

No. 1990-180

## AN ACT

HB 876

Amending Titles 30 (Fish) and 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for certain fish permits; further providing for the powers and duties of Game Commission officers; and further providing for hunting on Sunday.

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

Section 1. Section 2904 of Title 30 of the Pennsylvania Consolidated Statutes is amended to read:

§ 2904. Permits for protection and management of particular fish.

**[The] (a) General rule.**—*Except as provided in subsections (b) and (c), the executive director, with the approval of the commission, may require permits for the taking, catching, killing, possession, introduction, removal, importing, transporting, exporting or disturbing of fish when it is determined that the permits may be needed to insure proper protection and management of any species of fish. The commission may establish fees for the issuance of permits and may promulgate rules and regulations concerning the issuance and provisions of the permits. Permits issued under this section may be revoked at any time at the discretion of the commission.*

**(b) Limit on fees.**—*The commission shall not establish a fee in excess of \$5 per permit for taking, catching, killing, possession, introduction, removal, importing, exporting or disturbing of trout and salmon.*

**(c) Limit on permits.**—*The commission shall not issue permits under the authority of this section for the taking, catching, killing, possession, introduction, removal, importing, exporting or disturbing of any game fish other than trout or salmon. This subsection shall not affect the issuance of permits for tagged fish contests in boundary lakes.*

Section 2. Section 901 of Title 34 is amended by adding a paragraph to read:

§ 901. Powers and duties of enforcement officers.

Any officer whose duty it is to enforce this title or any officer investigating any alleged violation of this title shall have the power and duty to:

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**(17) When acting within the scope of the officer's employment, pursue, apprehend or arrest any individual suspected of violating any provision of Title 18 (relating to crimes and offenses) or any other offense classified as a misdemeanor or felony. The officer shall also have the power to serve and execute warrants issued by the proper authorities for offenses referred to in this paragraph and to serve subpoenas issued for examination. All powers as provided for in this paragraph will be limited by such administrative procedure as the director, with the approval of the**

*commission, shall prescribe. The regulations shall be promulgated within 90 days of the effective date of this paragraph.*

Section 3. Sections 902 and 2303 of Title 34 are amended to read:

§ 902. Deputy Game Commission officers.

**[Deputy]** *Except for the power conferred under section 901(17) (relating to powers and duties of enforcement officers), deputy Game Commission officers shall, unless further restricted by the director, exercise all the powers and perform all the duties conferred by this title on Game Commission officers.*

§ 2303. Hunting on Sunday prohibited.

(a) General rule.—Except as otherwise provided in this title, it is unlawful for any person to hunt for any furbearer or game on Sunday.

(b) Construction of section.—This section shall not be construed to prohibit:

(1) The training of dogs.

(2) The participation in dog trials as provided for in this title.

(3) The removal of lawfully taken game or wildlife from traps or the resetting of the traps on Sunday.

*(b.1) Exception.—Subsection (a) shall not apply to the hunting of foxes.*

(c) Penalty.—A violation of this section is a summary offense of the fifth degree.

Section 4. This act shall take effect in 60 days.

APPROVED—The 17th day of December, A. D. 1990.

ROBERT P. CASEY