
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 669 Session of
1993

INTRODUCED BY JAROLIN, PESCI, MELIO, KASUNIC, ARMSTRONG, CLARK,
PISTELLA, BROWN, SURRA, LAUGHLIN, KING, TOMLINSON, GODSHALL,
HESS, TRELLO, STISH AND GIGLIOTTI, MARCH 22, 1993

SENATE TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, NOVEMBER 14, 1994

AN ACT

1 Amending Title TITLES 30 (Fish) AND 34 (GAME) of the <—
2 Pennsylvania Consolidated Statutes, further providing for
3 ~~institutional licenses~~ INCREASES IN LICENSE FEES AND ISSUING <—
4 AGENT COMMISSIONS and for exemptions from license
5 requirements for individuals who have certain physical or
6 mental impairments; AND PROVIDING FOR CERTAIN PROTECTION OF <—
7 FISH FARMING OR AQUACULTURE OPERATIONS.

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

10 ~~Section 1. Sections 2708 and 2709(b) of Title 30 of the <—~~
11 ~~Pennsylvania Consolidated Statutes are amended to read:~~
12 ~~§ 2708. Institutional licenses.~~

13 ~~Any resident of this Commonwealth who is a resident patient~~
14 ~~in [a Commonwealth owned and supported] an institution for~~
15 ~~mental disability, geriatric center, tubercular hospital or~~
16 ~~county home or hospital, or any veteran who is a patient in a~~
17 ~~United States Government Veterans' Administration Hospital or in~~
18 ~~a State veterans' home, or who is a juvenile of a State youth~~

1 ~~development center or forestry camp, and who may benefit from~~
2 ~~recreational fishing during the course of treatment,~~
3 ~~rehabilitation or hospitalization may be issued a resident~~
4 ~~fishing license without paying a license fee. Licenses~~
5 ~~authorized by this section may be issued by the superintendent~~
6 ~~or chief medical officer of the institution who shall sign an~~
7 ~~affidavit certifying that recreational fishing may be of benefit~~
8 ~~to the rehabilitation of the patient and that the patient is an~~
9 ~~inpatient of the institution. The affidavits, and records of the~~
10 ~~number and to whom the licenses were issued, shall be forwarded~~
11 ~~to the commission on such forms as the commission shall provide.~~
12 ~~The commission may revoke license issuing privileges of any~~
13 ~~institution for failure to comply with any provisions of this~~
14 ~~chapter or regulations promulgated thereunder.~~

15 SECTION 1. SECTIONS 2701, 2702 AND 2704 OF TITLE 30 OF THE <—
16 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:
17 § 2701. RESIDENT FISHING LICENSES.

18 (A) GENERAL RULE.--FOR THE PURPOSES OF THIS CHAPTER [ANY
19 PERSON 16 YEARS OF AGE OR OLDER IS ENTITLED TO] A "RESIDENT
20 FISHING LICENSE" [IF:] IS REQUIRED FOR ANY RESIDENT OF
21 PENNSYLVANIA, 16 YEARS OF AGE OR OLDER, TO FISH IN ANY WATERS OF
22 THIS COMMONWEALTH OR IN ANY BOUNDARY WATERS, AND SUCH LICENSE
23 SHALL BE ISSUED WHEN THE PERSON:

24 (1) [HE HAS] HAS APPLIED TO AN ISSUING AGENT WITHIN THIS
25 COMMONWEALTH OR TO THE COMMISSION.

26 (2) [HE HAS] HAS ESTABLISHED HIS IDENTITY, AGE AND THE
27 FACT THAT HE IS A BONA FIDE RESIDENT OF THIS COMMONWEALTH TO
28 THE SATISFACTION OF THE ISSUING AGENT OR THE COMMISSION BY
29 PRODUCING A MOTOR VEHICLE DRIVER'S LICENSE OR SOME OTHER
30 POSITIVE MEANS OF IDENTIFICATION.

(3) [HE HAS] HAS PAID THE ISSUING AGENT OR THE COMMISSION A LICENSE FEE OF [\$12] \$16.25 PLUS A SERVICE FEE OF [50¢] 75¢ TO THE ISSUING AGENT.

