

No. 1981-37

## AN ACT

SB 14

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 a bear hunting license; further regulating bear hunting and adding and changing certain penalties.

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

Section 1. Section 317, act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law," amended June 8, 1961 (P.L.278, No.163), is amended to read:

Section 317. Legal Hunting or Trapping by Residents Without License.—(a) Unless the right to procure a license or to hunt or trap anywhere within the Commonwealth has been denied under the provisions of this act, any [citizen of the United States residing within] *resident of* this Commonwealth who is regularly and continuously engaged in cultivating the soil for general farm crop purposes, commercial truck growing, commercial orchards or commercial nurseries, as either the owner or lessee or tenant of said lands, or as a member of the family or household or regularly hired help of such owner or lessee or tenant, shall be eligible to hunt and trap on said lands, including the woodlands connected therewith and operated as a part thereof, without a resident hunter's license or an archery *or bear* license, if such owner, lessee, tenant, member of the family or household or hired help resides in a dwelling situated upon the property so being cultivated and shall have continuously resided thereon and assisted in the cultivation of said land for a period of sixty or more days prior to the general open hunting or trapping season.

(b) Any of the persons enumerated above who shall be eligible to hunt or trap on certain lands without securing a resident hunter's license or an archery *or bear* license, also may, by and with the written consent of the owner or lessee thereof, hunt or trap upon any lands other than those publicly-owned which lie immediately adjacent and are connected with the lands upon which such persons may lawfully hunt or trap without securing a license.

Section 2. Section 501 of the act is amended by adding a subsection to read:

Section 501. Open Seasons.—\* \* \*

(g) *Bear Hunting Season and Licensing Requirements.*

(1) *When the commission, by resolution, declares an open season for hunting and taking bear, it shall be unlawful for any person other than persons excepted under section 317, to hunt for, take, kill or wound or*

*attempt to take, kill or wound bear, or to aid or assist any person in any manner to hunt for, take, kill or wound bear without first having legally obtained a current resident or nonresident hunter's license as defined in this act and in addition thereto, a current bear hunting license which shall be obtained from the commission at a fee of five dollars (\$5) for a resident and fifteen dollars (\$15) for a nonresident. The license shall be in such form as the commission shall determine and shall be displayed while hunting bear by the lawful holder of such license in such manner as the commission shall prescribe. Before the bear license shall be legal for use in hunting, the lawful holder of such license shall sign his first name, middle initial and last name in ink across the face of the license.*

*(2) When the commission declares an open season for hunting and taking bear, in addition to the statutory requirements of this section, the commission, in order to properly manage the resource, shall have authority to adopt any rules and regulations deemed necessary to regulate the hunting, taking, killing, possession or transportation of such species. Such rules and regulations may include but not be limited to the establishment of bear management units, limit the number of hunters who may hunt for bear in such management units, regulate the number of bear licenses which may be issued and prescribe the method and procedure for making application for such license and the issuance thereof. The number of bear licenses which shall be made available to nonresidents of the Commonwealth shall not exceed three percent (3%) of the total number of bear licenses to be issued as determined by the commission.*

*(3) Each person killing a bear of any description during any open bear season shall, within twenty-four hours from time of killing, deliver the bear to a bear check station designated by the commission for examination. Each person delivering such bear to a designated bear check station shall furnish to officers of the commission information concerning the killing of such bear. Following examination of the bear, the officer of the commission shall attach a metal tag supplied by the commission to the head of each legally killed bear. Such metal tag shall remain permanently attached to the head of the bear or until it has been mounted or tanned.*

*(4) It shall be unlawful for any person to hunt for, take, kill, wound, possess, conceal, transport or attempt to take, kill or wound, or to aid or assist any person in any manner to hunt for, take, kill, wound, possess, conceal or transport any bear contrary to the provisions of this subsection or rules and regulations adopted by the commission. It shall be unlawful for any person to lend a bear license to another person or for any person to use a bear license issued to another person, or to alter a bear license in any manner. It shall be unlawful for any person killing a bear of any description to fail to deliver such bear to a designated bear check station as herein required, or for any person to remove the metal tag attached to any bear by an officer of the commission contrary to the provisions of this article.*

**(5) Any person who shall violate any of the provisions of this subsection or any rules and regulations adopted by the commission shall, upon conviction, be sentenced to pay the penalties prescribed in section 506.**

