

twenty-second day of May, one thousand nine hundred thirty-three (Pamphlet Laws, eight hundred fifty-three), entitled "The General County Assessment Law," in so far as it applies to or is effective in such city, and any act of Assembly in force in such city, in so far as it is inconsistent with the provisions of this act, shall be annulled.

APPROVED—The 13th day of October, A. D. 1965.

WILLIAM W. SCRANTON

No. 308

AN ACT

SB 591

Amending the act of June 3, 1937 (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto," providing for the issuance of permits to release and retrap bobwhite quail for dog training purposes, and providing penalties.

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

Section 1. Section 401, act of June 3, 1937 (P. L. 1225), known as "The Game Law," amended August 24, 1951 (P. L. 1346) and July 22, 1965 (Act No. 129) (P. L. 232), is amended to read:

Section 401. Commission Empowered to Grant Permits.—Under the conditions and limitations hereinafter prescribed, the commission may grant permits at its discretion to citizens of the United States who, unless otherwise specified, shall be residents of the Commonwealth and twenty-one years old or over, which permits shall be in such form as the commission may determine and shall expire on June thirtieth of each year, except the permit for a disabled person to hunt from an automobile, which shall expire on August thirty-first of each year, and which may be revoked or suspended at any time at the discretion of the commission. Such permits shall not be transferable. Such permits may be issued:

(a) To any person of known scientific attainment in ornithology or mammalogy or to any agent of any public museum in this Commonwealth;

(b) To any person desiring to practice taxidermy, who shall have served a regular taxidermy apprenticeship for a minimum of four months under the supervision of a museum of recognized standing, or under the supervision of a qualified and licensed taxidermist, and to any person holding a taxidermy license which expires on the thirty-first day of May,

one thousand nine hundred and thirty-seven: Provided, The commission may by resolution, set up a system of examinations to determine the fitness of all applicants for such permits, including the establishment of appropriate fees covering the cost of such examinations;

(c) To fur dealers, or their authorized employes operating from their established place of business, purchasing or receiving raw furs for commercial purposes;

(d) To any person within the Commonwealth desiring to propagate game in captivity for commercial purposes;

(e) To any person desiring to operate regulated shooting grounds;

(f) To any person desiring to possess, propagate, or sell ferrets or the European member of the ferret family known as the fitch;

(g) To any person within the Commonwealth desiring to propagate fur-bearing animals for commercial purposes;

(h) To any person within the Commonwealth desiring to maintain a roadside menagerie for the purpose of exhibition or attracting trade;

(i) To a disabled person who is suffering from paraplegia and has permanent paralysis of both legs and lower parts of the body, or who is suffering from hemiplegia and has permanent paralysis of one leg and one arm or either side of the body, resulting from traumatic injury to the spinal cord or brain, or who has suffered amputation of both feet or one hand and one foot permitting them to hunt, under commission regulations, from automobiles; and

* * *

¹(k) To any person desiring to release and retrap domestic bobwhite quail for dog training purposes.

The commission also may issue permits under other articles of this act as therein provided for, and such other permits, with or without charge, as it may find essential to control the taking or possession of wild birds or wild animals, or any part thereof.

No person, so long as he is legally acting under the authority of a permit issued by the commission, shall be liable to any of the penalties provided for in this act.

Section 2. Section 402 of the act, amended July 22, 1965 (Act No. 129) (P. L. 232), is amended to read:

Section 402. Application for Permits.—Any person, firm, association, or corporation desiring a permit, as provided for in this article, shall present an application therefor, on forms supplied by the commission, and shall pay to the director the following fees: permit for a disabled

¹“(j)” in original.

person to hunt from an automobile, one dollar (\$1); collecting permit, ten dollars (\$10); fur dealer's employes permit, ten dollars (\$10); permit for possessing or owning a ferret or fitch, ten dollars (\$10); permit to release and retrap bobwhite quail for dog training purposes, ten dollars (\$10); roadside menagerie, fifteen dollars (\$15); game propagation, fifteen dollars (\$15); fur farming, fifteen dollars (\$15); taxidermists desiring to practice taxidermy for profit shall pay fifty dollars (\$50) for initial application and permit, and twenty-five dollars (\$25) per year thereafter for renewal of permit; resident fur dealers, twenty-five dollars (\$25); nonresident fur dealers, purchasing or receiving raw furs for commercial purposes in this Commonwealth, shall pay one hundred dollars (\$100); persons desiring to operate regulated shooting grounds on a non-commercial basis shall pay twenty-five dollars (\$25) for the first one hundred acres in the tract so used, and five dollars (\$5) for each additional one hundred acres or fraction thereof; persons desiring to operate regulated shooting grounds on a commercial basis shall pay fifty dollars (\$50) for the first one hundred acres, and ten dollars (\$10) for each additional one hundred acres, or fraction thereof; and breeders and dealers in ferrets or fitches shall pay fifty dollars (\$50).

The application shall be accompanied by the written statement of at least two well-known citizens of the community in which the applicant resides, certifying to his good character and to his fitness to be entrusted with the authority granted by such special permit.

In the case of applications for permits by firms, associations, or corporations, the application shall bear the name of the president or general manager, and the permit shall be issued in his name. All applications for propagating permits and regulated shooting grounds permits shall be accompanied by a written description and a map or sketch of the premises to be used for such purposes, with the location thereof.