(B) SENIOR CITIZENS.--A PERSON WHO IS OR WILL BE 65 YEARS OF AGE OR OLDER IN THE YEAR OF APPLICATION WHO COMPLIES WITH SUBSECTION (A)(1) AND (2) IS ENTITLED TO A "SENIOR RESIDENT FISHING LICENSE" IF HE PAYS A LICENSE FEE OF [\$2] \$5.25 TO THE ISSUING AGENT OR THE COMMISSION PLUS A SERVICE FEE OF [50¢] 75¢ TO THE ISSUING AGENT. THE APPLICATION SHALL GIVE THE DATE OF BIRTH OF THE APPLICANT. ANY PERSON WHO QUALIFIES TO PURCHASE A SENIOR RESIDENT FISHING LICENSE MAY, IN LIEU THEREOF, PURCHASE A SENIOR RESIDENT LIFETIME FISHING LICENSE WHICH SHALL BE VALID FOR HIS LIFETIME UPON THE PAYMENT OF A FEE OF [\$10] \$15.25 FOR THE USE OF THE COMMONWEALTH AND, IN THE EVENT THE LICENSE IS ISSUED BY AN ISSUING AGENT, A FEE OF [50¢] 75¢ FOR THE USE OF THE ISSUING AGENT.

§ 2702. NONRESIDENT AND TOURIST LICENSES.

(A) [NONRESIDENT] ANNUAL NONRESIDENT LICENSES.--[FOR THE PURPOSES OF THIS CHAPTER, ANY PERSON 16 YEARS OF AGE OR OLDER IS ENTITLED TO A "NONRESIDENT FISHING LICENSE" IF:

(1) HE IS NOT A BONA FIDE RESIDENT OF THIS COMMONWEALTH.

(2) HE HAS APPLIED TO AN ISSUING AGENT OR TO THE COMMISSION.

(3) HE HAS PAID THE ISSUING AGENT OR THE COMMISSION A LICENSE FEE OF \$25 PLUS A SERVICE FEE OF 50¢ TO THE ISSUING AGENT.]

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN "ANNUAL NONRESIDENT FISHING LICENSE" IS REQUIRED FOR ANY PERSON, OTHER THAN THE PURCHASER OF A "RESIDENT FISHING LICENSE" UNDER SECTION 2701 (RELATING TO RESIDENT FISHING LICENSES), 16 YEARS OF AGE OR

1 OLDER, TO FISH IN ANY OF THE WATERS OF THIS COMMONWEALTH OR ANY
2 BOUNDARY WATERS. THE FEE FOR AN "ANNUAL NONRESIDENT FISHING
3 LICENSE" SHALL BE \$32.25 PLUS A SERVICE FEE OF 75¢ TO THE
4 ISSUING AGENT.

5 (B) [TOURIST] SEVEN-DAY TOURIST LICENSES.--[FOR THE PURPOSES
6 OF THIS CHAPTER, ANY PERSON 16 YEARS OF AGE OR OLDER IS ENTITLED
7 TO A "FIVE-DAY TOURIST FISHING LICENSE," VALID FOR A PERIOD OF
8 FIVE CONSECUTIVE DAYS, IF:

9 (1) HE IS NOT A BONA FIDE RESIDENT OF THIS COMMONWEALTH.

10 (2) HE HAS APPLIED TO AN ISSUING AGENT OR TO THE
11 COMMISSION.

12 (3) HE HAS PAID THE ISSUING AGENT OR THE COMMISSION A
13 LICENSE FEE OF \$20 PLUS A SERVICE CHARGE OF 50¢ TO THE
14 ISSUING AGENT.]

