
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 585

Session of
1985

INTRODUCED BY LETTERMAN, GODSHALL, BOWLEY, STABACK, PHILLIPS,
GRUPPO, CARLSON AND FOX, MARCH 18, 1985

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 19, 1985

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," reclassifying the raccoon as a
5 fur-bearing animal; increasing certain license fees; AND <—
6 establishing additional licenses for certain hunting and
7 trapping activities; ~~and requiring annual appropriations.~~ <—

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

10 Section 1. The definitions of "game animals" and "fur-
11 bearing animals" in section 101 of the act of June 3, 1937
12 (P.L.1225, No.316), known as The Game Law, amended March 22,
13 1974 (P.L.201, No.41), are amended to read:

14 Section 101. Definitions.--* * *

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

1 * * *

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

7 * * *

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

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

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

25 (c) The commission may designate any person found by it to
26 be competent to give instruction in the handling of firearms,
27 traps or other devices to act as an instructor. A person so
28 appointed shall give such course of instruction, and upon the
29 successful completion thereof shall issue to the person
30 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

1 applicant that he or she is a resident of this Commonwealth as
2 previously defined in this act by producing a current
3 Pennsylvania motor vehicle registration card, or tax receipts
4 evidencing payment of State income tax, earned income tax or
5 other local taxes pursuant to the act of December 31, 1965
6 (P.L.1257, No.511), known as "The Local Tax Enabling Act," or
7 some other positive means of verifying residency, and the
8 establishment of his or her identity to the satisfaction of the
9 authority issuing the license, unless any such person has been
10 disqualified for a license under this act in the manner
11 hereinafter specified, and the payment to said agent or the
12 commission of [eight dollars and fifty cents (\$8.50)] twelve
13 dollars and fifty cents (\$12.50), except as hereinafter provided
14 for certain minors and older persons, shall be entitled to a
15 resident hunter's license [and a tag with the number of the
16 license thereon,] which shall entitle the holder to hunt [or
17 trap for] all wild birds and wild animals, other than fur-
18 bearing animals, which may legally be hunted [or trapped] in
19 this Commonwealth.

20 (b) Residents with the above qualifications, who are between
21 the ages of twelve and sixteen inclusive [or who are sixty-five
22 years of age or more] at the time of application, shall be
23 entitled to a resident hunter's license [and tag] upon payment
24 to said agent or the commission of[, in the case of persons
25 sixty-five years of age or more,] five dollars and fifty cents
26 (\$5.50) [and, in the case of persons between the ages of twelve
27 and sixteen, five dollars and fifty cents (\$5.50)]. The
28 application for the issuance of a license in such cases shall,
29 in addition to the other information required, give the date of
30 birth of the applicant.

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

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

17 (d) Any resident disabled veteran of any war whose
18 disability consists of the loss of one or more limbs or the loss
19 of the use of one or more limbs, or who presents a physician's
20 certificate of total or one hundred per cent disability, and who
21 meets the above qualifications shall be issued such license upon
22 application to any county treasurer without the payment of the
23 above license fee provided for the use of the Commonwealth. The
24 application for the issuance of a license in such case shall in
25 addition to the other information required, contain a statement
26 that the applicant is a war veteran and that his disability was
27 service incurred. The county treasurer may likewise require of
28 such applicant the production of such applicant's discharge
29 papers.

30 (e) It shall be unlawful for any person to sell or attempt

1 to sell any resident hunting license for a monetary fee in
2 excess of the fees fixed pursuant to the provisions of this
3 section. The sale or attempted sale of each license shall
4 constitute a separate offense.

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

6 Section 302.1. Resident Furtaker License Fee.--(a) Each
7 such resident as defined in sections 101 and 301, upon
8 application made, in writing, to an agent authorized to issue
9 such licenses within this Commonwealth, and upon presentation of
10 proof by the applicant that the applicant is a resident of this
11 Commonwealth as previously defined in this act by producing a
12 current Pennsylvania motor vehicle registration card, or tax
13 receipts evidencing payment of State income tax, earned income
14 tax or other local taxes pursuant to the act of December 31,
15 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act,"
16 or some other positive means of verifying residency, and the
17 establishment of the identity of the applicant to the
18 satisfaction of the authority issuing the license, unless any
19 such person has been disqualified for a license under this act
20 in the manner hereinafter specified, and the payment to said
21 agent or the commission of twelve dollars and fifty cents
22 (\$12.50), except as hereinafter provided for certain minors and
23 older persons, shall be entitled to a resident furtaker's
24 license which shall entitle the holder to hunt or trap for all
25 fur-bearing animals which may legally be hunted or trapped in
26 this Commonwealth.

