

**LAWS**  
OF THE  
**STATE OF DELAWARE**

ONE HUNDRED AND TWENTY-SEVENTH  
GENERAL ASSEMBLY

FIRST SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 2, A. D.  
1973

SECOND SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 8, A. D.  
1974

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**PART II**  
**VOLUME LVIX**

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## CHAPTER 415

## FORMERLY HOUSE BILL NO. 936

**AN ACT TO AID DAGSBORO VOLUNTEER FIRE COMPANY WHICH IS ORGANIZED TO MAINTAIN AN AMBULANCE AND RESCUE TRUCK IN THE PUBLIC SERVICE, BY MAKING AN APPROPRIATION THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the members elected to each House concurring therein):*

Section 1. There is appropriated \$2,000 to the Dagsboro Volunteer Fire Company, Dagsboro, Delaware; of which \$1,100 shall be used for the maintenance and operation of an ambulance in the public service; and \$900 shall be used for the maintenance and operation of a rescue truck in the public service.

Section 2. This act is a supplementary appropriation act for the fiscal year ending June 30, 1974, and the monies appropriated shall be paid by the State Treasurer out of monies in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 30, 1974.

CHAPTER 416

FORMERLY HOUSE BILL NO. 978

**AN ACT TO AMEND CHAPTER 218, VOLUME 59, LAWS  
OF DELAWARE, RELATING TO THE MOTOR FUEL  
TAX**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Amend Chapter 218, Volume 59, Laws of Delaware, by repealing Section 2 thereof.

Approved June 30, 1974.

## CHAPTER 417

FORMERLY SENATE BILL NO. 669  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1**AN ACT TO AMEND CHAPTER 45, TITLE 7, DELAWARE  
CODE, RELATING TO THE LITTERING OF PUBLIC  
BEACHES AND PROVIDING A PENALTY THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all members elected to each House thereof concurring therein):*

Section 1. Amend §4506 of Chapter 45, Title 7, Delaware Code, by striking said section in its entirety and substitute a new §4506 to read as follows:

**§4506. Supervision and control of public lands by Department of Natural Resources and Environmental Control; Public beaches; penalty**

(a) The public lands of this State, as ascertained in regard to location, surveyed and plotted under the supervision and direction of the Public Lands Commission, created in accordance with the provisions of Chapter 5, Volume 27, Laws of Delaware, shall be under the supervision and control of the Department of Natural Resources and Environmental Control which department may care for the public lands. All powers given to said Public Lands Commission shall be exercised by the Department of Natural Resources and Environmental Control.

(b) It shall be unlawful to place, dump or throw rubbish, garbage, refuse, trash or other debris of any kind within any public beach of this State, except in such receptacles as are provided for such purpose. Whoever violates this provision shall be fined not less than \$50 nor more than \$100, together with costs of prosecution, and in default of payment of the fine and costs shall be subject to the provisions of Section 4106 of Title 11, Delaware Code.

All law enforcement agencies, to include Environmental Protection Officers of the Department of Natural Resources and

Environmental Control, shall have equal authority to enforce the provisions of this section. Justices of the Peace shall have jurisdiction of offenses under this section.

Approved July 2, 1974.

## CHAPTER 418

FORMERLY HOUSE BILL NO. 413  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1AN ACT TO CREATE SECTION 919 OF THE DELAWARE  
CODE, TITLE 7, ENTITLED "MENHADEN FISHING".

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the members elected to each House thereof concurring therein):*

Section 1. Amend Subchapter 1, Chapter 9, Title 7, Delaware Code, by adding thereto a new Section 919 to read as follows:

**§919. Menhaden fishing**

(a) Menhaden fishing will not be permitted in any state waters on any Saturday, Sunday or holiday between the Friday before Memorial Day and the Sunday following Labor Day.

(b) Menhaden fishing will not be permitted within one-half mile of any heavily populated beach or fishing pier.

(c) All pump outlets, except normal engine cooling water, must be discharged through the bottom of the vessel.

(d) Approved anti-foaming agents must be applied to all fish pump discharge waters to dissipate foam when fishing within three miles of the shore in the Atlantic Ocean, and in all bays, rivers, sounds and inlets.

(e) All menhaden vessels must be equipped with refuse and garbage cans, and all such cans must be emptied at the plant when the vessel docks. Garbage, refuse or litter shall not be thrown overboard at any time.

(f) Dead fish shall not be released at any time. Should there be more fish in the net than can be handled, the captain shall immediately call another vessel to take the excess fish.

(g) At the end of each set, the fish which the pump will not transfer to the vessels hold, must be loaded aboard manually. No loose fish are to be thrown overboard at any time.

(h) Any captain found guilty of violating any of the provisions so set forth above shall be fined five-hundred dollars (\$500.00) for the first offense and two-thousand five hundred dollars (\$2,500.00) for each offense thereafter.

(i) Every vessel over 65 feet in length shall obtain a license before fishing for menhaden in the territorial waters of this State. The fee for such license shall be \$100 and shall be payable to the Department or its duly authorized agent. Whoever violates the provisions of this section shall be fined Five hundred dollars (\$500) for the first offense and Two thousand five hundred dollars (\$2,500) for each offense thereafter. Violation of this section is a misdemeanor.

Approved July 2, 1974.

## CHAPTER 419

## FORMERLY HOUSE BILL NO. 830

**AN ACT MAKING AN APPROPRIATION TO BIG BROTHERS ASSOCIATION OF NORTHERN DELAWARE, INC.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the members elected to each House thereof concurring therein):*

Section 1. The sum of \$12,500 is appropriated to Big Brothers Association of Northern Delaware, Inc.

Section 2. This Act is a supplementary appropriation for the fiscal year ending June 30, 1975, and the monies appropriated shall be paid by the State Treasurer out of monies in the General Fund of the State of Delaware not otherwise appropriated.

Approved July 8, 1974.

CHAPTER 420

FORMERLY HOUSE BILL NO. 734

**AN ACT TO AMEND CHAPTER 1, TITLE 14 OF THE DELAWARE CODE BY REQUIRING THE STATE BOARD OF EDUCATION TO ESTABLISH REGULATIONS TO ASSURE THE PRESERVATION OF SCHOOL EMPLOYEE PERSONNEL RECORDS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Amend subsection (b), Section 122, Chapter 1, Title 14 of the Delaware Code, by adding a new paragraph (19) thereto, which shall read as follows:

“(19) Assuring the permanent maintenance of the personnel records of all employees in all the school districts of the State, including those employees who terminated employment in the district, for a period of not less than forty (40) years, such records to include, but not be limited to, all annual salaries and sick leave and vacation information.”

Approved July 8, 1974.