

No. 1983-64

## AN ACT

SB 279

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," further providing for applications and permits for menageries; further providing for permits to deal in and possess wildlife; providing for refunds of certain fees; and further providing for penalties.

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

Section 1. Section 402 of the act of June 3, 1937 (P.L.1225, No.316), known as The Game Law, amended October 4, 1983 (P.L.165, No.40), is amended to read:

Section 402. Application for Permits.—(a) 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 person to hunt from an automobile, one dollar (\$1); collecting permit, ten dollars (\$10); falconry permit, ten dollars (\$10); fur dealer's employes permit, ten dollars (\$10); permit to release and retrap bobwhite quail for dog training purposes, ten dollars (\$10); menagerie, ~~three hundred dollars (\$300)~~ *one hundred dollars (\$100)*; 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; special retriever dog training area permit, thirty-five dollars (\$35); wildlife dealer's permit, ~~five hundred dollars (\$500)~~ *two hundred dollars (\$200)*; and for a wildlife possession permit, ~~two hundred dollars (\$200)~~ *fifty dollars (\$50)* for each animal.

(b) 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~~ *the name of the firm, association or corporation if it is registered with the Commonwealth or otherwise in the name of the president or general manager*. All applications for propagating permits and regulated shooting grounds permits shall be accom-

panied by a written description and a map or sketch of the premises to be used for such purposes, with the location thereof.

Section 2. The heading of subdivision (h) of Article IV of the act is amended to read:

(h) Permits to Maintain **[Roadside]** Menageries

Section 3. Sections 417, 417.2, 418 and 419(m), (o.1) and (o.2) of the act, added or amended March 13, 1982 (P.L.185, No.60), are amended to read:

Section 417. Permits for Menageries.—(a) The commission may grant permits for menageries which are hereby defined as any place where one or more wild birds or wild animals or one or more birds or animals which have similar characteristics and appearance of birds or animals wild by nature are kept in captivity for the evident purpose of exhibition with or without charge.

(b) *The director may issue a menagerie permit to any person for the exclusive purpose of displaying lawfully acquired wildlife for educational purposes which permit shall be issued free of charge. The phrase “educational purposes” shall mean displays by or for public or private schools, sportsmen’s organizations, youth organizations, civic associations, conservation camps and schools or any other organization deemed appropriate by the director.*

(c) The term “menagerie” shall not include the exhibition of any wild bird or wild animal in any public zoological garden, which receives government grants or appropriations, *or in any private zoological park or garden which is open to the public and which is accredited by the American Association of Zoological Parks and Aquariums*, or by any nationally recognized circus. **[Any sportsmen’s club or organization incorporated under the laws of this Commonwealth may sponsor and conduct a menagerie at an annual county fair and under such circumstances the menagerie permit shall be issued free of charge.]** The term “wildlife” as used in this section shall mean any wild bird or wild animal or any bird or animal having similar characteristics and appearance of a bird or animal wild by nature as distinguished from the common domestic birds or animals, whether or not such birds or animals were bred or reared in captivity.

(d) No permit shall be granted by the commission until it is satisfied that the provisions for housing and caring for such wildlife, and for protecting the public, are proper and adequate, and in accordance with the standard therefor established by the commission.

(e) The commission shall adopt and enforce rules and regulations for the housing, care, treatment, feeding, sanitation, purchase and disposal of wildlife kept in menageries, and for the protection of the public from injury by such wildlife.

(f) It is unlawful for any person, firm, association or corporation to keep any wildlife in captivity, for public exhibition or to have any wildlife in custody or control for such purpose, without first securing a menagerie permit issued by the commission.

(g) It shall be unlawful for the holder of a menagerie permit to violate any of the provisions of this act or rules and regulations adopted thereunder by the commission or to release any wildlife into the wild. In addition to the cash penalties hereinafter provided, the director of the commission may, for violating any of the provisions of this section or rules and regulations adopted thereunder, revoke or suspend any menagerie permit and order the disposal of any wildlife held.

(h) *One menagerie permit shall enable the holder thereof to operate any number of menageries owned by the permit holder at temporary locations for display purposes during the permit year.*

Section 417.2. Permits to Deal in Wildlife.—The commission may issue permits to persons, firms, associations or corporations to act as wildlife dealers which shall authorize the holder thereof to import into the Commonwealth, possess, buy, sell, locate or find for a fee, barter, donate or otherwise dispose of wildlife. A wildlife dealer shall mean any person who imports into the Commonwealth, possesses, buys, sells, locates or finds for a fee, barter, donates or otherwise disposes of more than one bird or one animal classified as wildlife during any calendar year. A wildlife dealer shall not include a public zoological garden which receives governmental grants or appropriations, *or a private zoological park or garden which is open to the public and which is accredited by the American Association of Zoological Parks and Aquariums*, or any person, firm, association or corporation who or which holds a menagerie permit, providing the purchase or sale of wildlife or other authorized transaction is conducted for the sole purpose of maintaining stock for such menagerie, or any nationally recognized circus.

