
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 24, 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;~~ AND <—
8 REQUIRING ANNUAL BUDGET REPORTS AND AUDITS.

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

11 Section 1. The definitions of "game animals" and "fur-
12 bearing animals" in section 101 of the act of June 3, 1937
13 (P.L.1225, No.316), known as The Game Law, amended March 22,
14 1974 (P.L.201, No.41), are amended to read:

15 Section 101. Definitions.--* * *

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

1 or wildcat.

2 * * *

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

8 * * *

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

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

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

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

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

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

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

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

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

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

28 Section 302. Resident Hunting License Fees.--(a) Each such
29 resident as defined in sections 101 and 301, upon application
30 made, in writing, to an agent authorized to issue such licenses

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

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

1 birth of the applicant.

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

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

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

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

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

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

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

1 upon payment to said agent or the commission of five dollars and
2 fifty cents (\$5.50). The application for the issuance of a
3 license in such cases shall, in addition to the other
4 information required, give the date of birth of the applicant.

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

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

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

29 (f) It shall be unlawful for any person to sell or attempt
30 to sell any resident furtaker's license for a monetary fee in

1 excess of the fees fixed pursuant to the provisions of this
2 section. The sale or attempted sale of each license shall
3 constitute a separate offense.

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

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

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

1 legally caught birds and animals.]

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

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

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

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

27 Section 303.3. Nonresident Furtaker License Fee.--(a) Every
28 nonresident of this Commonwealth, upon application made, in
29 writing, to any agent authorized to issue such licenses, or to
30 the commission, unless any such person has been disqualified for

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

9 (b) Nonresidents with the qualifications in subsection (a),
10 who are between the ages of twelve and sixteen inclusive, shall
11 be entitled to a Nonresident Furtaker's License upon payment to
12 such agent or the commission of forty dollars and fifty cents
13 (\$40.50). The application, in addition to other information,
14 shall give the date of birth of the applicant.

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

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

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

27 Section 311. Agents to Collect and Remit License Fees;
28 Reports; Compensation.--(a) The agents designated by the
29 commission for the collection of said license fees, for their
30 services rendered in collecting and paying over the same, shall,

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

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

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

30 Section 8. Section 312 of the act, amended July 20, 1983

1 (P.L.55, No.28), is amended to read:

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

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

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

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

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

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

29 (b) (1) Except as otherwise provided in this subsection,
30 the fee for the replacement of any lost license which was issued

1 pursuant to sections 302, 302.1, 303 and 303.3 and 501(g) shall
2 be five dollars and fifty cents (\$5.50).

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

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

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

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

30 Section 9. Section 313 of the act, amended December 10, 1970

1 (P.L.896, No.282), is amended to read:

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

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

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

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

30 Section 315. Revocation of Licenses; Right to Hunt or Trap

1 Denied.--(1) The commission may revoke any [hunter's] license
2 issued under this act and deny any person the right to secure a
3 license or to hunt or trap anywhere in this Commonwealth, with
4 or without a license, if said licensee or person has either been
5 convicted or signed an acknowledgment of violating any provision
6 of this act, or if such person has been adjudged guilty, in the
7 manner hereinafter provided, of any of the acts enumerated
8 below, for such periods as hereinafter specified.

9 * * *

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

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

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

20 Section 316. Certain Acts Declared Unlawful.--It is unlawful
21 for any person:

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

1 license;

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

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

8 * * *

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

10 Section 14. Section 501 of the act, amended July 23, 1965
11 (P.L.240, No.136), June 21, 1967 (P.L.120, No.30), March 22,
12 1974 (P.L.201, No.41), December 10, 1974 (P.L.811, No.269), June
13 24, 1981 (P.L.111, No.37), March 7, 1982 (P.L.164, No.51) and
14 July 20, 1983 (P.L.55, No.28), is amended to read:

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

1 ratio exists which in its opinion should be corrected, or when,
2 in the opinion of the commission, such additional open season
3 will not jeopardize the future supply of game or other wild
4 birds or wild animals.

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

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

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

1 the use of firearms, or a bow and arrow, or with dogs, or traps,
2 on such first day of the season prior to the opening hour so
3 fixed by [resolution] regulation of the commission.

