

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL  
No. 279

Session of  
1983

INTRODUCED BY O'CONNELL, SINGEL, SNYDER, HELFRICK, REIBMAN AND  
ANDREZESKI, FEBRUARY 15, 1983

AS REPORTED FROM COMMITTEE ON GAME AND FISHERIES, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 27, 1983

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 ~~menagerie~~ <—  
5 ~~permits for educational purposes~~ FOR APPLICATIONS AND PERMITS <—  
6 FOR MENAGERIES; FURTHER PROVIDING FOR PERMITS TO DEAL IN AND  
7 POSSESS WILDLIFE; AND PROVIDING FOR REFUNDS OF CERTAIN FEES.

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

10 Section 1. Section 417 402 of the act of June 3, 1937 <—  
11 (P.L.1225, No.316), known as The Game Law, amended March 13,  
12 1982 (P.L.185, No.60), is amended to read:

13 SECTION 402. APPLICATION FOR PERMITS.--ANY PERSON, FIRM, <—  
14 ASSOCIATION, OR CORPORATION DESIRING A PERMIT, AS PROVIDED FOR  
15 IN THIS ARTICLE, SHALL PRESENT AN APPLICATION THEREFOR, ON FORMS  
16 SUPPLIED BY THE COMMISSION, AND SHALL PAY TO THE DIRECTOR THE  
17 FOLLOWING FEES: PERMIT FOR A DISABLED PERSON TO HUNT FROM AN  
18 AUTOMOBILE, ONE DOLLAR (\$1); COLLECTING PERMIT, TEN DOLLARS

1 (\$10); FALCONRY PERMIT, TEN DOLLARS (\$10); FUR DEALER'S EMPLOYEES  
2 PERMIT, TEN DOLLARS (\$10); PERMIT FOR POSSESSING OR OWNING A  
3 FERRET OR FITCH, TEN DOLLARS (\$10); PERMIT TO RELEASE AND RETRAP  
4 BOBWHITE QUAIL FOR DOG TRAINING PURPOSES, TEN DOLLARS (\$10);  
5 MENAGERIE, [THREE HUNDRED DOLLARS (\$300)] ONE HUNDRED DOLLARS  
6 (\$100); GAME PROPAGATION, FIFTEEN DOLLARS (\$15); FUR FARMING,  
7 FIFTEEN DOLLARS (\$15); TAXIDERMISTS DESIRING TO PRACTICE  
8 TAXIDERMY FOR PROFIT SHALL PAY FIFTY DOLLARS (\$50) FOR INITIAL  
9 APPLICATION AND PERMIT, AND TWENTY-FIVE DOLLARS (\$25) PER YEAR  
10 THEREAFTER FOR RENEWAL OF PERMIT; RESIDENT FUR DEALERS, TWENTY-  
11 FIVE DOLLARS (\$25); NONRESIDENT FUR DEALERS, PURCHASING OR  
12 RECEIVING RAW FURS FOR COMMERCIAL PURPOSES IN THIS COMMONWEALTH,  
13 SHALL PAY ONE HUNDRED DOLLARS (\$100); PERSONS DESIRING TO  
14 OPERATE REGULATED SHOOTING GROUNDS ON A NON-COMMERCIAL BASIS  
15 SHALL PAY TWENTY-FIVE DOLLARS (\$25) FOR THE FIRST ONE HUNDRED  
16 ACRES IN THE TRACT SO USED, AND FIVE DOLLARS (\$5) FOR EACH  
17 ADDITIONAL ONE HUNDRED ACRES OR FRACTION THEREOF; PERSONS  
18 DESIRING TO OPERATE REGULATED SHOOTING GROUNDS ON A COMMERCIAL  
19 BASIS SHALL PAY FIFTY DOLLARS (\$50) FOR THE FIRST ONE HUNDRED  
20 ACRES, AND TEN DOLLARS (\$10) FOR EACH ADDITIONAL ONE HUNDRED  
21 ACRES, OR FRACTION THEREOF; AND BREEDERS AND DEALERS IN FERRETS  
22 OR FITCHES SHALL PAY FIFTY DOLLARS (\$50); SPECIAL RETRIEVER DOG  
23 TRAINING AREA PERMIT, THIRTY-FIVE DOLLARS (\$35); WILDLIFE  
24 DEALER'S PERMIT, [FIVE HUNDRED DOLLARS (\$500)] TWO HUNDRED  
25 DOLLARS (\$200); AND FOR A WILDLIFE POSSESSION PERMIT, [TWO  
26 HUNDRED DOLLARS (\$200)] FIFTY DOLLARS (\$50) FOR EACH ANIMAL.

27 IN THE CASE OF APPLICATIONS FOR PERMITS BY FIRMS,  
28 ASSOCIATIONS, OR CORPORATIONS, THE APPLICATION SHALL BEAR THE  
29 NAME OF THE PRESIDENT OR GENERAL MANAGER, AND THE PERMIT SHALL  
30 BE ISSUED IN [HIS NAME] THE NAME OF THE FIRM, ASSOCIATION OR

1 CORPORATION IF IT IS REGISTERED WITH THE COMMONWEALTH OR  
2 OTHERWISE IN THE NAME OF THE PRESIDENT OR GENERAL MANAGER. ALL  
3 APPLICATIONS FOR PROPAGATING PERMITS AND REGULATED SHOOTING  
4 GROUNDS PERMITS SHALL BE ACCOMPANIED BY A WRITTEN DESCRIPTION  
5 AND A MAP OR SKETCH OF THE PREMISES TO BE USED FOR SUCH  
6 PURPOSES, WITH THE LOCATION THEREOF.