Whenever used in this section, the word [**“wildlife,” unless further defined by resolution of the commission,**] *“wildlife”* shall mean, all bears, all coyotes, all lions, all tigers, all leopards, all jaguars, all cheetahs, all cougars, all wolves and any crossbreed of such animals which have similar characteristics of the animals specified herein. [**In order to properly administer the provisions of this section, the commission may, by resolution, add any bird or animal to or remove any bird or animal from the classification of wildlife.**]

No permit provided for in this section shall be granted by the commission until it is satisfied that the provision for housing and caring for such wildlife, and for protecting the public, are proper and adequate and in accordance with the standard established by rules and regulations adopted by the commission.

It shall be unlawful for any person, firm, association or corporation to import into the Commonwealth, possess, buy, sell, locate or find for a fee, barter, donate, or otherwise dispose of more than one bird or one animal classified as wildlife in any calendar year without first securing a permit as required in this section. It shall be unlawful for any person, firm, association or corporation to release wildlife, as defined in this section, into the wild.

In addition to the penalties hereinafter provided, the director may, for any violation of the provisions of this section or rules and regulations adopted thereunder, revoke or suspend any permit and order the disposal of any wildlife held.

Section 418. Permits to Possess Wildlife.—The commission may issue permits to persons to possess wildlife which shall authorize the holder thereof to purchase, receive or possess wildlife from any lawful source from within or outside of this Commonwealth. Whenever used in this section, the word [**“wildlife,” unless further defined by resolution of the commission,**] **“wildlife”** shall mean all bears, all coyotes, all lions, all tigers, all leopards, all jaguars, all cheetahs, all cougars, all wolves and any crossbreed of such animals which have similar characteristics of the animals specified herein. [**In order to properly administer the provisions of this section, the commission may, by resolution, add any animal to or remove any animal from the classification of wildlife.**] The provisions of this section shall not include any public zoological garden which receives government grants or appropriations, *or any private zoological park or garden which is open to the public and which is accredited by the American Association of Zoological Parks and Aquariums*, any person, firm, association or corporation which holds a menagerie permit, or any nationally recognized circus.

No permit provided for in this section shall be granted by the commission until it is satisfied that the provisions for housing and caring for such wildlife and for protecting the public are proper and adequate and in accordance with the standards established by rules and regulations of the commission.

It shall be unlawful for any person to possess, purchase or receive wildlife under any circumstances without first securing a permit as required in this section. It shall be unlawful for any person to release wildlife as defined in this section into the wild.

In addition to the penalties hereinafter provided, the director may, for any violation of the provisions of this section or rules and regulations adopted thereunder, revoke or suspend any permit and order the disposal of any wildlife held.

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

\* \* \*

(m) (1) For violating any provision of section 417 *relating to the requirement of a permit* or for violating any rule or regulation adopted thereunder *relating to application for or approval of a permit* by the commission, three hundred dollars;

(2) *For violating any other provision of section 417 or for violating any other rule or regulation adopted thereunder by the commission, fifty dollars;*

(3) *Each day of violation shall constitute a separate offense, but under no circumstances shall the accumulated penalty before a court appearance exceed three hundred dollars.*

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(o.1) (1) For violating any provision of section 417.2 *relating to the requirement of a permit* or any rule or regulation adopted thereunder *relating to the application for or approval of a permit* by the commission, five hundred dollars;

*(2) For violating any other provision of section 417.2 or for violating any other rule or regulation adopted thereunder by the commission, fifty dollars;*

*(3) Each day of violation shall constitute a separate offense, but under no circumstances shall the accumulated penalty before a court appearance exceed five hundred dollars.*

(o.2) (1) For violating any provision of section 418 *relating to the requirement of a permit* or any rule or regulation adopted thereunder *relating to the application for or approval of a permit* by the commission, three hundred dollars;

*(2) For violating any other provision of section 418 or for violating any other rule or regulation adopted thereunder by the commission, fifty dollars;*

*(3) Each day of violation shall constitute a separate offense, but under no circumstances shall the accumulated penalty before a court appearance exceed three hundred dollars.*

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Section 4. All fees paid during the 1981-1982, 1982-1983 and 1983-1984 license years for permits for menageries, permits to deal in wildlife and permits to possess wildlife, which exceed the fees established by this amendatory act, shall be refunded or credited by the Pennsylvania Game Commission to all those permit holders who paid such fees.

Section 5. The provisions of this amendatory act affecting section 402 of the act shall be retroactive to the 1981-1982 license year.

Section 6. This act shall take effect immediately.

APPROVED—The 23rd day of November, A. D. 1983.

DICK THORNBURGH