

No. 1985-42

## AN ACT

HB 585

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," reclassifying the raccoon as a fur-bearing animal; increasing certain license fees; establishing additional licenses for certain hunting and trapping activities; and requiring annual budget reports and audits.

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

Section 1. The definitions of "game animals" and "fur-bearing animals" in section 101 of the act of June 3, 1937 (P.L.1225, No.316), known as The Game Law, amended March 22, 1974 (P.L.201, No.41), are amended to read:

Section 101. Definitions.—\* \* \*

The term "game animals" shall include: (a) the wapiti or elk, (b) the deer, (c) the bear, (d) the wild rabbit and hare, (e) the red, gray, black and fox squirrel, [(f) the raccoon,] (g) the woodchuck, commonly known as groundhog, and (h) the bobcat or wildcat.

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Except as modified by the [resolutions] regulations of the commission, the term "fur-bearing animals" shall include: (a) the mink, (b) the muskrat, (c) the opossum, (d) the otter, (e) the skunk, commonly called polecat, [and] (f) the beaver, and (g) the raccoon.

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Section 2. The act is amended by adding sections to read:

*Section 301.2. Furtaker's Certificate of Training.—(a) No resident or nonresident furtaker's license shall be issued to any applicant unless the applicant presents to the agent authorized to issue such license either (i) evidence that the applicant has held a trapping or furtaker's license issued by another state or nation, or (ii) a certificate of training issued under this section, or (iii) a certification signed by the applicant on the furtaker's license application that the applicant completed a voluntary trapping course sponsored by the commission or that the applicant has previously trapped within the last five years.*

*(b) The commission shall provide for a course of instruction, approved by the director, in the safe utilization of firearms and traps or other devices used for taking furbearers. The commission may cooperate with any reputable association or organization in presentation of this course.*

*(c) The commission may designate any person found by it to be competent to give instruction in the handling of firearms, traps or other devices to act as an instructor. A person so appointed shall give such course of instruction and, upon the successful completion thereof, shall issue to the person*

*instructed a certificate of training in the handling of firearms, traps or other devices. No charge shall be made for such course of instruction, except for materials or ammunition consumed.*

*(d) The commission shall furnish information on the requirements of the furtaker's education program as provided herein, said information to be distributed free of charge to applicants for furtaker licenses by the persons appointed and authorized to issue such licenses.*

*(e) The provisions of this section shall also apply to any person under twelve years of age who takes furbearers.*

**Section 301.3. License Requirements and Validity.**—*(a) Except in defense of person or property or pursuant to exemptions authorized in this act, every person, prior to engaging in any of the privileges granted by this act and the regulations adopted thereunder, shall first obtain the applicable license subject to any conditions or other requirements imposed by this act or regulation adopted thereunder.*

*(b) Only one full-term or distinct hunting or furtaking license shall be valid during any full-term license year. The issuance of any replacement license or the purchase of a second or subsequent license of any class shall immediately and automatically invalidate any such class of license or special license connected therewith which had been previously issued.*

Section 3. Section 302 of the act, amended July 20, 1983 (P.L.55, No.28), is amended to read:

Section 302. Resident **Hunting License Fees.**—*(a) Each such resident as defined in sections 101 and 301, upon application made, in writing, to an agent authorized to issue such licenses within the Commonwealth, and upon presentation of proof by the applicant that he or she is a resident of this Commonwealth as previously defined in this act by producing a current Pennsylvania motor vehicle 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 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 under this act in the manner hereinafter specified, and the payment to said agent or the commission of [eight dollars and fifty cents (\$8.50)] **twelve dollars and fifty cents (\$12.50)**, 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, **other than fur-bearing animals**, which may legally be hunted [or trapped] in this Commonwealth.*

*(b) 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 fifty cents (\$5.50) [and, in the case of persons between the ages of twelve and sixteen, five dollars and*

