

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1841 Session of
1977

INTRODUCED BY MESSRS. LETTERMAN, RENWICK, ARTHURS, O'KEEFE,
F. TAYLOR, CASSIDY, MILLIRON, D. R. WRIGHT, GARZIA, STUBAN,
ARMSTRONG, STEWART, BITTINGER, WISE, LINCOLN, GRIECO, CIMINI,
NOYE, HASKELL AND WILT, NOVEMBER 2, 1977

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 13, 1978

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 nonresident
5 license and license fees, ~~and~~ increasing certain penalties <—
6 AND FURTHER PROVIDING FOR THE APPOINTMENT AND TERM OF OFFICE <—
7 OF THE EXECUTIVE DIRECTOR AND MAKING AN EDITORIAL CHANGE.

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

10 SECTION 1. SECTION 205, ACT OF JUNE 3, 1937 (P.L.1225, <—
11 NO.316), KNOWN AS "THE GAME LAW," IS AMENDED TO READ:

12 SECTION 205. EXECUTIVE DIRECTOR, DUTIES, AND POWERS.--[THE
13 COMMISSION SHALL SELECT A COMPETENT PERSON TO BE KNOWN AS THE
14 EXECUTIVE DIRECTOR, WHO SHALL BE ITS CHIEF ADMINISTRATIVE
15 OFFICER AND HAVE CHARGE OF ALL ACTIVITIES UNDER THE JURISDICTION
16 OF THE COMMISSION. HE SHALL REMAIN SUCH DURING THE PLEASURE OF
17 THE COMMISSION, AND SHALL TAKE THE OATH OF OFFICE PRESCRIBED BY
18 THE CONSTITUTION AND FILE THE SAME WITH THE SECRETARY OF THE
19 COMMONWEALTH.] THE TERM OF THE INCUMBENT EXECUTIVE DIRECTOR

1 SHALL EXPIRE NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS ACT.
2 THEREAFTER THE GOVERNOR SHALL IN ACCORDANCE WITH THE PROVISIONS
3 OF THE CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA AND, BY
4 AND WITH THE ADVICE AND CONSENT OF A MAJORITY OF THE MEMBERS
5 ELECTED TO THE SENATE, APPOINT THE EXECUTIVE DIRECTOR, WHO SHALL
6 SERVE AT THE PLEASURE OF THE GOVERNOR. THE EXECUTIVE DIRECTOR
7 SHALL BE THE CHIEF ADMINISTRATIVE OFFICER OF THE COMMISSION AND
8 SHALL HAVE CHARGE OF ALL ACTIVITIES UNDER THE JURISDICTION OF
9 THE COMMISSION. THE EXECUTIVE DIRECTOR SHALL TAKE THE OATH OF
10 OFFICE PRESCRIBED BY THE CONSTITUTION AND FILE THE SAME WITH THE
11 SECRETARY OF THE COMMONWEALTH.

12 NO MEMBER OF THE COMMISSION, NOR ANYONE WHO HAS SERVED AS A
13 MEMBER THEREOF WITHIN ONE YEAR, SHALL BE ELIGIBLE FOR
14 [SELECTION] APPOINTMENT AS EXECUTIVE DIRECTOR.

15 THE EXECUTIVE DIRECTOR SHALL BE THE CHIEF GAME PROTECTOR, AND
16 SHALL HAVE CHARGE OF, DIRECT, SUPERVISE, AND CONTROL ALL OTHER
17 GAME PROTECTORS AND EMPLOYES OF THE COMMISSION. THE COMPENSATION
18 OF THE DIRECTOR SHALL BE FIXED BY THE COMMISSION. THE DIRECTOR
19 SHALL GIVE BOND TO THE COMMONWEALTH IN THE SUM OF FORTY THOUSAND
20 DOLLARS CONDITIONED FOR THE FAITHFUL PERFORMANCE OF THE DUTIES
21 OF HIS OFFICE.

22 THE DIRECTOR SHALL OCCUPY, AS HIS PERMANENT HEADQUARTERS, THE
23 ROOMS ASSIGNED TO THE COMMISSION AND SHALL BE SUPPLIED, FROM
24 TIME TO TIME, BY THE DEPARTMENT OF [PROPERTY AND SUPPLIES]
25 GENERAL SERVICES, SUCH FURNITURE, EQUIPMENT, AND OFFICE SUPPLIES
26 AS MAY BE NECESSARY FOR THE USE OF THE COMMISSION.