27 (b) Residents with the above qualifications, who are between
28 the ages of twelve and sixteen inclusive at the time of
29 application, shall be entitled to a resident furtaker's license
30 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

1 section. The sale or attempted sale of each license shall
2 constitute a separate offense.

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

5 Section 303. Nonresident Hunting License Fees.--(a) Every
6 adult nonresident of this Commonwealth, upon application made,
7 in writing, to any agent authorized to issue such licenses, or
8 to the commission, unless any such person has been disqualified
9 for a license under this act in the manner hereinafter
10 specified, or is a resident of a state which does not issue like
11 licenses to residents of this Commonwealth, and upon payment to
12 said agent or commission of [sixty dollars and fifty cents
13 (\$60.50)] eighty dollars and fifty cents (\$80.50) shall be
14 entitled to the license herein designated as a Nonresident
15 Hunter's License [and a tag with the number of the license
16 thereon,] which shall entitle the holder to hunt for all wild
17 birds and wild animals, other than fur-bearing animals, which
18 may legally be hunted in this Commonwealth, until the close of
19 the license year. [Other licenses valid for use by nonresidents
20 shall be as follows:

21 Nonresident trapper's license which shall be issued only upon
22 application to the Commission in Harrisburg and which shall be
23 effective for the same period as hunters' licenses shall entitle
24 the holder to take through the use of traps or deadfalls only
25 wild birds and wild animals which may legally be trapped in this
26 Commonwealth, except beavers, three hundred fifty dollars
27 (\$350). Nothing in this clause shall be construed to prohibit
28 the holder of a nonresident trapper's license from using a
29 sidearm or a rifle not larger than a .22 rimfire caliber to kill
30 legally caught birds and animals.]

1 (b) Nonresidents with the qualifications in subsection (a),
2 who are between the ages of twelve and sixteen inclusive, shall
3 be entitled to a Nonresident Hunting License upon payment to
4 said agent or the commission of forty dollars and fifty cents
5 (\$40.50). The application shall, in addition to other
6 information, give the date of birth of the applicant.

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

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

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

25 Section 303.3. Nonresident Furtaker License Fee.--(a) Every
26 nonresident of this Commonwealth, upon application made, in
27 writing, to any agent authorized to issue such licenses, or to
28 the commission, unless any such person has been disqualified for
29 a license under this act in the manner hereinafter specified, or
30 is a resident of a state which does not issue like licenses to

1 residents of this Commonwealth, and upon payment to said agent
2 or commission of eighty dollars and fifty cents (\$80.50) shall
3 be entitled to the license herein designated as a Nonresident
4 Furtaker's License which shall entitle the holder to hunt for or
5 trap any fur-bearing animals which may legally be taken in this
6 Commonwealth, until the close of the license year.

7 (b) Nonresidents with the qualifications in subsection (a),
8 who are between the ages of twelve and sixteen inclusive, shall
9 be entitled to a Nonresident Furtaker's License upon payment to
10 such agent or the commission of forty dollars and fifty cents
11 (\$40.50). The application, in addition to other information,
12 shall give the date of birth of the applicant.

13 (c) Nothing in this section shall prohibit the holder of a
14 nonresident furtaker's license from using a sidearm or a rifle
15 not larger than a .22 rimfire caliber to kill legally trapped
16 wild animals.

17 (d) It shall be unlawful for any person to sell or attempt
18 to sell any nonresident furtaker's license for a monetary fee in
19 excess of the fees fixed pursuant to the provisions of this
20 section. The sale or attempted sale of each license shall
21 constitute a separate offense.