7 SECTION 2. THE HEADING OF SUBDIVISION (H) OF ARTICLE IV OF  
8 THE ACT IS AMENDED TO READ:

9 (H) PERMITS TO MAINTAIN [ROADSIDE] MENAGERIES

10 SECTION 3. SECTIONS 417, 417.2 AND 418 OF THE ACT, ADDED OR  
11 AMENDED MARCH 13, 1982 (P.L.185, NO.60), ARE AMENDED TO READ:

12 Section 417. Permits for Menageries.--(a) The commission  
13 may grant permits for menageries which are hereby defined as any  
14 place where one or more wild birds or wild animals or one or  
15 more birds or animals which have similar characteristics and  
16 appearance of birds or animals wild by nature are kept in  
17 captivity for the evident purpose of exhibition with or without  
18 charge.

19 (b) The director may issue a menagerie permit to any person  
20 for the exclusive purpose of displaying LAWFULLY ACQUIRED <—  
21 wildlife native to Pennsylvania for educational purposes which <—  
22 permit shall be issued free of charge. The phrase "educational  
23 purposes" shall mean displays by or for public or private  
24 schools, sportsmen's organizations, Boy Scout Troops, Girl Scout <—  
25 Troops, YOUTH ORGANIZATIONS, CIVIC ASSOCIATIONS, conservation <—  
26 camps and schools or any other organization deemed appropriate  
27 by the director.

28 (c) The term "menagerie" shall not include the exhibition of  
29 any wild bird or wild animal in any public zoological garden,  
30 which receives government grants or appropriations or by any

1 nationally recognized circus. [Any sportsmen's club or <—  
2 organization incorporated under the laws of this Commonwealth  
3 may sponsor and conduct a menagerie at an annual county fair and  
4 under such circumstances the menagerie permit shall be issued  
5 free of charge.] The term "wildlife" as used in this section <—  
6 shall mean any wild bird or wild animal or any bird or animal  
7 having similar characteristics and appearance of a bird or  
8 animal wild by nature as distinguished from the common domestic  
9 birds or animals, whether or not such birds or animals were bred  
10 or reared in captivity.

11 (d) No permit shall be granted by the commission until it is  
12 satisfied that the provisions for housing and caring for such  
13 wildlife, and for protecting the public, are proper and  
14 adequate, and in accordance with the standard therefor  
15 established by the commission.

16 (e) The commission shall adopt and enforce rules and  
17 regulations for the housing, care, treatment, feeding,  
18 sanitation, purchase and disposal of wildlife kept in  
19 menageries, and for the protection of the public from injury by  
20 such wildlife.

21 (f) It is unlawful for any person, firm, association or  
22 corporation to keep any wildlife in captivity, for public  
23 exhibition or to have any wildlife in custody or control for  
24 such purpose, without first securing a menagerie permit issued  
25 by the commission.

26 (g) It shall be unlawful for the holder of a menagerie  
27 permit to violate any of the provisions of this act or rules and  
28 regulations adopted thereunder by the commission or to release  
29 any wildlife into the wild. In addition to the cash penalties  
30 hereinafter provided, the director of the commission may, for

1 violating any of the provisions of this section or rules and  
2 regulations adopted thereunder, revoke or suspend any menagerie  
3 permit and order the disposal of any wildlife held.

4 SECTION 417.2. PERMITS TO DEAL IN WILDLIFE.--THE COMMISSION <—  
5 MAY ISSUE PERMITS TO PERSONS, FIRMS, ASSOCIATIONS OR  
6 CORPORATIONS TO ACT AS WILDLIFE DEALERS WHICH SHALL AUTHORIZE  
7 THE HOLDER THEREOF TO IMPORT INTO THE COMMONWEALTH, POSSESS,  
8 BUY, SELL, LOCATE OR FIND FOR A FEE, BARTER, DONATE OR OTHERWISE  
9 DISPOSE OF WILDLIFE. A WILDLIFE DEALER SHALL MEAN ANY PERSON WHO  
10 IMPORTS INTO THE COMMONWEALTH, POSSESSES, BUYS, SELLS, LOCATES  
11 OR FINDS FOR A FEE, BARTERS, DONATES OR OTHERWISE DISPOSES OF  
12 MORE THAN ONE BIRD OR ONE ANIMAL CLASSIFIED AS WILDLIFE DURING  
13 ANY CALENDAR YEAR. A WILDLIFE DEALER SHALL NOT INCLUDE A PUBLIC  
14 ZOOLOGICAL GARDEN WHICH RECEIVES GOVERNMENTAL GRANTS OR  
15 APPROPRIATIONS, OR ANY PERSON, FIRM, ASSOCIATION OR CORPORATION  
16 WHO OR WHICH HOLDS A MENAGERIE PERMIT, PROVIDING THE PURCHASE OR  
17 SALE OF WILDLIFE OR OTHER AUTHORIZED TRANSACTION IS CONDUCTED  
18 FOR THE SOLE PURPOSE OF MAINTAINING STOCK FOR SUCH MENAGERIE, OR  
19 ANY NATIONALLY RECOGNIZED CIRCUS.