**fifty cents (\$5.50)].** 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.

*(c) (1) Residents with the qualifications set forth in subsection (a) who are sixty-five years of age or more at the time of application shall be entitled to, at the option of the applicant, either (i) an annual resident hunter's license and tag upon payment to said agent or the commission of ten dollars and fifty cents (\$10.50) or (ii) a lifetime resident hunter's license and appropriate tags upon the payment to said agent or the commission of fifty dollars and fifty cents (\$50.50). The application for the issuance of either license shall, in addition to the other information required, give the date of birth of the applicant.*

*(2) The commission shall develop, implement and administer a program to provide tags, report cards and applications to those residents who hold a lifetime license issued pursuant to subclause (1)(ii). The program shall require the applicant or license holder to pay any approved fee assessed by the issuing agent.*

*(d) 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.*

*(e) It shall be unlawful for any person to sell or attempt to sell any resident hunting license for a monetary fee in excess of the fees fixed pursuant to the provisions of this section. The sale or attempted sale of each license shall constitute a separate offense.*

Section 4. The act is amended by adding a section to read:

*Section 302.1. Resident Furtaker License Fee.—(a) Each such resident as defined in sections 101 and 301, upon application made, in writing, to an agent authorized to issue such licenses within this Commonwealth and upon presentation of proof by the applicant that the applicant is a resident of this Commonwealth as previously defined in this act by producing a current Pennsylvania motor vehicle 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 verifying residency, and the establishment of the identity of the applicant to the satisfaction of the authority issuing the license, unless any such person has been disqualified for a license under this act in the manner hereinafter specified, and the payment to said agent or the commission of twelve dollars and fifty cents (\$12.50), except as hereinafter provided for certain minors and older persons, shall be entitled to a resident furtaker's license which shall entitle*

*the holder to hunt or trap for all fur-bearing animals which may legally be hunted or trapped in this Commonwealth.*

*(b) Residents with the above qualifications, who are between the ages of twelve and sixteen inclusive at the time of application, shall be entitled to a resident furtaker's license upon payment to said agent or the commission of five dollars and fifty cents (\$5.50). 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.*

*(c) Residents with the qualifications set forth in subsection (a) who are sixty-five years of age or more at the time of application shall be entitled to an annual resident furtaker's license upon payment to said agent or the commission of ten dollars and fifty cents (\$10.50). The application for the issuance of either license shall, in addition to the other information required, give the date of birth of the applicant.*

*(d) 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.*

*(e) Nothing in this section shall prohibit the holder of a resident furtaker's license from using a sidearm or a rifle not larger than a .22 rimfire caliber to kill legally trapped wild animals.*

*(f) It shall be unlawful for any person to sell or attempt to sell any resident furtaker's license for a monetary fee in excess of the fees fixed pursuant to the provisions of this section. The sale or attempted sale of each license shall constitute a separate offense.*

Section 5. Section 303 of the act, amended July 20, 1983 (P.L.55, No.28), is amended to read:

Section 303. Nonresident Hunting License Fees.—(a) Every *adult* non-resident 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 *under this act* in the manner herein-after specified, or is a resident of a state which does not issue like licenses to residents of this Commonwealth, and upon payment to said agent or commission of [sixty dollars and fifty cents (\$60.50)] *eighty dollars and fifty cents (\$80.50)* 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, *other than fur-bearing animals*, which may legally be hunted in this Commonwealth, until the close of the license year. [Other licenses valid for use by nonresidents 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, three hundred fifty dollars (\$350). 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.]**

*(b) Nonresidents with the qualifications in subsection (a), who are between the ages of twelve and sixteen inclusive, shall be entitled to a Nonresident Hunting License upon payment to said agent or the commission of forty dollars and fifty cents (\$40.50). The application shall, in addition to other information, give the date of birth of the applicant.*

*(c) It shall be unlawful for any person to sell or attempt to sell any nonresident hunting license for a monetary fee in excess of the fees fixed pursuant to the provisions of this section. The sale or attempted sale of each license shall constitute a separate offense.*

Section 6. The act is amended by adding sections to read:

