apart from the various purposes designated by law, or (ii) that may be hereafter paid, recovered, received and collected under the provisions of any act repealed and replaced by this act, or (iii) that may be paid, received, recovered and collected under the provisions of this act, shall be placed in a separate fund by the State Treasurer to be known as "The Fish Fund," and shall be used solely for the payment of all expenses incurred by the Department of Revenue in procuring, issuing or supervising the issuance of resident and nonresident fishing licenses, and under the direction of the Commission for the following purposes:

* * * * *

(n) [The] *With the exception of fees received from the issuance of resident fishing licenses to persons sixty-five years of age and over, the sum of [one dollar (\$1.00)] fifty cents (50¢) from each resident and nonresident fishing license fee shall be used exclusively for (i) the acquisition, leasing, development, management and maintenance of public fishing waters and of areas for providing access to fishing waters and the carrying out of lake and stream reclamation and improvement, (ii) the rebuilding of torn out dams, and (iii) the study of problems related to better fishing but in no event shall any of the funds be used for propagation of trout. All moneys received under the provisions of this clause, and all expenditures made from such moneys, shall be shown in detail by the Commission in every annual report or annual statement rendered by it.*

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Section 226 of act amended by adding a new paragraph.

Section 3. Section 226 of the act is amended by adding, at the end thereof, a new paragraph to read:

Section 226. Unlawful to Fish without License.—

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The provisions of this section shall not apply to those persons who are so severely handicapped that they are unable to cast or retrieve a line or to bait hooks and remove fish: Provided, That only one line is used and the handicapped person is within ten feet of the line when it is in the water. The provisions shall also not apply to the attendant of the handicapped person so long as he is assisting the handicapped and using his line. Any handicapped person so exempted from the requirement of a license shall only be entitled to retain each day one fish weighing five pounds or more, or smaller fish aggregating not more than five pounds.

* "events" in original.

Section 4. The changes in license fees and fees for issuing agents provided for in this amending act shall be applicable to licenses issued for the license period beginning March 1, 1964. Applicability.

APPROVED—The 14th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 459

AN ACT

Prohibiting future need sales of cemetery merchandise and services, funeral merchandise and services, except under certain conditions; requiring the establishment of and deposit into a merchandise trust fund of certain amount of the proceeds of any such sale; providing for the administration of such trust funds and the payment of money therefrom; conferring powers and imposing duties on orphans' courts, and prescribing penalties.

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

Future need sales for death and interment.

Section 1. Except as hereinafter provided, no person shall, directly or indirectly or through an agent, offer to enter into or enter into a contract for the sale of personal property or for the furnishing of personal services to be used in connection with the interment of a deceased human being wherein the personal property is not to be delivered or the personal services are not to be performed until the death at some future time of the person for whose interment such property or services are to be furnished.

No one to enter contract providing for future death and interment services except as hereinafter provided.

Section 2. (a) Any person entering into any such contract as the seller shall deposit into a merchandise trust fund, established for that purpose with a banking institution in the Commonwealth authorized to perform trust functions, as trustee of such fund, seventy per cent of the retail sale price of the personal property or personal services so sold for future need.

A seller must deposit 70% in a "merchandise trust fund" as trustee in authorized bank in the State.

(b) The deposit herein required to be made into such merchandise trust fund shall be made within thirty days after the end of the month in which the final payment of the purchase price provided for under such contract is received by the seller from the purchaser or otherwise. Prior to receipt by the seller of final payment of the purchase price provided for under any such contract, the seller, at the end of each month, shall deposit, in a special account in a banking institution properly identified as being for such purpose, all payments on account

Conditions restricting the seller to making deposits.