15 ANY PERSON REQUIRED TO HAVE A FISHING LICENSE UNDER THIS SECTION
16 MAY, IN LIEU OF AN "ANNUAL NONRESIDENT LICENSE" ISSUED UNDER
17 SUBSECTION (A) OR A "THREE-DAY TOURIST LICENSE" ISSUED UNDER
18 SUBSECTION (C), FISH IN ANY OF THE WATERS OF THIS COMMONWEALTH
19 OR IN ANY BOUNDARY WATERS FOR A PERIOD NOT TO EXCEED SEVEN
20 CONSECUTIVE DAYS WITH A "SEVEN-DAY TOURIST FISHING LICENSE." THE
21 LICENSE FEE FOR A "SEVEN-DAY TOURIST FISHING LICENSE" SHALL BE
22 \$25.25 PLUS A SERVICE CHARGE OF 75¢ TO THE ISSUING AGENT.

23 (C) THREE-DAY TOURIST LICENSES.--ANY PERSON REQUIRED TO HAVE
24 A FISHING LICENSE UNDER THIS SECTION MAY, IN LIEU OF AN "ANNUAL
25 NONRESIDENT LICENSE" ISSUED UNDER SUBSECTION (A) OR A "SEVEN-DAY
26 TOURIST LICENSE" ISSUED UNDER SUBSECTION (B), FISH IN ANY OF THE
27 WATERS OF THIS COMMONWEALTH OR IN ANY BOUNDARY WATERS FOR A
28 PERIOD NOT TO EXCEED THREE CONSECUTIVE DAYS WITH A "THREE-DAY
29 TOURIST FISHING LICENSE." THE LICENSE FEE FOR A "THREE-DAY
30 TOURIST FISHING LICENSE" SHALL BE \$12.25 PLUS A SERVICE CHARGE

1 OF 75¢ TO THE ISSUING AGENT.

2 § 2704. LOST FISHING LICENSES.

3 IN CASE A LICENSE CERTIFICATE IS LOST OR DESTROYED, A NEW
4 LICENSE MAY BE SECURED FROM THE COMMISSION OR ANY ISSUING AGENT
5 UPON MAKING AFFIDAVIT TO THAT EFFECT AND SUPPLYING SUCH
6 ADDITIONAL INFORMATION AS THE COMMISSION MAY BY REGULATION
7 REQUIRE AND PAYING A FEE OF [\$1] \$4.25 PLUS A SERVICE FEE OF
8 [50¢] 75¢ TO THE ISSUING AGENT.

9 SECTION 2. SECTION 2709(B) OF TITLE 30 IS AMENDED AND THE
10 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

11 § 2709. Exemptions from license requirements.

12 * * *

13 (b) [Blind and handicapped persons] Persons who are blind or
14 have certain physical or mental impairments.--The provisions of
15 this chapter do not apply to those persons who are totally blind
16 or [so severely handicapped] have such severe physical or mental
17 impairments that they are unable to cast or retrieve a line or
18 bait hooks and remove fish if only one legal device is used and
19 the [blind or handicapped person] person who is blind or has
20 physical or mental impairments as described in this section is
21 within ten feet of the device being used. The provisions of this
22 chapter also do not apply to the attendant of the [blind or
23 handicapped person] person who is blind or has physical or
24 mental impairments while assisting the [blind or handicapped]
25 person who is blind or has physical or mental impairments in
26 using the device.

27 * * *

28 (E) EDUCATIONAL FIELD PROJECTS.--A STUDENT ENROLLED IN A
29 SECONDARY OR UNDERGRADUATE COURSE OF INSTRUCTION SHALL NOT BE
30 REQUIRED TO POSSESS A FISHING LICENSE TO GATHER SPECIMENS WHILE

<—

1 PARTICIPATING IN AN EDUCATIONALLY SPONSORED BIOLOGICAL FIELD
2 PROJECT THAT IS UNDER THE DIRECT SUPERVISION OF A HIGH SCHOOL OR
3 ACCREDITED INSTITUTION OF POSTSECONDARY EDUCATION PROVIDED THE
4 EDUCATIONAL INSTITUTION HAS APPLIED FOR AND RECEIVED THE WRITTEN
5 PERMISSION OF THE COMMISSION.

6 ~~SECTION 3. SECTION 2711 OF TITLE 30 IS AMENDED TO READ:~~ <—

7 SECTION 3. SECTIONS 2711 AND 3308 OF TITLE 30 ARE AMENDED TO <—
8 READ:

9 § 2711. ISSUING AGENTS.