*Section 303.2. Nonresident Small Game License.—Nonresidents of this Commonwealth twelve years of age or older, upon application in writing to an authorized agent or to the commission, in such form as the commission may prescribe, and upon payment to the issuing agent or the commission of fifteen dollars and fifty cents (\$15.50), shall be entitled to a license known as a "Five-Day Nonresident Small Game Hunting License," which shall be valid for a period of five (5) consecutive days. The holder of the license shall be entitled to hunt for, take or kill any crows or small game except wild turkeys. The license issued under this section shall not be valid on any special controlled waterfowl management area.*

*Section 303.3. Nonresident Furtaker License Fee.—(a) Every 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 under this act in the manner hereinafter specified, or is a resident of a state which does not issue like licenses to residents of this Commonwealth, and upon payment to said agent or commission of eighty dollars and fifty cents (\$80.50) shall be entitled to the license herein designated as a Nonresident Furtaker's License which shall entitle the holder to hunt for or trap any fur-bearing animals which may legally be taken in this Commonwealth, until the close of the license year.*

*(b) Nonresidents with the qualifications in subsection (a), who are between the ages of twelve and sixteen inclusive, shall be entitled to a Nonresident Furtaker's License upon payment to such agent or the commission of forty dollars and fifty cents (\$40.50). The application, in addition to other information, shall give the date of birth of the applicant.*

*(c) Nothing in this section shall prohibit the holder of a Nonresident Furtaker's License from using a sidearm or a rifle not larger than a .22 rimfire caliber to kill legally trapped wild animals.*

*(d) It shall be unlawful for any person to sell or attempt to sell any Non-resident Furtaker's License for a monetary fee in excess of the fees fixed pursuant to the provisions of this section. The sale or attempted sale of each license shall constitute a separate offense.*

Section 7. Section 311 of the act, amended December 10, 1970 (P.L.896, No.282) and July 20, 1983 (P.L.55, No.28), is amended to read:

Section 311. Agents to Collect and Remit License Fees; Reports; Compensation.—(a) The agents designated by the commission for the collection of said license fees, for their services rendered in collecting and paying over the same, shall, as long as they continue to be agents of the commission, be allowed to retain not to exceed the sum of fifty cents from the amount paid for each resident [hunter's] license, and not to exceed fifty cents from the amount paid for each nonresident [hunter's] license, which amount shall be for the use of the county if the issuing agent is the county treasurer, or for other issuing agents shall be full compensation for services rendered by them under the provisions of this act, such compensation to be disposed of by the respective issuing agents as may now or hereafter be provided by law. Each issuing agent other than a county treasurer shall remit all balances arising from this source within five days after the end of each month to the State Treasurer, through the commission upon a form to be supplied by the commission. All such moneys shall be placed in the Game Fund by the State Treasurer.

(b) Every agent designated to issue [hunters'] licenses, unless already under bond to cover the handling of public funds, shall give bond to the Commonwealth in such sum as shall be fixed by the commission, but not less than three thousand dollars (\$3,000.00) for each place where licenses are issued before the annual supply of licenses is delivered to him. If an agent has more than one place where licenses are issued he may supply a blanket bond covering all places.

(c) Any issuing agent who shall fail to comply with any of the provisions of this act relating to [hunters'] licenses shall not be entitled to retain the sum hereinbefore fixed for his services, but such sums shall be paid to the State Treasurer, and if not so paid, may be recovered by the Commonwealth by suit in the same manner as like amounts are now by law recoverable.

Section 8. Section 312 of the act, amended July 20, 1983 (P.L.55, No.28), is amended to read:

Section 312. Replacement of Lost [Hunting] Licenses.—(a) Any holder of a [regular resident, nonresident or antlerless deer hunter's] license who shall accidentally lose the same, upon application to the commission or to [any] an issuing agent, [who after contacting the agent who issued the lost license or who, being otherwise satisfied of the validity of the claim for replacement, accompanied by a sworn statement setting forth the pertinent facts relative thereto and surrender the remaining portion, if any, of the original license, and upon payment of the fees set forth herein,] shall be entitled to a replacement license of the same kind [and value] as the original [when lost].

