

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1776 Session of
1981

INTRODUCED BY W. W. FOSTER, SIRIANNI, DIETZ, HOEFFEL, SNYDER,
E. H. SMITH, PUNT, GREENWOOD, PETERSON AND GRABOWSKI,
JULY 21, 1981

REFERRED TO COMMITTEE ON GAME AND FISHERIES, JULY 21, 1981

AN ACT

1 Amending the act of June 3, 1937 (P.L.1225, No.316), entitled
2 "An act concerning game and other wild birds and wild
3 animals; and amending, revising, consolidating, and changing
4 the law relating thereto," further providing for special
5 permits, further providing for roadside menageries, providing
6 for permits to deal in and possess wildlife and further
7 providing for penalties.

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

10 Section 1. Section 401, act of June 3, 1937 (P.L.1225,
11 No.316), known as "The Game Law," is amended by adding clauses
12 to read:

13 Section 401. Commission Empowered to Grant Permits.--
14 Notwithstanding any other provision of this article to the
15 contrary, the commission shall, as deemed necessary to properly
16 manage the wildlife resources, be authorized to adopt rules and
17 regulations further regulating the issuance of any special
18 permit set forth herein, and to adopt rules and regulations to
19 further regulate and control such activities which may be
20 performed under authority of any special permit issued.

1 Under the conditions and limitations hereinafter prescribed,
2 the commission may grant permits at its discretion to citizens
3 of the United States who, unless otherwise specified, shall be
4 residents of the Commonwealth and eighteen years old or over,
5 which permits shall be in such form as the commission may
6 determine and shall expire on June thirtieth of each year,
7 except the permit for a disabled person to hunt from an
8 automobile, which shall expire on August thirty-first of each
9 year, and which may be revoked or suspended at any time at the
10 discretion of the commission. Such permits shall not be
11 transferable. Such permits may be issued:

12 * * *

13 (m) To any person desiring to act as a wildlife dealer as
14 defined in section 417.2.

15 (n) To any person desiring to purchase or reserve or possess
16 wildlife as defined in section 418.

17 * * *

18 Section 2. Section 402 of the act, amended July 22, 1965
19 (P.L.232, No.129), August 26, 1965 (P.L.410, No.211), October
20 13, 1965 (P.L.592, No.308) and December 17, 1965 (P.L.1122,
21 No.436), is amended to read:

22 Section 402. Application for Permits.--Any person, firm,
23 association, or corporation desiring a permit, as provided for
24 in this article, shall present an application therefor, on forms
25 supplied by the commission, and shall pay to the director the
26 following fees: permit for a disabled person to hunt from an
27 automobile, one dollar (\$1); collecting permit, ten dollars
28 (\$10); falconry permit, ten dollars (\$10); fur dealer's employes
29 permit, ten dollars (\$10); permit for possessing or owning a
30 ferret or fitch, ten dollars (\$10); permit to release and retrap

1 bobwhite quail for dog training purposes, ten dollars (\$10);
2 [roadside] menagerie, [fifteen dollars (\$15)] three hundred
3 dollars (\$300); game propagation, fifteen dollars (\$15); fur
4 farming, fifteen dollars (\$15); taxidermists desiring to
5 practice taxidermy for profit shall pay fifty dollars (\$50) for
6 initial application and permit, and twenty-five dollars (\$25)
7 per year thereafter for renewal of permit; resident fur dealers,
8 twenty-five dollars (\$25); nonresident fur dealers, purchasing
9 or receiving raw furs for commercial purposes in this
10 Commonwealth, shall pay one hundred dollars (\$100); persons
11 desiring to operate regulated shooting grounds on a non-
12 commercial basis shall pay twenty-five dollars (\$25) for the
13 first one hundred acres in the tract so used, and five dollars
14 (\$5) for each additional one hundred acres or fraction thereof;
15 persons desiring to operate regulated shooting grounds on a
16 commercial basis shall pay fifty dollars (\$50) for the first one
17 hundred acres, and ten dollars (\$10) for each additional one
18 hundred acres, or fraction thereof; and breeders and dealers in
19 ferrets or fitches shall pay fifty dollars (\$50); [and for a]
20 special retriever dog training area permit, thirty-five dollars
21 (\$35); wildlife dealers permit, five hundred dollars (\$500); and
22 for a wildlife possession permit, two hundred dollars (\$200) for
23 each animal.

24 [The application shall be accompanied by the written
25 statement of at least two well-known citizens of the community
26 in which the applicant resides, certifying to his good character
27 and to his fitness to be entrusted with the authority granted by
28 such special permit.]

29 In the case of applications for permits by firms,
30 associations, or corporations, the application shall bear the

1 name of the president or general manager, and the permit shall
2 be issued in his name. All applications for propagating permits
3 and regulated shooting grounds permits shall be accompanied by a
4 written description and a map or sketch of the premises to be
5 used for such purposes, with the location thereof.