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

25 Section 311. Agents to Collect and Remit License Fees;
26 Reports; Compensation.--(a) The agents designated by the
27 commission for the collection of said license fees, for their
28 services rendered in collecting and paying over the same, shall,
29 as long as they continue to be agents of the commission, be
30 allowed to retain not to exceed the sum of fifty cents from the

1 amount paid for each resident [hunter's] license, and not to
2 exceed fifty cents from the amount paid for each nonresident
3 [hunter's] license, which amount shall be for the use of the
4 county if the issuing agent is the county treasurer, or for
5 other issuing agents shall be full compensation for services
6 rendered by them under the provisions of this act, such
7 compensation to be disposed of by the respective issuing agents
8 as may now or hereafter be provided by law. Each issuing agent
9 other than a county treasurer shall remit all balances arising
10 from this source within five days after the end of each month to
11 the State Treasurer, through the commission upon a form to be
12 supplied by the commission. All such moneys shall be placed in
13 the Game Fund by the State Treasurer.

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

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

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

30 Section 312. Replacement of Lost [Hunting] Licenses.--(a)

1 Any holder of a [regular resident, nonresident or antlerless
2 deer hunter's] license who shall accidentally lose the same,
3 upon application to the commission or to [any] an issuing agent,
4 [who after contacting the agent who issued the lost license or
5 who, being otherwise satisfied of the validity of the claim for
6 replacement, accompanied by a sworn statement setting forth the
7 pertinent facts relative thereto and surrender the remaining
8 portion, if any, of the original license, and upon payment of
9 the fees set forth herein,] shall be entitled to a replacement
10 license of the same kind [and value] as the original [when
11 lost].

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

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

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

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

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

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

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

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

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

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

30 Section 313. Power to Administer Oaths.--Each agent who may

1 be authorized or designated by the commission to issue [hunting]
2 licenses, and each agent who may be authorized or designated by
3 the commission to receive applications for such licenses, in
4 accordance with the provisions of this act, is hereby empowered
5 to administer any oath that may be required in connection with
6 the issuance of such licenses or receiving applications
7 therefor.

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

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

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

28 Section 315. Revocation of Licenses; Right to Hunt or Trap
29 Denied.--(1) The commission may revoke any [hunter's] license
30 issued under this act and deny any person the right to secure a

1 license or to hunt or trap anywhere in this Commonwealth, with
2 or without a license, if said licensee or person has either been
3 convicted or signed an acknowledgment of violating any provision
4 of this act, or if such person has been adjudged guilty, in the
5 manner hereinafter provided, of any of the acts enumerated
6 below, for such periods as hereinafter specified.

7 * * *

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

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

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

18 Section 316. Certain Acts Declared Unlawful.--It is unlawful
19 for any person:

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

30 (b) Under the age of twelve years to receive a hunting or

1 furtaker's license under any circumstances whatsoever;

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

6 * * *

7 Section 13. Section 319 of the act is repealed:

8 Section 14. Section 501 of the act, amended July 23, 1965
9 (P.L.240, No.136), June 21, 1967 (P.L.120, No.30), March 22,
10 1974 (P.L.201, No.41), December 10, 1974 (P.L.811, No.269), June
11 24, 1981 (P.L.111, No.37), March 7, 1982 (P.L.164, No.51) and
12 July 20, 1983 (P.L.55, No.28), is amended to read:

13 Section 501. Open Seasons.--After investigation, or
14 information otherwise obtained by the commission, as to the
15 annual game supply and other wild birds and wild animals, the
16 commission may, by appropriate rules and regulations, [a summary
17 of which shall be published as hereinafter specified,] fix
18 seasons, [shooting hours] methods and times for taking wildlife,
19 and daily, season and possession limits, or remove protection
20 and declare an open season, or increase, reduce or close
21 seasons, or increase or reduce bag limits, for all species of
22 game birds and game animals and all other wild birds and wild
23 animals as defined under section 101 of this act, protected
24 birds excepted, throughout the Commonwealth, or in any part
25 thereof, or limit the number of hunters in any designated area
26 and prescribe the methods of hunting therein, when in its
27 opinion, such action is necessary to assure the maintenance of
28 an adequate supply of such species, or when an unbalanced sex
29 ratio exists which in its opinion should be corrected, or when,
30 in the opinion of the commission, such additional open season

1 will not jeopardize the future supply of game or other wild
2 birds or wild animals.

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

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

22 (a) Hunting or Trapping at Certain Periods Unlawful. If in
23 any year the commission, by [resolution] regulation, fixes a
24 later hour to begin hunting [for game] or trapping on the first
25 day of any open season, it shall be unlawful for any person,
26 except in defense of person or property, to hunt for, chase,
27 disturb, or take, or to attempt to hunt for, chase, disturb, or
28 take, any wild bird or wild animal, game or otherwise, through
29 the use of firearms, or a bow and arrow, or with dogs, or traps,
30 on such first day of the season prior to the opening hour so

1 fixed by [resolution] regulation of the commission.

