

## No. 122

## AN ACT

## HB 932

Amending the act of June 3, 1937 (P.L.1225, No.316), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," adding the term "resident" and specifying the meaning of the term for the purpose of the act and repealing language concerning unnaturalized persons of foreign birth.

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

Section 1. Section 101, act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law," is amended by adding a definition to read:

Section 101. Definitions.—\* \* \*

*The term "resident" as used throughout this act shall mean a person who is permanently domiciled within this Commonwealth and has his permanent home here to which he has the intention of returning whenever he is absent.*

\* \* \*

Section 2. Section 301 of the act is amended to read:

Section 301. Residents of State.—For the purpose of this article any person who has been a [bonafide] resident of this Commonwealth *as defined in section 101* for a period of *not less than* sixty days next preceding his application *for a hunter's license*, [and was born in the United States of America, or was fully naturalized under the laws of the United States,] or who is [a citizen of the United States of America and] regularly enrolled in the United States Army, the United States Navy, or the United States Marine Corps and officially stationed within the Commonwealth thirty or more days next preceding his application, shall be entitled to the license herein referred to as the resident hunter's license, upon the further fulfillment of the requirements of this article.

Section 3. Section 302 of the act, the first paragraph amended June 27, 1973 (P.L.83, No.36), the second, third and fourth paragraphs amended December 10, 1970 (P.L.896, No.282), is amended to read:

Section 302. Resident License Fees.—Each such resident as [provided in the preceding section] *defined in sections 101 and 301*, upon application made, in writing, to an agent authorized to issue such licenses within the Commonwealth, [the] *and upon* presentation of proof *by the applicant* that he *or she* is a [citizen of the United States and a bonafide] resident of this Commonwealth [under the requirements of this article] *as previously defined in this act* [and the establishment of his identity to the satisfaction of the authority issuing the license, or to the satisfaction of the justice of the peace, magistrate, or notary public, or any agent designated to receive applications for licenses, when taking

such applications as hereinafter authorized,] by producing a [bank book, letters, lodge cards, police cards, a] *current Pennsylvania* motor vehicle [driver's license,] *registration card, or tax receipts evidencing payment of State income tax, earned income tax or other local taxes pursuant to the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act,"* or some other positive means of [identification, and, in the case of naturalized foreign-born applicants, the production of such applicant's naturalization papers,] *verifying residency, and the establishment of his or her identity to the satisfaction of the authority issuing the license,* unless any such person has been disqualified for a license in the manner hereinafter specified, and the payment to said agent or the commission of eight dollars and twenty-five cents (\$8.25) except as hereinafter provided for certain minors and older persons, shall be entitled to a resident hunter's license and a tag with the number of the license thereon, which shall entitle the holder to hunt or trap for all wild birds and wild animals which may legally be hunted or trapped in this Commonwealth. Residents with the above qualifications, who are between the ages of twelve and sixteen inclusive or who are sixty-five years of age or more at the time of application, shall be entitled to a resident hunter's license and tag upon payment to said agent or the commission of, in the case of persons sixty-five years of age or more, five dollars and twenty-five cents (\$5.25) and, in the case of persons between the ages of twelve and sixteen, five dollars and twenty-five cents (\$5.25). 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.

Any resident disabled veteran of any war whose disability consists of the loss of one or more limbs or the loss of the use of one or more limbs, or who presents a physician's certificate of total or one hundred per cent disability, and who meets the above qualifications shall be issued such license upon application to any county treasurer without the payment of the above license fee provided for the use of the Commonwealth. The application for the issuance of a license in such case shall in addition to the other information required, contain a statement that the applicant is a war veteran and that his disability was service incurred. The county treasurer may likewise require of such applicant the production of such applicant's discharge papers.

**[Any resident of the Commonwealth who is in fulltime active service with the armed forces of the United States other than temporary active duty for training, and during the time he is on official military leave, furlough, pass or on medical leave from such fulltime active service shall during the duration of the conflict in Vietnam, be issued such license upon application to any county treasurer within the Commonwealth without the payment of the above license fee provided for the use of the Commonwealth.]**

The application for the issuance of a license in such case, shall, in addition to the other information required, give the serial number of the branch of service to which the applicant is attached, together with the applicant's rank, company, battalion, regiment, division, and other military organization. The applicant shall also furnish for the perusal of the county treasurer the official military papers stating that said applicant is on official military leave, furlough, pass or on medical leave.]

Section 4. Section 303 of the act, amended December 10, 1974 (P.L.808, No.267), is amended to read:

Section 303. Nonresident Hunting [and Alien] License Fees.—Every [citizen of the United States who is a] nonresident of this Commonwealth, upon application made, in writing, to any agent authorized to issue such licenses, or to the commission, unless any such person has been disqualified for a license in the manner hereinafter specified, and upon payment to said agent or commission of forty dollars and thirty-five cents (\$40.35) shall be entitled to the license herein designated as a Nonresident Hunter's License and a tag with the number of the license thereon, which shall entitle the holder to hunt for all wild birds and wild animals which may legally be hunted in this Commonwealth, until the close of the license year. Other licenses valid for use by nonresidents [and aliens] shall be as follows:

Nonresident trapper's license which shall be issued only upon application to the Commission in Harrisburg and which shall be effective for the same period as hunters' licenses shall entitle the holder to take through the use of traps or deadfalls only wild birds and wild animals which may legally be trapped in this Commonwealth, except beavers, forty dollars (\$40). Nothing in this clause shall be construed to prohibit the holder of a nonresident trapper's license from using a sidearm or a rifle not larger than a .22 rimfire caliber to kill legally caught birds and animals.

[Every unnaturalized person, upon written application made to any county treasurer of Pennsylvania, any field division office of the Pennsylvania Game Commission, or any agent authorized by the Commission to issue non-resident hunting licenses setting forth satisfactory evidence of his mental and physical fitness to carry and use firearms and presentation of proof of legal entry into the United States, unless any such person has been disqualified for a license in the manner hereinafter specified, and upon the payment to any county treasurer in Pennsylvania, any field division office of the Pennsylvania Game Commission, or any agent authorized by the Commission to issue non-resident hunting licenses the fee of forty dollars and thirty-five cents (\$40.35) shall be entitled to an alien hunter's license, and the proper tag issued therewith, but the one issuing said license shall indicate on the face of the license that the holder is an alien.]

Section 5. This act shall take effect immediately.

APPROVED—The 21st day of October, A. D. 1975.

MILTON J. SHAPP