[Fees for replacement of regular resident, nonresident or antlerless deer licenses of any description shall be as follows:

(1) Except in the case of a regular nonresident hunter's license, the replacement fee for a regular resident hunting license shall be one-half of the fee charged for the original license.

(2) In the case of a regular nonresident hunting license, the replacement fee shall be one-half of the fee charged for a regular resident hunting license as set forth in the act for persons seventeen years of age or older, but less than sixty-five years of age.

(3) In the case of an antlerless deer license, the replacement fee shall be the same cost as the original license. The replacement of an antlerless deer license shall be made only by the issuing agent who issued the original license.]

(b) (1) *Except as otherwise provided in this subsection, the fee for the replacement of any lost license which was issued pursuant to sections 302, 302.1, 303 and 303.3 and 501(g) shall be five dollars and fifty cents (\$5.50).*

(2) *The fee for the replacement of a lost resident furtaker's license issued to a resident between the ages of twelve and sixteen inclusive and for all other lost licenses not specified in subclause (1) shall be the original fee for the issuance of such license.*

(c) The issuing agent shall indicate on the face of the *replacement* license [and tag] so issued, also on the stub or carbon copy thereof, that it is a replacement with the number of the original license. The affidavit so filed and any remaining portion of the original license also shall be fastened to the stub or carbon copy of the replacement license for the information of the auditors.

(d) For such services the commission may authorize any issuing agent to retain not to exceed the sum of fifty cents and remit the balance of the replacement license fee as hereinbefore provided. Issuing agents who are county treasurers shall remit the fee for services to the county for the use of the county.

(e) It shall be unlawful for any person to give false information on the sworn statement for a replacement hunting license or to obtain or attempt to obtain a replacement hunting license contrary to the provisions of this section. Any person who shall give false information on the sworn statement for a replacement hunting license or who obtains or attempts to obtain a replacement hunting license as herein defined contrary to the provisions of this section shall, upon conviction, be sentenced to pay a penalty of one hundred dollars (\$100) plus costs of prosecution.

Section 9. Section 313 of the act, amended December 10, 1970 (P.L.896, No.282), is amended to read:

Section 313. Power to Administer Oaths.—Each agent who may be authorized or designated by the commission to issue [hunting] licenses, and each agent who may be authorized or designated by the commission to receive applications for such licenses, in accordance with the provisions of this act, is hereby empowered to administer any oath that may be required in connection with the issuance of such licenses or receiving applications therefor.

Section 10. Sections 314 and 315(1) of the act are amended to read:

Section 314. Seizure of Licenses and Tags.—(a) Any regular salaried officer of the commission is hereby empowered, except where birds or animals are killed by mistake and reported as hereinafter required, to seize the [hunting] license, and the tag issued therewith, of any person apprehended in the act of violating any game law, or any rules or regulations of the commission, and who has either been convicted or signed an acknowledgment of violating any game law, or rules or regulations of the commission, or if such licensee is found using firearms to hunt while under the influence of intoxicating liquor or narcotics.

(b) All licenses so seized shall, within twenty-four hours, be forwarded to the [division game supervisor] regional director for transmittal to the office of the commission, with a report relative thereto. The director may, upon application of the owner, return the license [and tag] to the owner if he is satisfied that the license should not be recommended to the commission for revocation in the manner hereinafter stipulated.

Section 315. Revocation of Licenses; Right to Hunt or Trap Denied.—(1) The commission may revoke any [hunter's] license issued under this act and deny any person the right to secure a license or to hunt or trap anywhere in this Commonwealth, with or without a license, if said licensee or person has either been convicted or signed an acknowledgment of violating any provision of this act, or if such person has been adjudged guilty, in the manner hereinafter provided, of any of the acts enumerated below, for such periods as hereinafter specified.