10 (A) APPOINTMENT AND BOND.--THE COMMISSION MAY APPOINT SUCH
11 PERSONS AS IT DEEMS NECESSARY TO ISSUE FISHING LICENSES AND
12 PERMITS, AND THE PERSONS SO APPOINTED SHALL BE REQUIRED TO POST
13 A BOND OR OTHER SECURITY IN A FORM SATISFACTORY TO THE
14 COMMISSION IN AN AMOUNT IT DETERMINES.

15 (B) COMPENSATION AND FEES.--FOR SERVICES RENDERED IN
16 COLLECTING AND PAYING OVER LICENSE AND PERMIT FEES, ISSUING
17 AGENTS, AS LONG AS THEY CONTINUE TO ACT IN THAT CAPACITY, MAY
18 COLLECT AND RETAIN THE SUM OF [50¢] 75¢ FOR EACH FISHING LICENSE
19 SOLD AND THE SUM OF 50¢ FOR EACH SPECIAL LICENSE AND PERMIT
20 SOLD, WHICH AMOUNT SHALL BE FULL COMPENSATION FOR SERVICES
21 RENDERED BY THEM UNDER THE PROVISIONS OF THIS TITLE. THE
22 COMPENSATION SHALL BE RETAINED BY THE RESPECTIVE ISSUING AGENTS
23 AND SHALL COVER, AMONG OTHER THINGS, THE COST OF ISSUING
24 LICENSES, SPECIAL LICENSES AND PERMITS, POSTAGE, MAILING,
25 RETURNS AND BONDING OF SAID AGENTS. ALL LICENSE, SPECIAL LICENSE
26 AND PERMIT FEES PAID TO AN ISSUING AGENT UNDER THIS TITLE SHALL
27 BE PAID BY THOSE AGENTS INTO THE STATE TREASURY FOR DEPOSIT IN
28 THE FISH FUND THROUGH THE COMMISSION AT LEAST ONCE A MONTH AND
29 THEY SHALL BE APPLIED TO THE PURPOSES PROVIDED FOR IN THIS
30 TITLE. AN ISSUING AGENT SHALL MAKE A RETURN TO THE COMMISSION

1 UPON A FORM TO BE SUPPLIED BY THE COMMISSION. ANY ISSUING AGENT
2 FAILING TO COMPLY WITH ANY OF THE PROVISIONS OF THIS SECTION
3 SHALL NOT BE ENTITLED TO RETAIN THE FEE FIXED IN THIS SUBSECTION
4 FOR HIS SERVICES BUT SHALL PAY THOSE FEES TO THE STATE TREASURER
5 FOR DEPOSIT IN THE FISH FUND. DELINQUENT AGENTS ARE SUBJECT TO A
6 PENALTY OF 10% PER MONTH ON ANY OUTSTANDING BALANCE OF LICENSE
7 MONEY DUE THE COMMISSION, WHICH PENALTY SHALL BE COMPOUNDED ON A
8 MONTHLY BASIS. IF THOSE SUMS ARE NOT SO PAID, THE COMMONWEALTH
9 MAY RECOVER THEM BY SUIT IN THE SAME MANNER AS LIKE AMOUNTS ARE
10 NOW RECOVERABLE BY LAW. THE COMMISSION MAY RECALL THE AGENCY OF
11 ANY AGENT AFTER A DELINQUENCY PERIOD OF 30 DAYS.

12 (C) RULES AND REGULATIONS.--THE COMMISSION MAY PROMULGATE
13 SUCH RULES AND REGULATIONS TO CONTROL AND SUPERVISE THE ISSUANCE
14 OF FISHING LICENSES BY ISSUING AGENTS AND INSTITUTIONAL
15 SUPERINTENDENTS AS IT MAY DEEM NECESSARY.

16 (D) PROOF OF IDENTIFICATION AND AGE.--EACH ISSUING AGENT
17 SHALL SECURE POSITIVE PROOF OF IDENTIFICATION AND AGE FOR EACH
18 LICENSE ISSUED.