Section 3. Section 506 of the act, amended May 31, 1974 (P.L.305, No.97) and October 17, 1974 (P.L.743, No.250), is amended to read:

Section 506. 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:

For taking, killing, wounding, possessing, [or] *concealing*, transporting [from one locality to another within this State,] or for *hunting for* or attempting to take, kill, or wound[, contrary to this article, or any rules and regulations relative to the taking of] any game, fur-bearing animals, nongame birds, or any other wild birds or wild animals [adopted] *contrary to this article or any rule or regulation adopted hereunder* by the commission:

(a) Each elk, four hundred dollars (\$400), and in the discretion of the court, six months imprisonment;

(b) Each deer, two hundred dollars (\$200);

(c) Each bear, *which shall include failure to deliver any bear to a designated bear check station within twenty-four hours from time of killing for examination*, four hundred dollars (\$400);

(d) Each wild turkey fifty dollars (\$50); and each ruffed grouse, ring-neck pheasant, quail, partridge, or woodcock, swan; wild goose, brant or wild duck, twenty-five dollars (\$25);

(e) Each raccoon, twenty-five dollars (\$25);

(f) Each bobcat or wildcat, fifty dollars (\$50);

(g) For each other bird or animal, ten dollars (\$10);

(h) Failure of lawful holder of Muzzleloading Firearms Deer Season license to sign his full name in ink diagonally across its face, two dollars (\$2).

(i) Failure to carry the required Muzzleloading Firearms Deer Season license on his person while hunting for deer during such season, ten dollars (\$10);

(j) Hunting for deer during the Muzzleloading Firearms Deer Season, or for aiding or assisting any person in any manner to hunt for deer during such season without first having obtained the required license, or for using a license belonging to another person, twenty dollars (\$20);

(k) *Failure of lawful holder of bear license to sign his first name, middle initial and last name in ink across the face of the license, twenty-five dollars (\$25) plus forfeiture of the bear license to the Commonwealth;*

(l) *Hunting for bear or for aiding or assisting any person in any manner to hunt for bear during the open bear season without first having lawfully obtained a bear license, or for using a bear license belonging to another person, or for any person to lend a bear license to another person, or to alter a bear license in any manner, one hundred dollars (\$100) plus forfeiture of the bear license to the Commonwealth;*

*(m) Removing the metal tag attached to the head of a bear by an officer of the commission contrary to the provisions of this article, one hundred dollars (\$100) plus forfeiture of the bear or any part thereof to the Commonwealth.*

For violating any of the provisions of this article not above [specifically] provided for, or for violating any of the rules and regulations of the commission adopted under the provisions of this article, *and not above provided for*, twenty-five dollars (\$25) and costs of prosecution for each offense.

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

Section 4. Section 708 of the act, amended October 18, 1972 (P.L.982, No.243), is amended to read:

Section 708. Tagging, Removing, Transporting, and Reporting Big Game and Wild Turkeys.—(a) Each person killing a deer or a wild turkey found in a wild state shall immediately after removing the entrails, but in any event, within one hour, and before transporting or removing the carcass in any manner from where it was killed, complete and detach the deer tag or wild turkey tag from the license and attach it to the deer or wild turkey as the case may require. The portion supplied with his hunting license for reporting such deer or turkey killed shall be mailed to the commission at Harrisburg within five days following the killing of such deer or turkey. The deer tag shall remain attached to the head of the deer. The turkey tag shall remain attached to a leg of the turkey.

[Each person killing a bear in a wild state shall immediately after removing the entrails, but in any event, within one hour, and before transporting or moving the carcass in any manner from where it was killed, prepare and attach a home-made tag giving the person's name, address, license number, and time, date, and county where killed. Before any bear lawfully killed may be possessed beyond twenty-four hours it shall be presented to an officer of the Game Commission for examination. Each person presenting a lawfully killed bear for examination shall report such information concerning the killing as may be required by resolution of the commission, after which a metal tag, supplied by the commission, shall be attached to the head, which tag shall remain permanently attached, or until it has been tanned or mounted.]