6 Section 3. Section 417 of the act, amended May 11, 1949
7 (P.L.1118, No.331), is amended to read:

8 Section 417. Permits for [Roadside] Menageries.--The
9 commission may grant permits for [roadside] menageries which are
10 hereby defined as any place where one or more wild birds or wild
11 animals or one or more birds or animals which have similar
12 characteristics and appearance of birds or animals wild by
13 nature are kept in captivity[, upon any street or highway, or
14 upon land, public or private, adjoining any street or highway,
15 or upon land, public or private, in the vicinity of any
16 commercial establishment,] for the evident purpose of exhibition
17 [or attracting trade] with or without charge.

18 The term "[roadside] menagerie" shall not include the
19 exhibition of any wild bird or wild animal [by any educational
20 institution or] in any accredited public zoological garden,
21 which receives government grants or appropriations or [in
22 connection with any county fair, theatrical exhibition,] by any
23 nationally recognized circus[, or any such exhibition when
24 sponsored by any sportsmen's organization with the approval of
25 the Pennsylvania Game Commission]. Any sportsmen's club or
26 organization incorporated under the laws of this Commonwealth
27 may sponsor and conduct a menagerie at an annual county fair and
28 under such circumstances the menagerie permit shall be issued
29 free of charge. The term ["wild animal"] "wildlife" as used in
30 this section shall mean any wild bird or wild animal or any bird

1 or animal having similar characteristics and appearance of a
2 bird or animal wild by nature as distinguished from the common
3 domestic birds or animals, whether or not such birds or [animal
4 was] animals were bred or reared in captivity.

5 No permit shall be granted by the commission until it is
6 satisfied that the provisions for housing and caring for such
7 [wild animals] wildlife, and for protecting the public, are
8 proper and adequate, and in accordance with the standard
9 therefor established by the commission.

10 The commission shall adopt and enforce rules and regulations
11 for the housing, care, treatment, feeding, [and] sanitation,
12 purchase and disposal of [wild animals] wildlife kept in
13 [roadside] menageries, and for the protection of the public from
14 injury by such [wild animals] wildlife.

15 It is unlawful for any person to keep any [wild animal]
16 wildlife in captivity [upon any street or highway, or upon land,
17 public or private, adjoining any street or highway, or upon
18 land, public or private, in the vicinity of any commercial
19 establishment], for public exhibition [or the evident purpose of
20 attracting trade,] or to have any [wild animal] wildlife in
21 [his] custody or control for such purpose, [unless a permit has
22 been] without first securing a menagerie permit issued by the
23 commission.

24 It shall be unlawful for the holder of a menagerie permit to
25 violate any of the provisions of this act or rules and
26 regulations adopted thereunder by the commission or to release
27 any wildlife into the wild. In addition to the cash penalties
28 hereinafter provided, the director of the commission may, for
29 violating any of the provisions of this section or rules and
30 regulations adopted thereunder, revoke or suspend any menagerie

1 permit and order the disposal of any wildlife held.

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

3 Section 417.2. Permits to Deal in Wildlife.--The commission
4 may issue permits to persons to act as wildlife dealers which
5 shall authorize the holder thereof to import into the
6 Commonwealth, possess, buy, sell, locate or find for a fee,
7 barter, donate or otherwise dispose of wildlife. A wildlife
8 dealer shall mean any person who imports into the Commonwealth,
9 possesses, buys, sells, locates or finds for a fee, barter,
10 donates or otherwise disposes of more than one bird or one
11 animal classified as wildlife during any calendar year. A
12 wildlife dealer shall not include an accredited public
13 zoological garden which receives governmental grants or
14 appropriations.

15 Whenever used in this section, the word "wildlife," unless
16 further defined by resolution of the commission, shall mean, all
17 bears, all coyotes, all lions, all tigers, all leopards, all
18 jaguars, all cheetahs, all cougars, all wolves and any
19 crossbreed of such animals which have similar characteristics of
20 the animals specified herein. In order to properly administer
21 the provisions of this section, the commission may, by
22 resolution, add any bird or animal to or remove any bird or
23 animal from the classification of wildlife.

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

30 It shall be unlawful for any person to import into the

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

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

11 Section 5. Section 418 of the act is amended to read:

12 Section 418. [Act Not to Apply in Certain Cases.--This act
13 shall not be construed to apply to, or prohibit the taking or
14 possession of birds and animals, by any public zoological garden
15 of the State, or any public institution within the State,
16 maintained for scientific purposes or receiving appropriations
17 from the State, wherein animals or birds are maintained alive
18 for educational purposes, or for the purpose of scientific study
19 or experiment.] Permits to Possess Wildlife.--The commission may
20 issue permits to persons to possess wildlife which shall
21 authorize the holder thereof to purchase, receive or possess
22 wildlife from any lawful source from within or outside of this
23 Commonwealth. Whenever used in this section, the word
24 "wildlife," unless further defined by resolution of the
25 commission, shall mean all bears, all coyotes, all lions, all
26 tigers, all leopards, all jaguars, all cheetahs, all cougars,
27 all wolves and any crossbreed of such animals which have similar
28 characteristics of the animals specified herein. In order to
29 properly administer the provisions of this section, the
30 commission may, by resolution, add any animal to or remove any

1 animal from the classification of wildlife. The provisions of
2 this section shall not include any accredited public zoological
3 garden which receives government grants or appropriations.