19 (E) RECORDS.--EVERY ISSUING AGENT SHALL KEEP ON A PRINTED
20 FORM SUPPLIED BY THE COMMISSION A CORRECT AND COMPLETE RECORD OF
21 ALL FISHING LICENSES ISSUED. THE RECORDS SHALL BE AVAILABLE AT
22 REASONABLE HOURS FOR INSPECTION BY ANY WATERWAYS [PATROLMAN]
23 CONSERVATION OFFICER OR OTHER OFFICER DESIGNATED BY THE
24 COMMISSION OR ANY REPRESENTATIVE OF THE DEPARTMENT OF THE
25 AUDITOR GENERAL. EVERY ISSUING AGENT SHALL EACH MONTH FORWARD TO
26 THE COMMISSION A COMPLETE RECORD OF ALL LICENSES GRANTED ON
27 FORMS TO BE FURNISHED BY THE COMMISSION.

28 (F) PENALTY.--ANY ISSUING AGENT OR INSTITUTIONAL
29 SUPERINTENDENT VIOLATING ANY PROVISION OF THIS SECTION OR THE
30 RULES OR REGULATIONS PROMULGATED THEREUNDER COMMITS A SUMMARY

1 OFFENSE OF THE SECOND DEGREE AND, IN ADDITION, MAY HAVE HIS
2 AGENCY RECALLED IN THE DISCRETION OF THE COMMISSION.

3 § 3308. KILLING DESTRUCTIVE BIRDS, ANIMALS, AMPHIBIANS AND
4 REPTILES. <—

5 (A) BIRDS AND ANIMALS.--A LICENSE ISSUED UNDER THIS CHAPTER
6 AUTHORIZES THE LICENSEE OR HIS EMPLOYEE:

7 (1) TO KILL AFTER FIVE DAYS' NOTICE TO THEIR OWNER, IF
8 KNOWN, ANY DOMESTIC BIRD OR FOWL TRESPASSING ON THE WATERS OR
9 LAND CONTROLLED, USED OR OCCUPIED ENTIRELY FOR THE ARTIFICIAL
10 PROPAGATION OF FISH.

11 (2) TO KILL, IN COMPLIANCE WITH FEDERAL LAW, ANY WILD
12 BIRDS OR WILD ANIMALS DESTRUCTIVE TO FISH LIFE WHENEVER FOUND
13 ON SUCH WATERS OR LANDS.

14 (B) AMPHIBIANS AND REPTILES.--A LICENSE ISSUED UNDER THIS
15 CHAPTER AUTHORIZES THE LICENSEE OR HIS EMPLOYEE TO KILL AND
16 DISPOSE OF, ON THE PREMISES, ANY AMPHIBIANS AND REPTILES FOUND
17 ON SUCH WATERS OR LANDS WHENEVER NECESSARY TO PROTECT THE FISH
18 PROPAGATION PLANT AGAINST DEPREDAATION BY THE AMPHIBIANS AND
19 REPTILES, EXCEPT THAT THESE AMPHIBIANS AND REPTILES MAY NOT BE
20 SOLD WITHOUT FIRST HAVING SECURED A PROPAGATION LICENSE FOR
21 THEM.

22 (C) EXCEPTIONS.--THIS SECTION DOES NOT AUTHORIZE THE
23 DESTROYING AND DISPOSING OF THREATENED OR ENDANGERED FISH OR
24 OTHER ANIMALS.

25 SECTION 4. SECTION 2121 OF TITLE 34 IS AMENDED TO READ:

26 § 2121. KILLING GAME OR WILDLIFE TO PROTECT PROPERTY.

