

No. 1982-21

AN ACT

SB 1156

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," providing for the issuance of antlerless deer licenses to certain qualifying landowners.

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

Section 1. Subsection (c) of section 501, act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law," amended December 10, 1970 (P.L.896, No.282), June 27, 1973 (P.L.83, No.36) and June 24, 1981 (P.L.117, No.38), is amended to read:

Section 501. Open Seasons.—* * *

(c) **[Resident, Nonresident, and Alien] Hunters' Licenses and Tags for Antlerless Deer.**—If in any year the commission[, by resolution,] declares an open season for antlerless deer, it shall issue **[resident, nonresident and alien hunters'] antlerless deer** licenses and tags **[for antlerless deer]** to hunt for or kill such deer, at a fee of three dollars thirty-five cents under such rules and regulations governing the issuance of such licenses and tags as it may deem necessary to limit the number of persons who may hunt for such deer in any county of the Commonwealth[, provided public notice of such action is given as hereinafter required: And provided, however, That no] *and to regulate the issuance of such licenses generally. Except as otherwise provided in this subsection, no* applications[,] for antlerless deer licenses received from nonresidents **[and aliens] of the Commonwealth** shall be approved or licenses issued in advance of thirty days prior to the opening date of such antlerless deer season. Such licenses and tags shall be issued without restriction or regard to the county of residence of the Pennsylvania applicant and may be issued only to holders of resident[, or nonresident[, or alien] hunting licenses, and such licenses and tags shall not be transferable from one person to another nor shall they be refunded or reissued to anyone. Notwithstanding the provisions of any regulation limiting the number of licenses and tags, the commission shall issue **[resident hunters'] antlerless deer** licenses and tags **[for antlerless deer]** without effecting any quota established by the commission for a particular county: (1) to members of Armed Forces who are residents of Pennsylvania and who are on full time active duty; (2) to residents who were honorably discharged from the Armed Forces within sixty days of the date of the application upon substantial proof of their military status; and (3) to disabled veterans as defined in section 302 upon submission of the information required by section 302.

[Resident, nonresident, and alien hunters' licenses] Licenses and tags for antlerless deer shall be issued only by the county treasurers *or by any person carrying out the duties and responsibilities of a county treasurer in counties functioning under a Home Rule Charter* in counties where such deer may be hunted and killed, who, for that purpose, are hereby made agents of the commission.

For services rendered in collecting and paying over fees and issuing licenses and tags, by mail or otherwise, such agents may retain the sum of thirty-five cents from the amount paid by each licensee, which amount shall be paid into the county treasury, **except that such agents other than the county treasurer may retain therefrom any amounts necessary to reimburse them for any expenses, including compensation of employes, incurred in collecting such fees and issuing such licenses and tags.**

When such licenses are issued to restrict the number of persons who may hunt antlerless deer in any county of the Commonwealth, *certain qualifying landowners who own eighty or more contiguous acres of land within any county where they desire to hunt antlerless deer shall be entitled to one antlerless deer license for that county, at the prescribed fee, to one and only one person whose name appears on the deed. These antlerless deer licenses shall be allocated in advance of their availability to the general public from the quota established by the commission for the county where such land is situated to persons who meet all of the following requirements:*

(i) *the eighty or more contiguous acres of land are owned by a natural person individually or as tenants by the entirety, or by a corporation of four or fewer shareholders, or by tenants in common of four or fewer natural persons;*

(ii) *the eighty or more contiguous acres of land are open to public hunting and trapping and shall remain open to hunting and trapping during the hunting license year for which the antlerless deer license is issued;*

(iii) *the applicant for an antlerless deer license shall furnish proof of ownership of eighty or more contiguous acres of land to the county treasurer within the county where such land is situated.*

[any citizen of the United States] Any resident of Pennsylvania residing within the Commonwealth who is a bona fide owner or lessee of lands which lie within the county declared open to the hunting of **[said] antlerless deer**, or any member of the family or household, or regularly hired help of such owner or lessee *who are so employed on a full-time basis*, if such person is a **[citizen of the United States] resident of the Commonwealth**, actually residing upon and cultivating such lands *for general farm crop purposes*, is hereby declared eligible to hunt antlerless deer without a resident hunters' license **[for] or an antlerless deer license** upon said property, and, by and with the *written* consent of the owner *or lessee* thereof, upon the lands immediately adjacent and connected with his own lands, other than *publicly-owned* lands **[owned by or under the control of the Commonwealth]**.

The terms "antlerless deer" and "deer without visible antlers," as used in this subsection or any other provision of the Game Law which this act amends, are hereby defined to mean a deer without an antler sometimes called horn, or a deer with antlers both of which are less than three inches long, the term "antler," as herein used or in any other provision of the Game Law which this act amends, meaning the bony growth on the head of a deer regardless of its size or development.

When the commission adopts and promulgates such rules and regulations relative to [resident and nonresident] hunters' licenses and tags for antlerless deer, it is unlawful for any person other than a landowner or lessee of the county or a member of his household, as hereinbefore enumerated, to hunt for antlerless deer without a [resident or nonresident] hunters' license and tag for antlerless deer, or to take such deer contrary to the rules and regulations adopted by the commission.

The *antlerless deer license tag* issued with an antlerless deer license shall be displayed on the outer garment immediately below the regular resident or nonresident hunting license tag. Any person who fails to display the *antlerless deer license tag* herein [provided] *required* shall, upon conviction, be sentenced to pay a fine of [ten dollars (\$10)] *twenty-five dollars (\$25)* and costs of prosecution, provided it shall be determined the person has purchased a license; otherwise, a penalty of [twenty dollars (\$20)] *fifty dollars (\$50)* and costs of prosecution shall be imposed. *Any person who shall give false information in obtaining or attempting to obtain an antlerless deer license as relates to certain qualifying landowners shall, upon conviction, be sentenced to pay a fine of two hundred dollars (\$200) and costs of prosecution and shall be denied the right to hunt or trap anywhere in this Commonwealth, with or without a license, for a period of three years. Any other person who shall give false information in obtaining or attempting to obtain an antlerless deer license shall, upon conviction, be sentenced to pay a fine of fifty dollars (\$50) and costs of prosecution.*

* * *

Section 2. This act shall take effect on September 1, next following the date of final enactment if said date is prior to June 1. If the date of final enactment is on or after June 1, this act shall take effect on September 1 of the year next following the year of final enactment.

APPROVED—The 11th day of February, A. D. 1982.

DICK THORNBURGH