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

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

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

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

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

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

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

30 (3) For services rendered in collecting and paying over fees

1 and issuing licenses [and tags], by mail or otherwise, such
2 agents may retain the sum of fifty cents from the amount paid by
3 each licensee, which amount shall be paid into the county
4 treasury.

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

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

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

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

29 (iii) the applicant for an antlerless deer license shall
30 furnish proof of ownership of [eighty] fifty or more contiguous

1 acres of land to the county treasurer within the county where
2 such land is situated.

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

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

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

1 commission.

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

21 (e) Open Season for Hunting Deer with Bows and Arrows.--(1)
22 In each year in which there is an open season for hunting deer
23 there shall, in addition, be an open season for hunting deer
24 with bows and arrows exclusively, unless otherwise declared by
25 [resolution] regulation of the commission and the provisions of
26 subsection (c) of this section shall not apply thereto. The
27 duration and time of such additional open season, together with
28 the description of the deer which may be lawfully killed, shall
29 each year be fixed by the commission. During any such additional
30 open season, it shall be unlawful to hunt for, kill or attempt

1 to kill, any deer, without a license as hereinafter prescribed,
2 or with any weapon other than a bow and arrow.

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

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

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

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

1 Muzzleloading Firearms Deer Season.

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

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

1 (\$5.50). Such license shall be in such form as the commission
2 shall prescribe and shall be valid from the first day of
3 September of one year to the thirty-first day of August of the
4 year next following. The lawful holder of such license shall
5 sign his full name in ink diagonally across its face before
6 hunting deer in the open season herein provided for and shall
7 carry such license upon his person at all times while hunting
8 during such season.

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

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

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

30 (7) Any person who shall violate any of the provisions of

1 this section or any rules and regulations adopted by the
2 commission pursuant thereto, shall, upon conviction, be
3 sentenced to pay the penalties prescribed in section 506 of this
4 act.

5 (g) Bear Hunting Season and Licensing Requirements.

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

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

1 establishment of bear management units, limit the number of
2 hunters who may hunt for bear in such management units, regulate
3 the number of bear licenses which may be issued and prescribe
4 the method and procedure for making application for such license
5 and the issuance thereof. The number of bear licenses which
6 shall be made available to nonresidents of the Commonwealth
7 shall not exceed three percent (3%) of the total number of bear
8 licenses to be issued as determined by the commission.

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

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

1 for any person to remove the metal tag attached to any bear by
2 an officer of the commission contrary to the provisions of this
3 article.

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

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

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

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

24 ~~Section 16. Section 601 of the act, amended December 10,~~ <—
25 ~~1974 (P.L.811, No.269), is amended to read:~~

26 ~~Section 601. Open Season for Fur Bearing Animals. (a)~~
27 ~~After investigation, or upon information otherwise obtained, by~~
28 ~~the commission as to the annual supply of fur bearing animals,~~
29 ~~the commission may, by appropriate rules and regulations, a~~
30 ~~summary of which shall be published as hereinbefore specified,~~

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

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

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

25 Section 17 16. Section 604(a) of the act, amended May 15, <—
26 1945 (P.L.519, No.202), is amended to read:

27 Section 604. (a) Special Regulations Relative to Beavers.--
28 [In addition to complying with the requirements of this act
29 relative to taking fur-bearing animals, the trapping of beavers
30 shall be restricted to bona fide residents of Pennsylvania

1 holding a lawfully issued resident hunter's license.] Owners and
2 lessees of land, and members of their families, actually
3 residing thereon and cultivating such land, may trap beavers
4 thereon if open to public trapping, but not on any adjacent or
5 other lands, without first securing a resident [hunter's]
6 furtaker's license.

7 * * *

8 Section ~~18~~ 17. Section 702 of the act, amended March 22,
9 1974 (P.L.201, No.41), is amended to read:

<—

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

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

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

<—

<—

29 Section 1401. Continuance of Game Fund; Appropriation.--All
30 license fees, fines, permit fees, and other moneys received and

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

9 * * *

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

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

30 (Y.1) THE COMMISSION SHALL SUBMIT AN ANNUAL WRITTEN AND ORAL <—

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

9 * * *

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

16 * * *

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

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

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