27 (A) GENERAL RULE.--SUBJECT TO ANY LIMITATIONS IN THIS
28 SUBCHAPTER, NOTHING IN THIS TITLE SHALL BE CONSTRUED TO PROHIBIT
29 ANY PERSON FROM KILLING ANY GAME OR WILDLIFE:

30 (1) WHICH THE PERSON MAY WITNESS ACTUALLY ENGAGED IN THE

1 MATERIAL DESTRUCTION OF CULTIVATED CROPS, FRUIT TREES,
2 VEGETABLES, LIVESTOCK, POULTRY [OR], BEEHIVES OR FISH OR
3 OTHER SUBJECTS OF AQUACULTURE;

4 (2) ANYWHERE ON THE PROPERTY UNDER THE PERSON'S CONTROL,
5 INCLUDING DETACHED LANDS BEING CULTIVATED FOR THE SAME OR
6 SIMILAR PURPOSES, IMMEDIATELY FOLLOWING SUCH DESTRUCTION; OR

7 (3) WHERE THE PRESENCE OF THE GAME OR WILDLIFE ON ANY
8 CULTIVATED LANDS [OR], FRUIT ORCHARDS OR AQUACULTURE
9 OPERATIONS IS JUST CAUSE FOR REASONABLE APPREHENSION OF
10 ADDITIONAL IMMINENT DESTRUCTION.

11 LANDS DIVIDED BY A PUBLIC HIGHWAY SHALL NOT BE CONSTRUED AS
12 DETACHED LANDS. ANY PERSON WHO WOUNDS ANY GAME OR WILDLIFE SHALL
13 IMMEDIATELY MAKE A REASONABLE EFFORT TO FIND AND KILL THE GAME
14 OR WILDLIFE. EVERY PERSON SHALL COMPLY WITH ALL OTHER
15 REGULATIONS IN THIS SUBCHAPTER PERTAINING TO THE METHOD AND
16 MANNER OF KILLING, REPORTING THE KILLING AND THE DISPOSITION OF
17 GAME OR WILDLIFE AND THEIR SKINS AND CARCASSES.

18 (B) PROTECTED GAME OR WILDLIFE.--BEFORE ANY GAME OR
19 WILDLIFE, WHICH MAY BE DESIGNATED BY REGULATION OF THE
20 COMMISSION, OR ANY BIRD OR ANIMAL CLASSIFIED AS THREATENED OR
21 ENDANGERED MAY BE KILLED, EVERY REASONABLE EFFORT SHALL BE MADE
22 TO LIVE TRAP AND TRANSFER SUCH GAME OR WILDLIFE. THE TRAPPING
23 AND TRANSFER SHALL BE DONE IN COOPERATION WITH A REPRESENTATIVE
24 OF THE COMMISSION.

25 (C) DEFINITION.--AS USED IN THIS SUBCHAPTER THE WORD
26 "PERSON" SHALL BE LIMITED TO ANY PERSON CULTIVATING, AS A
27 PRIMARY MEANS OF GAINING A LIVELIHOOD, ANY LANDS FOR GENERAL OR
28 SPECIALIZED CROP PURPOSES, TRUCK FARMING OR FRUIT ORCHARD OR
29 NURSERY BEING REGULARLY MAINTAINED, AS EITHER THE OWNER, LESSEE
30 OR A MEMBER OF THE FAMILY OF THE OWNER OR LESSEE ASSISTING WITH

1 THE CULTIVATION OF THE LAND, OR A DOMICILED MEMBER OF THE
2 HOUSEHOLD OF THE OWNER OR LESSEE OR AN EMPLOYEE OF THE OWNER OR
3 LESSEE, REGULARLY AND CONTINUOUSLY ASSISTING IN THE CULTIVATION
4 OF THE LAND. THE TERM SHALL INCLUDE A PERSON OR FAMILY MEMBER OF
5 THE OWNER OR LESSEE ENGAGED IN FISH FARMING OR OTHER AQUACULTURE
6 OPERATIONS.

7 SECTION 4 5. THE LICENSE FEE INCREASES AND THE ISSUING AGENT <—
8 FEE INCREASES ESTABLISHED BY THIS ACT SHALL BE EFFECTIVE FOR
9 FISHING LICENSES ISSUED FOR THE 1996 FISHING LICENSE YEAR AND
10 EACH YEAR THEREAFTER.

11 Section ~~2-5~~ 6. This act shall take effect as follows: <—

12 (1) The amendment of ~~section~~ 30 PA.C.S. § 2709(b) ~~of the~~ <—
13 ~~act~~ shall take effect in 60 days.

14 (2) The remainder of this act shall take effect
15 immediately.