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Section 11. Section 315.1 of the act, added October 17, 1980 (P.L.1076, No.178), is amended to read:

Section 315.1. Suspension.—The commission in the manner provided in section 315 for revocation of licenses may suspend [the hunter's] a valid license or deny a license (i) for failure to pay a fine for a violation of this act or until such a fine is imposed and fully paid, and (ii) during the time a citation is given and the recipient of the citation responds to it.

Section 12. Section 316(a), (b) and (c) of the act, amended June 24, 1939 (P.L.810, No.361), are amended to read:

Section 316. Certain Acts Declared Unlawful.—It is unlawful for any person:

(a) Except in the defense of person or property, to hunt, chase, shoot at, take, or kill, or pursue with intent to take, kill, or wound, any wild birds or wild animals by any method, including the use of dogs, without first securing a license and license tag as hereinbefore required, and wearing such tag and showing or displaying such license as required by the provisions of this article, but nothing in this clause shall be construed to prevent any person under the age of [eighteen] twelve years to trap for fur-bearing animals or predators without securing a license;

(b) Under the age of twelve years to receive a hunting or furtaker's license under any circumstances whatsoever;



(c) Under the age of sixteen years to receive a hunting *or furtaker's* license without presenting a written request therefor, bearing the signature of his father or mother or legally constituted guardian;

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Section 13. Section 319 of the act is repealed.

Section 14. Section 501 of the act, amended July 23, 1965 (P.L.240, No.136), June 21, 1967 (P.L.120, No.30), March 22, 1974 (P.L.201, No.41), December 10, 1974 (P.L.811, No.269), June 24, 1981 (P.L.111, No.37), March 7, 1982 (P.L.164, No.51) and July 20, 1983 (P.L.55, No.28), is amended to read:

Section 501. Open Seasons.—After investigation, or information otherwise obtained by the commission, as to the annual game supply and other wild birds and wild animals, the commission may, by appropriate rules and regulations, **[a summary of which shall be published as hereinafter specified,]** fix seasons, **[shooting hours] methods and times for taking wildlife,** and daily, season and possession limits, or remove protection and declare an open season, or increase, reduce or close seasons, or increase or reduce bag limits, for all species of game birds and game animals and all other wild birds and wild animals as defined under section 101 of this act, protected birds excepted, throughout the Commonwealth, or in any part thereof, or limit the number of hunters in any designated area and prescribe the methods of hunting therein, when in its opinion, such action is necessary to assure the maintenance of an adequate supply of such species, or when an unbalanced sex ratio exists which in its opinion should be corrected, or when, in the opinion of the commission, such additional open season will not jeopardize the future supply of game or other wild birds or wild animals.

If in any year the commission fails to establish such seasons or bag limits or fails to establish other hunting *or trapping* regulations under authority of this act, the open seasons and bag limits for game, Sundays excepted, unless otherwise provided by this act, and all other **[hunting]** regulations adopted under authority of this act, shall be the same as set by **[resolution] regulation** of the commission for the previous **[hunting]** license year, and all seasons shall open and close one calendar day earlier than the previous **[hunting]** license year. In the event the commission fails to establish seasons and bag limits for a **[hunting]** license year beginning in a leap year, the seasons shall open and close two calendar days earlier than the previous **[hunting]** license year.

It is unlawful for any person to kill or attempt to kill, or to hunt for, or take, or have in possession any game bird or game animal at any time of the year other than the open season, fixed by **[resolution] regulation** of the commission in the manner above provided, or as set forth in this section, except as elsewhere provided in this act.

(a) **Hunting or Trapping at Certain Periods Unlawful.** If in any year the commission, by **[resolution] regulation**, fixes a later hour to begin hunting **[for game] or trapping** on the first day of any open season, it shall be unlawful for any person, except in defense of person or property, to hunt for, chase, disturb, or take, or to attempt to hunt for, chase, disturb, or take, any

wild bird or wild animal, game or otherwise, through the use of firearms, or a bow and arrow, or with dogs, *or traps*, on such first day of the season prior to the opening hour so fixed by **[resolution] regulation** of the commission.