(b) If a deer or wild turkey has been lawfully killed by a person not required to secure a license, such person shall make and attach a tag within the time specified after such killing, bearing in plain English, his name, address, date, time and county where such game was killed. On a similar tag or on a post card, such person, or person who has previously

killed a deer or turkey, shall within five days following the killing of such deer or turkey, mail to the commission at Harrisburg, a statement setting forth the information above, including the kind of game, whether male or female, the dressed weight, actual or estimated, and if a male deer, the total number of points on both antlers.

(c) It shall be unlawful for any person to remove the tag attached to a deer[, ] or turkey[, or the metal tag attached to a bear,] contrary to the provisions of this section, or while in the field or forest after having killed the legal limit of deer or turkey to be in possession of a tag for the species of game killed.

(d) Every failure to have said tag attached, or removing or transporting such animal or wild turkey in any manner, or failure to mail the deer or turkey kill report[, or failure to present a lawfully killed bear for examination,] as herein provided, shall subject the person so neglecting to the penalties provided in this article; and if the person responsible for such neglect to tag any such game cannot be located, each member of the camp or party shall be individually liable to such penalty.

(e) Any game found in the possession of any person and not tagged as herein provided may be confiscated by the Commonwealth to be disposed of as hereinafter provided and may be seized by any officer whose duty it is to enforce the game laws.

Section 5. Section 710 of the act, amended October 17, 1974 (P.L.743, No.250), is amended to read:

Section 710. Killing or Attempting to Kill Wild Bird or Animal by Mistake.—(a) Each individual who may, by mistake, kill or attempt to kill, any wild bird or wild animal *other than bear or elk*, contrary to the provisions of this act, or any rules and regulations of the commission, may, within twenty-four hours following such mistake, pay to any game protector, by field acknowledgment of guilt, a reduced penalty for such mistake killing or attempted killing as hereinafter provided in this section, if such individual shall immediately after such mistake killing, remove the entrails of any animal or bird so killed and deliver the carcass to any game protector or his residence for disposition as hereinafter provided, and shall, within twenty-four hours after such killing, or attempted killing, make and deliver to such officer to whom such penalty was paid a statement in writing, under oath, explaining when and where and how such mistake was made.

(b) Penalties for such mistake killing or attempted mistake killing shall be imposed as follows:

(1) Each deer, twenty-five dollars (\$25);

[(2) Each bear, fifty dollars (\$50);

(3) Each elk, fifty dollars (\$50);]

(4) Each other wild bird or wild animal *other than bear or elk*, one-fourth of the penalty otherwise imposed by this act for the illegal killing or attempted killing of such other wild bird or wild animal.

(c) Said portion of the penalty and the sworn statement, together with the officer's report, shall be forwarded to the director as quickly as

possible for review. If after investigation the director is not satisfied said killing, or attempted killing, was done by mistake, but was caused by negligence or carelessness, he shall order the defendant to be prosecuted in the regular manner, and the amount so deposited shall be applied toward the payment of the full penalty and any costs of prosecution as provided in this act.

Section 6. Subsection (f) of section 731 of the act, amended October 18, 1972 (P.L.982, No.243), is amended to read:

Section 731. Penalties.—Any person violating any of the provisions of the sections of this article shall, upon conviction, be sentenced to pay the following fines and costs of prosecution for each offense:

\* \* \*

(f) For failure to tag or mark a deer[, bear,] or wild turkey as required by the provisions of this article, ten dollars (\$10); for removing or transporting in any manner a deer[, or bear,] or wild turkey which has not been tagged, as required by the provisions of this article, twenty-five dollars (\$25) for each deer [or bear] and fifteen dollars (\$15) for each wild turkey; [for failure to present a lawfully killed bear for examination within twenty-four hours after killing, twenty-five dollars (\$25);] for removing the tag from a deer or turkey, or possessing a deer or turkey tag contrary to the provisions of this article, twenty-five dollars (\$25) for each deer tag and fifteen dollars (\$15) for each turkey tag; [for removing the metal tag from a bear contrary to this article, twenty-five dollars (\$25);] for failure to report the killing of a deer or turkey taken during the open season as required by the provisions of this article, five dollars (\$5);

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Section 7. This act shall take effect immediately if enacted prior to July 1. If the date of final enactment is on or after July 1 this act shall take effect on January 1 of the year next following the year of final enactment.

APPROVED—The 24th day of June, A. D. 1981.

DICK THORNBURGH