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

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

15 (3) Whenever the commission fixes open seasons for hunting
16 or trapping raccoons, or whenever such open seasons are
17 established as otherwise provided in this section, such open
18 seasons shall be thirty days shorter for nonresidents of the
19 Commonwealth. The thirty days of extra open seasons for
20 residents of the Commonwealth shall be the first thirty days of
21 the open season.

22 (c) Hunters' Licenses [and Tags] for Antlerless Deer.--(1)
23 If in any year the commission declares an open season for
24 antlerless deer, it shall issue antlerless deer licenses [and
25 tags] to hunt for or kill such deer, at a fee of [three dollars
26 fifty cents] five dollars and fifty cents (5.50) under such
27 rules and regulations governing the issuance of such licenses
28 [and tags] as it may deem necessary to limit the number of
29 persons who may hunt for such deer in any county of the
30 Commonwealth and to regulate the issuance of such licenses

1 generally. Except as otherwise provided in this subsection, no
2 applications for antlerless deer licenses received from
3 nonresidents of the Commonwealth shall be approved or licenses
4 issued in advance of thirty days prior to the opening date of
5 such antlerless deer season. Such licenses [and tags] shall be
6 issued without restriction or regard to the county of residence
7 of the Pennsylvania applicant and may be issued only to holders
8 of resident or nonresident hunting licenses, and such licenses
9 [and tags] shall not be transferable from one person to another
10 nor shall they be refunded or reissued to anyone.

11 Notwithstanding the provisions of any regulation limiting the
12 number of licenses [and tags], the commission shall issue
13 antlerless deer licenses [and tags] without effecting any quota
14 established by the commission for a particular county: [(1)] (i)
15 to members of Armed Forces who are residents of Pennsylvania and
16 who are on full time active duty; [(2)] (ii) to residents who
17 were honorably discharged from the Armed Forces within sixty
18 days of the date of the application upon substantial proof of
19 their military status; and [(3)] (iii) to disabled veterans as
20 defined in section 302 upon submission of the information
21 required by section 302.

22 (2) Licenses [and tags] for antlerless deer shall be issued
23 only by the county treasurers or by any person carrying out the
24 duties and responsibilities of a county treasurer in counties
25 functioning under a Home Rule Charter in counties where such
26 deer may be hunted and killed, who, for that purpose, are hereby
27 made agents of the commission.

28 (3) For services rendered in collecting and paying over fees
29 and issuing licenses [and tags], by mail or otherwise, such
30 agents may retain the sum of fifty cents from the amount paid by

1 each licensee, which amount shall be paid into the county
2 treasury.

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

8 (5) When such licenses are issued to restrict the number of
9 persons who may hunt antlerless deer in any county of the
10 Commonwealth, certain qualifying landowners who own [eighty]
11 fifty or more contiguous acres of land within any county where
12 they desire to hunt antlerless deer shall be entitled to one
13 antlerless deer license for that county, at the prescribed fee,
14 to one and only one person whose name appears on the deed. These
15 antlerless deer licenses shall be allocated in advance of their
16 availability to the general public from the quota established by
17 the commission for the county where such land is situated to
18 persons who meet all of the following requirements:

19 (i) the [eighty] fifty or more contiguous acres of land are
20 owned by a natural person individually or as tenants by the
21 entirety, or by a corporation of four or fewer shareholders, or
22 by tenants in common of four or fewer natural persons;

23 (ii) the [eighty] fifty or more contiguous acres of land are
24 open to public hunting and trapping and shall remain open to
25 hunting and trapping during the hunting license year for which
26 the antlerless deer license is issued;

27 (iii) the applicant for an antlerless deer license shall
28 furnish proof of ownership of [eighty] fifty or more contiguous
29 acres of land to the county treasurer within the county where
30 such land is situated.

1 (6) Any resident of Pennsylvania residing within the
2 Commonwealth who is a bona fide owner or lessee of lands which
3 lie within the county declared open to the hunting of antlerless
4 deer, or any member of the family or household, or regularly
5 hired help of such owner or lessee who are so employed on a
6 full-time basis, if such person is a resident of the
7 Commonwealth, actually residing upon and cultivating such lands
8 for general farm crop purposes, is hereby declared eligible to
9 hunt antlerless deer without a resident hunters' license or an
10 antlerless deer license upon said property, and, by and with the
11 written consent of the owner or lessee thereof, upon the lands
12 immediately adjacent and connected with his own lands, other
13 than publicly-owned lands.