(b) Taking of Raccoons Regulated. (1) Except in defense of person or property, it is unlawful for any person to take, or attempt to take, raccoons through the use of traps, except in such county or counties as the commission may, by proper **[resolution] regulation**, declare open to trapping when in its opinion raccoons are sufficiently abundant to justify such trapping.

(2) After investigation or upon information otherwise obtained as to any county being infested with rabies, the commission may remove all protection on raccoons in such infested counties, or declare an open season on such animals, or direct the killing and disposition of same, in such manner as the case may require.

(3) Whenever the commission fixes open seasons for hunting or trapping raccoons, or whenever such open seasons are established as otherwise provided in this section, such open seasons shall be thirty days shorter for non-residents of the Commonwealth. The thirty days of extra open seasons for residents of the Commonwealth shall be the first thirty days of the open season.

(c) Hunters' Licenses **[and Tags]** for Antlerless Deer.—(1) If in any year the commission declares an open season for antlerless deer, it shall issue antlerless deer licenses **[and tags]** to hunt for or kill such deer, at a fee of **[three dollars fifty cents] five dollars and fifty cents (\$5.50)** 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 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 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 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 antlerless deer licenses **[and tags]** without effecting any quota established by the commission for a particular county: [(1)] (i) to members of Armed Forces who are residents of Pennsylvania and who are on full time active duty; [(2)] (ii) 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)] (iii) to disabled veterans as defined in section 302 upon submission of the information required by section 302.

(2) 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.

(3) 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 fifty cents from the amount paid by each licensee, which amount shall be paid into the county treasury.

(4) It shall be unlawful for any person to sell or attempt to sell any antlerless deer hunting license for a monetary fee in excess of the fees fixed pursuant to this subsection. The sale or attempted sale of each license shall constitute a separate offense.

(5) 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] fifty** 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] fifty** 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] fifty** 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] fifty** or more contiguous acres of land to the county treasurer within the county where such land is situated.

(6) 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 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 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 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.

(7) 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.

(8) When the commission adopts and promulgates such rules and regulations relative to 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 hunters' license [and tag] for antlerless deer, or to take such deer contrary to the rules and regulations adopted by the commission.

(9) 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 required] shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25) and costs of prosecution, provided it shall be determined the person has purchased a license; otherwise, a penalty of 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.

(e) Open Season for Hunting Deer with Bows and Arrows.—(1) In each year in which there is an open season for hunting deer there shall, in addition, be an open season for hunting deer with bows and arrows exclusively, unless otherwise declared by [resolution] regulation of the commission and the provisions of subsection (c) of this section shall not apply thereto. The duration and time of such additional open season, together with the description of the deer which may be lawfully killed, shall each year be fixed by the commission. During any such additional open season, it shall be unlawful to hunt for, kill or attempt to kill, any deer, without a license as hereinafter prescribed, or with any weapon other than a bow and arrow.

(2) No person shall hunt for or kill any deer during such additional open archery season with bow and arrow without first having secured a hunting license and, in addition thereto, an archery license from the commission or any agent designated as an issuing agent of the commission, the fee for which is hereby fixed at [two dollars] five dollars and fifty cents (\$5.50). Such license shall be attached to the hunters' license certificate for the current year and shall be countersigned in ink diagonally across its face by the licensee before hunting in the open season herein provided for.

(3) The county treasurer of each county and each other person designated the agent for the commission for the issuance of archery licenses may retain for the use of the county if the issuing agent is the county treasurer, otherwise to the agent for such service the sum of fifty cents paid by the applicant in addition to the license fee prescribed. The provisions of this act with respect to the issuance of licenses, collections of fees and records shall apply to the issuance of archery licenses.

(4) It shall be unlawful for any person to sell or attempt to sell any archery hunting license for a monetary fee in excess of the fee fixed pursuant

to this subsection. The sale or attempted sale of each such license shall constitute a separate offense.