27 THE DIRECTOR SHALL HAVE AUTHORITY TO HAVE PRINTED THE
28 BIENNIAL REPORT OF THE COMMISSION, AND SUCH BULLETINS,
29 LITERATURE, POSTERS, AND OTHER PRINTING AS MAY BE NECESSARY TO
30 THE WORK OF THE COMMISSION, INCLUDING THE MAGAZINE KNOWN AS

1 PENNSYLVANIA GAME NEWS, THE SUBSCRIPTION RATES OF WHICH SHALL BE
2 FIXED BY THE COMMISSION FROM TIME TO TIME. SUCH PUBLICATION
3 SHALL AT ALL TIMES BE MAINTAINED AS A NONPARTISAN PUBLICATION.

4 Section ± 2. Sections 303 and 610 OF THE act, ~~of June 3,~~ <—
5 ~~1937 (P.L.1225, No.316), known as "The Game Law," section 303~~
6 amended October 21, 1975 (P.L.431, No.122), are amended to read:

7 Section 303. Nonresident Hunting License Fees.--Every
8 nonresident of this Commonwealth, upon application made, in
9 writing, to any agent authorized to issue such licenses, or to
10 the commission, unless any such person has been disqualified for
11 a license in the manner hereinafter specified, or is a resident
12 of a state which does not issue like licenses to residents of
13 this Commonwealth, and upon payment to said agent or commission
14 of [forty dollars and thirty-five cents (\$40.35)] FIFTY DOLLARS <—
15 AND FIFTY CENTS (\$50.50) FOR THE LICENSE YEAR BEGINNING IN 1978
16 AND sixty dollars and fifty cents (\$60.50) for the license year
17 beginning in 1979 and each year thereafter shall be entitled to
18 the license herein designated as a Nonresident Hunter's License
19 and a tag with the number of the license thereon, which shall
20 entitle the holder to hunt for all wild birds and wild animals
21 which may legally be hunted in this Commonwealth, until the
22 close of the license year. Other licenses valid for use by
23 nonresidents shall be as follows:

24 Nonresident trapper's license which shall be issued only upon
25 application to the Commission in Harrisburg and which shall be
26 effective for the same period as hunters' licenses shall entitle
27 the holder to take through the use of traps or deadfalls only
28 wild birds and wild animals which may legally be trapped in this
29 Commonwealth, except beavers, [forty dollars (\$40)] three
30 hundred fifty dollars (\$350). Nothing in this clause shall be

1 construed to prohibit the holder of a nonresident trapper's
2 license from using a sidearm or a rifle not larger than a .22
3 rimfire caliber to kill legally caught birds and animals.

4 Section 610. Penalties.--Any person killing or capturing, or
5 possessing, or attempting to kill or capture, any beaver or
6 otter, or destroying or disturbing or interfering with beaver or
7 otter dams or houses or dens, or killing, capturing, possessing
8 or disposing of any beaver, contrary to the provisions of this
9 article or the regulations of the commission, shall, upon
10 conviction, be sentenced to pay a fine of [fifty] two hundred
11 dollars and costs of prosecution for each offense.

12 Any person violating any rule or regulation of the commission
13 relative to the taking of fur-bearing animals not covered in the
14 preceding paragraph, or stealing the traps of another, or
15 disturbing the traps of another, or removing a fur-bearing
16 animal, or raccoon or predator from the traps of another,
17 without specific authority from the owner, shall, upon
18 conviction, be sentenced to pay a fine of [twenty-five] two
19 hundred dollars for each offense.

20 Any person violating any of the provisions of this article,
21 except as otherwise provided for, shall, upon conviction, be
22 sentenced to pay a fine of ten dollars and costs of prosecution
23 for each offense.

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

28 Any person convicted of a second or subsequent offense shall
29 be liable to the fines above provided and costs of prosecution,
30 and, in addition thereto, shall, in the discretion of the court,

1 suffer imprisonment one day for each dollar of fine imposed.

2 Section ~~2~~ 3. This act shall take effect September 1, 1978. <—