Section 3. The act is amended by adding, after section 417, a new section to read:

Section 417.1. Permit to Release and Retrap Domestic Bobwhite Quail for Dog Training Purposes.—Any person, association or corporation may obtain a permit authorizing him or it to release domestic bobwhite quail of a subspecies approved by the commission for dog training purposes and retrap them during the regular dog training season, excepting it may be done at any time upon special dog training areas only, as provided by this act, and provided the quail are legally obtained under the

provisions of this act, and provided they are individually tagged prior to release by a game protector in the county where the permittee resides with tags furnished by the commission at five cents per tag and bearing such wording as the commission shall prescribe. No such permit shall authorize more than two quail traps to each permittee and each trap shall at all times bear a metal tag setting forth the name, address and permit number of the permittee. No more than forty bobwhite quail tagged as required by this section shall be in possession of the permittee at any one time. It shall be the responsibility of the permittee to immediately release any untagged quail or other game or protected birds trapped under this permit. Water, suitable feed and shelter shall be available in the traps at all times when in use.

Section 4. Section 419 of the act, amended April 8, 1949 (P. L. 409), is amended to read:

Section 419. Penalties.—Any person violating any of the provisions of this article shall, upon conviction, be sentenced to pay the following fines and costs of prosecution for each offense:

(a) For the sale or exchange or shipment or removal out of this Commonwealth of birds or nests or eggs, or the taking of birds or eggs or nests, contrary to the provisions of this article, by agents of museums or persons of scientific attainment in ornithology or mammalogy acting under the authority of any permit, twenty-five dollars;

(b) For the practice of taxidermy for profit without a permit, as provided in this article, twenty-five dollars, and in addition thereto, twenty-five dollars for each specimen of a bird or animal protected by this act mounted or in possession for mounting;

(c) For the mounting, sale, or shipment, or removal from, or permitting the removal from, the Commonwealth, by the holder of any taxidermy permit, of each specimen of a bird or animal protected by this act, contrary to the provisions of this act, twenty-five dollars;

(d) For a resident of the Commonwealth purchasing, or receiving, or reselling raw furs for commercial purposes without a permit, as provided in this article, one hundred dollars;

(e) For a nonresident of the Commonwealth purchasing, or receiving, or reselling raw furs for commercial purposes without a permit, as provided in this article, two hundred dollars;

(f) For the breeding or propagating of game or fur-bearing animals

in captivity without a propagating permit, contrary to the provisions of this article, twenty-five dollars for each bird or animal so bred or propagated;

(g) For the killing or selling or giving away or removing or shipping of game or fur-bearing animals or the pelts thereof bred or propagated, or eggs produced, by the holder of any propagating permit, or his agent or employe, contrary to the provisions of this article, twenty-five dollars;

(h) For neglecting or failing to return the duplicate copy of such tag to the commission, or for neglecting or failing to retain the copy of the tag as provided in this article, ten dollars for each such neglect or failure;

(i) For wilfully or wantonly removing, or mutilating, or counterfeiting or altering, or destroying a tag attached to a container or bird or animal, contrary to the provisions of this article, twenty-five dollars;

(j) For wilfully using any tag for the carrying, or removing, or shipping of game or fur-bearing animals, or the eggs of game birds, taken or killed outside of premises for propagating game or fur-bearing animals, under authority of permit, or for the purpose of a second shipment of game or fur-bearing animals from any such premises, or for failure to maintain the required record of transactions, contrary to the provisions of this article, twenty-five dollars;

(k) For taking any game birds on premises covered by a regulated shooting grounds permit in excess of the numbers fixed by the provisions of this article, or for taking or capturing such birds by any method other than by shooting, or for consuming on the premises or removing therefrom any propagated or released pheasants, bobwhite quail of the subspecies approved by the commission, chukar partridges or mallard or black ducks killed in accordance with the provisions of this article with reference to regulated shooting grounds which have not been tagged as herein required, or for attempting to operate such regulated shooting grounds contrary to any other provisions of this article, fifty dollars;

(l) For the breeding or selling, or offering for sale, or having in possession, or delivering any ferret or fitch, contrary to the provisions of this article, twenty-five dollars for each ferret or fitch;

(m) For maintaining a roadside menagerie for the purpose of exhibition or attracting trade contrary to the provisions of this article, or for failure to comply with the regulations of the commission relative to the housing and care of such animals, twenty-five dollars;

(n) For failure to submit any annual report as required by this article, twenty-five dollars;

(o) For releasing, retrapping, possessing or tagging bobwhite quail or

traps for dog training purposes contrary to the provisions of this article, twenty-five dollars.

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and cost of prosecution, he shall be imprisoned one day for each dollar of fine imposed and cost of prosecution.

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution, and, in addition thereto, shall, in the discretion of the court, suffer imprisonment one day for each dollar of fine imposed.

APPROVED—The 13th day of October, A. D. 1965.

WILLIAM W. SCRANTON

No. 309

AN ACT

SB 1007

Amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," further providing for the powers and duties of the Department of Mines and Mineral Industries.

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

Section 1. Clause (e) of section 1902, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," amended June 8, 1965 (Act No. 82) (P. L. 120), is amended to read:

Section 1902. Mines.—The Department of Mines and Mineral Industries shall have the power and its duty shall be—

* * *

(e) To seal or close or backfill abandoned deep or strip coal mines, to fill voids in abandoned coal mines, to drill bore holes, dig ditches or