(f) Muzzleloading Firearms Deer Season.—(1) The commission may, by [resolution] *regulation*, declare an open season for hunting deer with muzzleloading firearms during any hunting license year which shall hereinafter be known and referred to as Muzzleloading Firearms Deer Season.

(2) In any year in which a Muzzleloading Firearms Deer Season shall be declared as hereinbefore provided, the Muzzleloading Firearms Deer Season shall not be established prior to the close of the regular rifle deer seasons for the then current hunting license year. The commission shall, notwithstanding any other provisions of this act, adopt rules and regulations governing the hunting and killing of deer during such Muzzleloading Firearms Deer Season which shall include but not be limited to, the duration and time of such deer season, the description of the deer which may lawfully be killed, the type of muzzleloading firearms which may lawfully be used to hunt for and kill deer during such season, the area or areas within the Commonwealth where deer may lawfully be hunted and killed, and any other rules and regulations deemed necessary to properly regulate, manage, and control the hunting and killing of deer during such season. For the purposes of this section, a muzzleloading firearm shall not be less than .44 calibre and shall not be equipped with a telescope.

(3) It shall be unlawful for any person to hunt for, take, kill or wound, or attempt to take, or kill, or for any person to aid or assist in any manner to hunt for, take, kill or wound deer during such Muzzleloading Firearms Deer Season without first having legally obtained a resident[, **nonresident or alien**] *or nonresident* hunter's license as defined in sections 302 and 303 of this act and, in addition thereto, a Muzzleloading Firearms Deer Season license which may be obtained from the commission or any agent designated by the commission to issue such licenses, the fee for which is hereby fixed at [**three dollars fifty cents (\$3.50)**] *five dollars and fifty cents (\$5.50)*. Such license shall be in such form as the commission shall prescribe and shall be valid from the first day of September of one year to the thirty-first day of August of the year next following. The lawful holder of such license shall sign his full name in ink diagonally across its face before hunting deer in the open season herein provided for and shall carry such license upon his person at all times while hunting during such season.

(4) Any agent designated by the commission to issue Muzzleloading Firearms Deer Season licenses may retain the sum of fifty cents (\$.50) of the hereinbefore prescribed license fee for each such license issued as payment for services rendered. The several provisions of this act governing the issuance of hunting licenses by issuing agents with respect to keeping records, filing reports, and collecting and remitting license fees shall apply in like manner, force and effect to agents designated by the commission to issue Muzzleloading Firearms Deer Season licenses.

(5) It shall be unlawful for any person to sell or attempt to sell any Muzzleloading Firearms Deer Season license for a monetary fee in excess of the fees fixed pursuant to this subsection. The sale or attempted sale of each license shall constitute a separate offense.

(6) It shall be unlawful for any person to hunt for, take, kill or wound or attempt to take, kill or wound, or to aid or assist any person in any manner to hunt for, take, kill or wound deer during such Muzzleloading Firearms Deer Season contrary to the provisions of this section or rules and regulations adopted by the commission as hereinbefore provided.

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

(g) Bear Hunting Season and Licensing Requirements.

(1) When the commission, by **[resolution] regulation**, 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)] ten dollars (\$10.00)** for a resident and **[fifteen dollars (\$15)] twenty-five dollars (\$25.00)** 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 15. Section 505 of the act, amended May 6, 1981 (P.L.47, No.15), is amended to read:

Section 505. Notification of Action of Commission.—(a) The commission shall make available to each [hunter] *licensee* a summary of the seasons and bag limits, and designate any counties that may be closed, and name the species of game birds and game animals or fur-bearing animals for which there is no open season, and shall prepare and distribute such additional notices as in its judgment may be necessary.

(b) It is unlawful for any person to violate any of the rules and regulations adopted by the commission for the preservation of game birds, game animals, fur-bearing animals, nongame birds and all other wild birds and wild animals; or to take, or be possessed of, such birds or animals at a time, or in any number or manner, or of any kind or sex, contrary to such rules and regulations.