14 (7) The terms "antlerless deer" and "deer without visible
15 antlers," as used in this subsection or any other provision of
16 the Game Law which this act amends, are hereby defined to mean a
17 deer without an antler sometimes called horn, or a deer with
18 antlers both of which are less than three inches long, the term
19 "antler," as herein used or in any other provision of the Game
20 Law which this act amends, meaning the bony growth on the head
21 of a deer regardless of its size or development.

22 (8) When the commission adopts and promulgates such rules
23 and regulations relative to hunters' licenses [and tags] for
24 antlerless deer, it is unlawful for any person other than a
25 landowner or lessee of the county or a member of his household,
26 as hereinbefore enumerated, to hunt for antlerless deer without
27 a hunters' license [and tag] for antlerless deer, or to take
28 such deer contrary to the rules and regulations adopted by the
29 commission.

30 (9) The antlerless deer license [tag issued with an

1 antlerless deer license] shall be displayed on the outer garment
2 immediately below the regular resident or nonresident hunting
3 license [tag]. Any person who fails to display the antlerless
4 deer license [tag herein required] shall, upon conviction, be
5 sentenced to pay a fine of twenty-five dollars (\$25) and costs
6 of prosecution, provided it shall be determined the person has
7 purchased a license; otherwise, a penalty of fifty dollars (\$50)
8 and costs of prosecution shall be imposed. Any person who shall
9 give false information in obtaining or attempting to obtain an
10 antlerless deer license as relates to certain qualifying
11 landowners shall, upon conviction, be sentenced to pay a fine of
12 two hundred dollars (\$200) and costs of prosecution and shall be
13 denied the right to hunt or trap anywhere in this Commonwealth,
14 with or without a license, for a period of three years. Any
15 other person who shall give false information in obtaining or
16 attempting to obtain an antlerless deer license shall, upon
17 conviction, be sentenced to pay a fine of fifty dollars (\$50)
18 and costs of prosecution.

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

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

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

20 (4) It shall be unlawful for any person to sell or attempt
21 to sell any archery hunting license for a monetary fee in excess
22 of the fee fixed pursuant to this subsection. The sale or
23 attempted sale of each such license shall constitute a separate
24 offense.

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

30 (2) In any year in which a Muzzleloading Firearms Deer

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

18 (3) It shall be unlawful for any person to hunt for, take,
19 kill or wound, or attempt to take, or kill, or for any person to
20 aid or assist in any manner to hunt for, take, kill or wound
21 deer during such Muzzleloading Firearms Deer Season without
22 first having legally obtained a resident[, nonresident or alien]
23 or nonresident hunter's license as defined in sections 302 and
24 303 of this act and, in addition thereto, a Muzzleloading
25 Firearms Deer Season license which may be obtained from the
26 commission or any agent designated by the commission to issue
27 such licenses, the fee for which is hereby fixed at [three
28 dollars fifty cents (\$3.50)] five dollars and fifty cents
29 (\$5.50). Such license shall be in such form as the commission
30 shall prescribe and shall be valid from the first day of

1 September of one year to the thirty-first day of August of the
2 year next following. The lawful holder of such license shall
3 sign his full name in ink diagonally across its face before
4 hunting deer in the open season herein provided for and shall
5 carry such license upon his person at all times while hunting
6 during such season.

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

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

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

28 (7) Any person who shall violate any of the provisions of
29 this section or any rules and regulations adopted by the
30 commission pursuant thereto, shall, upon conviction, be

1 sentenced to pay the penalties prescribed in section 506 of this
2 act.

3 (g) Bear Hunting Season and Licensing Requirements.