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

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

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

19 Section 6. Section 419 of the act, amended April 14, 1976
20 (P.L.106, No.46), is amended to read:

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

25 (a) For the sale or exchange or shipment or removal out of
26 this Commonwealth of birds or nests or eggs, or the taking of
27 birds or eggs or nests, contrary to the provisions of this
28 article, by agents of museums or persons of scientific
29 attainment in ornithology or mammalogy acting under the
30 authority of any permit, twenty-five dollars;

1 (b) For the practice of taxidermy for profit without a
2 permit, as provided in this article, twenty-five dollars, and in
3 addition thereto, twenty-five dollars for each specimen of a
4 bird or animal protected by this act mounted or in possession
5 for mounting;

6 (c) For the mounting, sale, or shipment, or removal from, or
7 permitting the removal from, the Commonwealth, by the holder of
8 any taxidermy permit, of each specimen of a bird or animal
9 protected by this act, contrary to the provisions of this act,
10 twenty-five dollars;

11 (d) For a resident of the Commonwealth purchasing, or
12 receiving, or reselling raw furs for commercial purposes without
13 a permit, as provided in this article, one hundred dollars;

14 (e) For a nonresident of the Commonwealth purchasing, or
15 receiving, or reselling raw furs for commercial purposes without
16 a permit, as provided in this article, two hundred dollars;

17 (f) For the breeding or propagating of game or fur-bearing
18 animals in captivity without a propagating permit, contrary to
19 the provisions of this article, twenty-five dollars for each
20 bird or animal so bred or propagated;

21 (g) For the killing or selling or giving away or removing or
22 shipping of game or fur-bearing animals or the pelts thereof
23 bred or propagated, or eggs produced, by the holder of any
24 propagating permit, or his agent or employe, contrary to the
25 provisions of this article, twenty-five dollars;

26 (h) For neglecting or failing to return the duplicate copy
27 of such tag to the commission, or for neglecting or failing to
28 retain the copy of the tag as provided in this article, ten
29 dollars for each such neglect or failure;

30 (i) For wilfully or wantonly removing, or mutilating, or

1 counterfeiting or altering, or destroying a tag attached to a
2 container or bird or animal, contrary to the provisions of this
3 article, twenty-five dollars;

4 (j) For wilfully using any tag for the carrying, or
5 removing, or shipping of game or fur-bearing animals, or the
6 eggs of game birds, taken or killed outside of premises for
7 propagating game or fur-bearing animals, under authority of
8 permit, or for the purpose of a second shipment of game or fur-
9 bearing animals from any such premises, or for failure to
10 maintain the required record of transactions, contrary to the
11 provisions of this article, twenty-five dollars;

12 (k) For taking any game birds on premises covered by a
13 regulated shooting grounds permit in excess of the numbers fixed
14 by the provisions of this article, or for taking or capturing
15 such birds by any method other than by shooting, or for
16 consuming on the premises or removing therefrom any propagated
17 or released pheasants, bobwhite quail of the subspecies approved
18 by the commission, chukar partridges or mallard or black ducks
19 killed in accordance with the provisions of this article with
20 reference to regulated shooting grounds which have not been
21 tagged as herein required, or for attempting to operate such
22 regulated shooting grounds contrary to any other provisions of
23 this article, fifty dollars;

24 (l) For the breeding or selling, or offering for sale, or
25 having in possession, or delivering any ferret or fitch,
26 contrary to the provisions of this article, twenty-five dollars
27 for each ferret or fitch;

28 (m) For [maintaining a roadside menagerie for the purpose of
29 exhibition or attracting trade contrary to the provisions of
30 this article, or for failure to comply with the regulations of]

1 violating any provision of section 417 or for violating any rule
2 or regulation adopted thereunder by the commission [relative to
3 the housing and care of such animals, twenty-five dollars] three
4 hundred dollars;

5 (n) For failure to submit any annual report as required by
6 this article, twenty-five dollars;

7 (o) For releasing, retrapping, possessing or tagging
8 bobwhite quail or traps for dog training purposes contrary to
9 the provisions of this article, twenty-five dollars;

10 (o.1) For violating any provision of section 417.2 or any
11 rule or regulation adopted thereunder by the commission, five
12 hundred dollars;

13 (o.2) For violating any provision of section 418 or any rule
14 or regulation adopted thereunder by the commission, three
15 hundred dollars;

16 (p) For violating any of the provisions of this article or
17 any rule or regulation adopted thereunder by the commission not
18 above specifically provided for, [or for violating any of the
19 rules and regulations of the commission adopted under the
20 provisions of this article,] twenty-five dollars and costs of
21 prosecution for each offense.

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

26 Any person convicted of a second or subsequent offense shall
27 be liable to the fines above provided and costs of prosecution,
28 and, in addition thereto, shall, in the discretion of the court,
29 suffer imprisonment one day for each dollar of fine imposed.

30 Section 7. This act shall take effect July 1 immediately

1 following enactment.