Section 16. Section 604(a) of the act, amended May 15, 1945 (P.L.519, No.202), is amended to read:

Section 604. (a) Special Regulations Relative to Beavers.—[In addition to complying with the requirements of this act relative to taking fur-bearing animals, the trapping of beavers shall be restricted to bona fide residents of Pennsylvania holding a lawfully issued resident hunter's license.] Owners and lessees of land, and members of their families, actually residing thereon and cultivating such land, may trap beavers thereon if open to public trapping, but not on any adjacent or other lands, without first securing a resident [hunter's] *furtaker's* license.

\* \* \*

Section 17. Section 702 of the act, amended March 22, 1974 (P.L.201, No.41), is amended to read:

Section 702. Hunting on Sunday and at Night.—(a) It is unlawful for any person to hunt for, shoot at, chase, catch or kill, or attempt to shoot at, chase, catch, or kill, with or without dogs, any game *or raccoon*, except in defense of person or property, upon the first day of the week commonly called Sunday, except for dog training or trial purposes as hereinafter provided; or to hunt for, shoot at, catch or kill, or attempt to hunt for, shoot at,

catch or kill, nongame birds or any game between the closing hour of one day and the opening hour of the day following as set by resolutions of the commission, except that raccoons may be hunted for and killed any time during the open season, day or night. This section shall not prohibit the removal of raccoons or fur-bearing animals from traps or deadfalls on Sunday when lawfully caught.

(b) Any person violating any of the provisions of this section shall be liable to the fine hereinafter provided.

Section 18. Section 1401(y) and (z.1) of the act, amended July 27, 1973 (P.L.83, No.36), are amended and the section is amended by adding a subsection to read:

Section 1401. Continuance of Game Fund; Appropriation.—All license fees, fines, permit fees, and other moneys received and collected (a) under the provisions of any law repealed and replaced by this act, and now held in the State Treasury as the Game Fund, or (b) that may be hereafter paid into the State Treasury under the provisions of any act so repealed or replaced, or (c) that may be paid into the State Treasury under the provisions of this act, shall be placed in the separate fund known as “The Game Fund,” and shall be held separately and apart solely for the following purposes:

\* \* \*

(y) Estimates of the amounts to be expended under this act, from time to time, by the Pennsylvania Game Commission, shall be submitted to the Governor for his approval or disapproval, and it shall be unlawful for the **[Auditor General] State Treasurer** to honor any requisition for the expenditure of any moneys out of this appropriation by the Pennsylvania Game Commission in excess of the estimates approved by the Governor. Subject to the foregoing provision, the moneys appropriated by this act shall be paid out of the Game Fund upon warrant of the **[Auditor General] State Treasurer** drawn after requisition by the Pennsylvania Game Commission, or as authorized by law by other departments.

*(y.1) The commission shall submit an annual written and oral report to the Game and Fisheries Committees of the Senate and the House of Representatives no later than November 30 of each fiscal year. The written report shall include complete budgets for the current fiscal year and for the fiscal year about to commence. An audit of the budget for the concluding fiscal year shall be conducted by the Legislative Budget and Finance Committee and shall be submitted to the Game and Fisheries Committees no later than November 30 of each fiscal year.*

\* \* \*

(z.1) The sum of **[one dollar] two dollars** of the fee collected for issuing resident and nonresident hunters' licenses and tags for antlerless deer, shall be used solely for cutting or otherwise removing overshadowing tree growth, to produce underbrush sprouts and saplings for deer food and cover on game land.

\* \* \*

Section 19. Whenever, in law, any reference is made to the raccoon as a game animal, such reference shall be deemed to refer to the raccoon as a fur-bearing animal.



**Section 20.** This act applies to the license year beginning September 1, 1985, and each year thereafter.

**Section 21.** This act shall take effect immediately.

**APPROVED—**The 3rd day of July, A. D. 1985.

**DICK THORNBURGH**