4 (1) When the commission, by [resolution] regulation,
5 declares an open season for hunting and taking bear, it shall be
6 unlawful for any person other than persons excepted under
7 section 317, to hunt for, take, kill or wound or attempt to
8 take, kill or wound bear, or to aid or assist any person in any
9 manner to hunt for, take, kill or wound bear without first
10 having legally obtained a current resident or nonresident
11 hunter's license as defined in this act and in addition thereto,
12 a current bear hunting license which shall be obtained from the
13 commission at a fee of [five dollars (\$5)] ten dollars (\$10.00)
14 for a resident and [fifteen dollars (\$15)] twenty-five dollars
15 (\$25.00) for a nonresident. The license shall be in such form as
16 the commission shall determine and shall be displayed while
17 hunting bear by the lawful holder of such license in such manner
18 as the commission shall prescribe. Before the bear license shall
19 be legal for use in hunting, the lawful holder of such license
20 shall sign his first name, middle initial and last name in ink
21 across the face of the license.

22 (2) When the commission declares an open season for hunting
23 and taking bear, in addition to the statutory requirements of
24 this section, the commission, in order to properly manage the
25 resource, shall have authority to adopt any rules and
26 regulations deemed necessary to regulate the hunting, taking,
27 killing, possession or transportation of such species. Such
28 rules and regulations may include but not be limited to the
29 establishment of bear management units, limit the number of
30 hunters who may hunt for bear in such management units, regulate

1 the number of bear licenses which may be issued and prescribe
2 the method and procedure for making application for such license
3 and the issuance thereof. The number of bear licenses which
4 shall be made available to nonresidents of the Commonwealth
5 shall not exceed three percent (3%) of the total number of bear
6 licenses to be issued as determined by the commission.

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

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

1 article.

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

6 Section 15. Section 505 of the act, amended May 6, 1981
7 (P.L.47, No.15), is amended to read:

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

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

22 ~~Section 16. Section 601 of the act, amended December 10,~~ <—
23 ~~1974 (P.L.811, No.269), is amended to read:~~

24 ~~Section 601. Open Season for Fur Bearing Animals. (a)~~
25 ~~After investigation, or upon information otherwise obtained, by~~
26 ~~the commission as to the annual supply of fur bearing animals,~~
27 ~~the commission may, by appropriate rules and regulations, a~~
28 ~~summary of which shall be published as hereinbefore specified,~~
29 ~~fix seasons, trapping hours, and daily, season, and possession~~
30 ~~limits, or remove protection, or increase or reduce seasons and~~

1 ~~bag limits for any or all species of fur bearing animals~~
2 ~~throughout the Commonwealth, or in any part thereof, or limit~~
3 ~~the number of trappers in any designated area and prescribe the~~
4 ~~methods of trapping therein, when in its opinion such action is~~
5 ~~necessary to assure the maintenance of an adequate supply of~~
6 ~~such animals, or to reduce the numbers thereof to safeguard game~~
7 ~~birds and animals.~~

8 ~~(b) If in any year the commission fails to establish such~~
9 ~~seasons, and bag and possession limits, in the manner herein~~
10 ~~specified, the seasons, bag and possession limits, and trapping~~
11 ~~regulations for fur bearing animals shall be the same as fixed~~
12 ~~by resolution of the commission for the previous year, except~~
13 ~~the seasons shall open and close one calendar day earlier than~~
14 ~~during the previous hunting and trapping license year. In the~~
15 ~~event the commission fails to establish the seasons for a~~
16 ~~hunting and trapping license year beginning in a leap year, the~~
17 ~~seasons shall open and close two calendar days earlier than the~~
18 ~~previous hunting and trapping year.~~

19 ~~(c) The commission shall, in fixing annual trapping seasons,~~
20 ~~provide for such seasons in a manner that will ensure that~~
21 ~~houndsmen have at least thirty trap free hunting days within the~~
22 ~~dates set by the commission for the taking of fox and raccoon.~~

23 Section 17 16. Section 604(a) of the act, amended May 15, <—
24 1945 (P.L.519, No.202), is amended to read:

25 Section 604. (a) Special Regulations Relative to Beavers.--
26 [In addition to complying with the requirements of this act
27 relative to taking fur-bearing animals, the trapping of beavers
28 shall be restricted to bona fide residents of Pennsylvania
29 holding a lawfully issued resident hunter's license.] Owners and
30 lessees of land, and members of their families, actually

1 residing thereon and cultivating such land, may trap beavers
2 thereon if open to public trapping, but not on any adjacent or
3 other lands, without first securing a resident [hunter's]
4 furtaker's license.

