

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1156 Session of
1981

INTRODUCED BY MANBECK, MOORE, STOUT, LYNCH, O'CONNELL AND
RHOADES, OCTOBER 19, 1981

REFERRED TO GAME AND FISHERIES, OCTOBER 19, 1981

AN ACT

1 Amending the act of June 3, 1937 (P.L.1225, No.316), entitled
2 "An act concerning game and other wild birds and wild
3 animals; and amending, revising, consolidating, and changing
4 the law relating thereto," providing for the issuance of
5 antlerless deer licenses to certain qualifying landowners.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Subsection (c) of section 501, act of June 3,
9 1937 (P.L.1225, No.316), known as "The Game Law," amended
10 December 10, 1970 (P.L.896, No.282), June 27, 1973 (P.L.83,
11 No.36) and June 24, 1981 (P.L.117, No.38), is to read:

12 Section 501. Open Seasons.--* * *

13 (c) [Resident, Nonresident, and Alien] Hunters' Licenses and
14 Tags for Antlerless Deer.--If in any year the commission[, by
15 resolution,] declares an open season for antlerless deer, it
16 shall issue [resident, nonresident and alien hunters']
17 antlerless deer licenses and tags [for antlerless deer] to hunt
18 for or kill such deer, at a fee of three dollars thirty-five
19 cents under such rules and regulations governing the issuance of

1 such licenses and tags as it may deem necessary to limit the
2 number of persons who may hunt for such deer in any county of
3 the Commonwealth[, provided public notice of such action is
4 given as hereinafter required: And provided, however, That no]
5 and to regulate the issuance of such licenses generally. Except
6 as otherwise provided in this subsection, no applications[, for
7 antlerless deer licenses received from nonresidents [and aliens]
8 of the Commonwealth shall be approved or licenses issued in
9 advance of thirty days prior to the opening date of such
10 antlerless deer season. Such licenses and tags shall be issued
11 without restriction or regard to the county of residence of the
12 Pennsylvania applicant and may be issued only to holders of
13 resident[, or nonresident[, or alien] hunting licenses, and
14 such licenses and tags shall not be transferable from one person
15 to another nor shall they be refunded or reissued to anyone.
16 Notwithstanding the provisions of any regulation limiting the
17 number of licenses and tags, the commission shall issue
18 [resident hunters'] antlerless deer licenses and tags [for
19 antlerless deer] without effecting any quota established by the
20 commission for a particular county: (1) to members of Armed
21 Forces who are residents of Pennsylvania and who are on full
22 time active duty; (2) to residents who were honorably discharged
23 from the Armed Forces within sixty days of the date of the
24 application upon substantial proof of their military status; and
25 (3) to disabled veterans as defined in section 302 upon
26 submission of the information required by section 302.

27 [Resident, nonresident, and alien hunters' licenses] Licenses
28 and tags for antlerless deer shall be issued only by the county
29 treasurers or by any person carrying out the duties and
30 responsibilities of a county treasurer in counties functioning

1 under a Home Rule Charter in counties where such deer may be
2 hunted and killed, who, for that purpose, are hereby made agents
3 of the commission.

4 For services rendered in collecting and paying over fees and
5 issuing licenses and tags, by mail or otherwise, such agents may
6 retain the sum of thirty-five cents from the amount paid by each
7 licensee, which amount shall be paid into the county treasury[,
8 except that such agents other than the county treasurer may
9 retain therefrom any amounts necessary to reimburse them for any
10 expenses, including compensation of employes, incurred in
11 collecting such fees and issuing such licenses and tags].

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

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

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

1 (iii) the applicant for an antlerless deer license shall
2 furnish proof of ownership of eighty or more contiguous acres of
3 land to the county treasurer within the county where such land
4 is situated.

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

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

28 When the commission adopts and promulgates such rules and
29 regulations relative to [resident and nonresident] hunters'
30 licenses and tags for antlerless deer, it is unlawful for any

1 person other than a landowner or lessee of the county or a
2 member of his household, as hereinbefore enumerated, to hunt for
3 antlerless deer without a [resident or nonresident] hunters'
4 license and tag for antlerless deer, or to take such deer
5 contrary to the rules and regulations adopted by the commission.

6 The antlerless deer license tag issued with an antlerless
7 deer license shall be displayed on the outer garment immediately
8 below the regular resident or nonresident hunting license tag.

9 Any person who fails to display the antlerless deer license tag
10 herein [provided] required shall, upon conviction, be sentenced
11 to pay a fine of [ten dollars (\$10)] twenty-five dollars (\$25)
12 and costs of prosecution, provided it shall be determined the
13 person has purchased a license; otherwise, a penalty of [twenty
14 dollars (\$20)] fifty dollars (\$50) and costs of prosecution
15 shall be imposed. Any person who shall give false information in
16 obtaining or attempting to obtain an antlerless deer license as
17 relates to certain qualifying landowners shall, upon conviction,
18 be sentenced to pay a fine of two hundred dollars (\$200) and
19 costs of prosecution and shall be denied the right to hunt or
20 trap anywhere in this Commonwealth, with or without a license,
21 for a period of three years. Any other person who shall give
22 false information in obtaining or attempting to obtain an
23 antlerless deer license shall, upon conviction, be sentenced to
24 pay a fine of fifty dollars (\$50) and costs of prosecution.

25 * * *

26 Section 2. This act shall take effect on September 1, next
27 following the date to final enactment if said date is prior to
28 June 1. If the date of final enactment is on or after June 1,
29 this act shall take effect on September 1 of the year next
30 following the year of final enactment.