5 * * *

6 Section ~~18~~ 17. Section 702 of the act, amended March 22,
7 1974 (P.L.201, No.41), is amended to read:

<—

8 Section 702. Hunting on Sunday and at Night.--(a) It is
9 unlawful for any person to hunt for, shoot at, chase, catch or
10 kill, or attempt to shoot at, chase, catch, or kill, with or
11 without dogs, any game or raccoon, except in defense of person
12 or property, upon the first day of the week commonly called
13 Sunday, except for dog training or trial purposes as hereinafter
14 provided; or to hunt for, shoot at, catch or kill, or attempt to
15 hunt for, shoot at, catch or kill, nongame birds or any game
16 between the closing hour of one day and the opening hour of the
17 day following as set by resolutions of the commission, except
18 that raccoons may be hunted for and killed any time during the
19 open season, day or night. This section shall not prohibit the
20 removal of raccoons or fur-bearing animals from traps or
21 deadfalls on Sunday when lawfully caught.

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

24 Section ~~19~~ 18. Section 1401~~(*)~~, (y) and (z.1) of the act,
25 amended July 27, 1973 (P.L.83, No.36), are amended AND THE
26 SECTION IS AMENDED BY ADDING A SUBSECTION to read:

<—

<—

27 Section 1401. Continuance of Game Fund; Appropriation.--All
28 license fees, fines, permit fees, and other moneys received and
29 collected (a) under the provisions of any law repealed and
30 replaced by this act, and now held in the State Treasury as the

1 Game Fund, or (b) that may be hereafter paid into the State
2 Treasury under the provisions of any act so repealed or
3 replaced, or (c) that may be paid into the State Treasury under
4 the provisions of this act, shall be placed in the separate fund
5 known as "The Game Fund," and shall be held separately and apart
6 solely for the following purposes:

7 * * *

8 ~~(x) All such moneys placed in the Game Fund under the~~ <—
9 ~~provisions of this section are hereby made available~~
10 ~~immediately, and [are hereby specifically appropriated] shall be~~
11 ~~annually appropriated by the General Assembly to the commission~~
12 ~~for the purposes herein specified;~~

13 (y) Estimates of the amounts to be expended under this act,
14 from time to time, by the Pennsylvania Game Commission, shall be
15 submitted to the Governor [for his approval or disapproval, and <—
16 it] ~~and to the General Assembly pursuant to Article VI of the~~ <—
17 ~~act of April 9, 1929 (P.L.177, No.175), known as "The~~
18 ~~Administrative Code of 1929."~~ It shall be unlawful for the
19 [Auditor General] State Treasurer to honor any requisition for
20 the expenditure of any moneys out of this appropriation by the
21 Pennsylvania Game Commission in excess of the [estimates <—
22 approved by the Governor] ~~amounts appropriated by law.~~ Subject <—
23 to the foregoing provision, the moneys appropriated by this act
24 shall be paid out of the Game Fund upon warrant of the [Auditor
25 General] State Treasurer drawn after requisition by the
26 Pennsylvania Game Commission, or as authorized by law by other
27 departments.

28 (Y.1) THE COMMISSION SHALL SUBMIT AN ANNUAL WRITTEN AND ORAL <—
29 REPORT TO THE GAME AND FISHERIES COMMITTEES OF THE SENATE AND
30 THE HOUSE OF REPRESENTATIVES NO LATER THAN NOVEMBER 30 OF EACH

1 FISCAL YEAR. THE WRITTEN REPORT SHALL INCLUDE COMPLETE BUDGETS
2 FOR THE CURRENT FISCAL YEAR AND FOR THE FISCAL YEAR ABOUT TO
3 COMMENCE. AN AUDIT OF THE BUDGET FOR THE CONCLUDING FISCAL YEAR
4 SHALL BE CONDUCTED BY THE LEGISLATIVE BUDGET AND FINANCE <—
5 COMMITTEE AND SHALL BE SUBMITTED TO THE GAME AND FISHERIES
6 COMMITTEES NO LATER THAN NOVEMBER 30 OF EACH FISCAL YEAR.

7 * * *

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

14 * * *

15 Section ~~20~~ 19. Whenever, in law, any reference is made to <—
16 the raccoon as a game animal, such reference shall be deemed to
17 refer to the raccoon as a furbearing animal.

18 Section ~~21~~ 20. This act applies to the license year <—
19 beginning September 1, 1985, and each year thereafter.

20 Section ~~22~~ 21. This act shall take effect immediately. <—