20 WHENEVER USED IN THIS SECTION, THE WORD ["WILDLIFE," UNLESS  
21 FURTHER DEFINED BY RESOLUTION OF THE COMMISSION,] "WILDLIFE"  
22 SHALL MEAN, ALL BEARS, ALL COYOTES, ALL LIONS, ALL TIGERS, ALL  
23 LEOPARDS, ALL JAGUARS, ALL CHEETAHS, ALL COUGARS, ALL WOLVES AND  
24 ANY CROSSBREED OF SUCH ANIMALS WHICH HAVE SIMILAR  
25 CHARACTERISTICS OF THE ANIMALS SPECIFIED HEREIN. [IN ORDER TO  
26 PROPERLY ADMINISTER THE PROVISIONS OF THIS SECTION, THE  
27 COMMISSION MAY, BY RESOLUTION, ADD ANY BIRD OR ANIMAL TO OR  
28 REMOVE ANY BIRD OR ANIMAL FROM THE CLASSIFICATION OF WILDLIFE.]

29 NO PERMIT PROVIDED FOR IN THIS SECTION SHALL BE GRANTED BY  
30 THE COMMISSION UNTIL IT IS SATISFIED THAT THE PROVISION FOR

1 HOUSING AND CARING FOR SUCH WILDLIFE, AND FOR PROTECTING THE  
2 PUBLIC, ARE PROPER AND ADEQUATE AND IN ACCORDANCE WITH THE  
3 STANDARD ESTABLISHED BY RULES AND REGULATIONS ADOPTED BY THE  
4 COMMISSION.

5 IT SHALL BE UNLAWFUL FOR ANY PERSON, FIRM, ASSOCIATION OR  
6 CORPORATION TO IMPORT INTO THE COMMONWEALTH, POSSESS, BUY, SELL,  
7 LOCATE OR FIND FOR A FEE, BARTER, DONATE, OR OTHERWISE DISPOSE  
8 OF MORE THAN ONE BIRD OR ONE ANIMAL CLASSIFIED AS WILDLIFE IN  
9 ANY CALENDAR YEAR WITHOUT FIRST SECURING A PERMIT AS REQUIRED IN  
10 THIS SECTION. IT SHALL BE UNLAWFUL FOR ANY PERSON, FIRM,  
11 ASSOCIATION OR CORPORATION TO RELEASE WILDLIFE, AS DEFINED IN  
12 THIS SECTION, INTO THE WILD.

13 IN ADDITION TO THE PENALTIES HEREINAFTER PROVIDED, THE  
14 DIRECTOR MAY, FOR ANY VIOLATION OF THE PROVISIONS OF THIS  
15 SECTION OR RULES AND REGULATIONS ADOPTED THEREUNDER, REVOKE OR  
16 SUSPEND ANY PERMIT AND ORDER THE DISPOSAL OF ANY WILDLIFE HELD.

17 SECTION 418. PERMITS TO POSSESS WILDLIFE.--THE COMMISSION  
18 MAY ISSUE PERMITS TO PERSONS TO POSSESS WILDLIFE WHICH SHALL  
19 AUTHORIZE THE HOLDER THEREOF TO PURCHASE, RECEIVE OR POSSESS  
20 WILDLIFE FROM ANY LAWFUL SOURCE FROM WITHIN OR OUTSIDE OF THIS  
21 COMMONWEALTH. WHENEVER USED IN THIS SECTION, THE WORD  
22 ["WILDLIFE," UNLESS FURTHER DEFINED BY RESOLUTION OF THE  
23 COMMISSION,] "WILDLIFE" SHALL MEAN ALL BEARS, ALL COYOTES, ALL  
24 LIONS, ALL TIGERS, ALL LEOPARDS, ALL JAGUARS, ALL CHEETAHS, ALL  
25 COUGARS, ALL WOLVES AND ANY CROSSBREED OF SUCH ANIMALS WHICH  
26 HAVE SIMILAR CHARACTERISTICS OF THE ANIMALS SPECIFIED HEREIN.  
27 [IN ORDER TO PROPERLY ADMINISTER THE PROVISIONS OF THIS SECTION,  
28 THE COMMISSION MAY, BY RESOLUTION, ADD ANY ANIMAL TO OR REMOVE  
29 ANY ANIMAL FROM THE CLASSIFICATION OF WILDLIFE.] THE PROVISIONS  
30 OF THIS SECTION SHALL NOT INCLUDE ANY PUBLIC ZOOLOGICAL GARDEN

1 WHICH RECEIVES GOVERNMENT GRANTS OR APPROPRIATIONS, ANY PERSON,  
2 FIRM, ASSOCIATION OR CORPORATION WHICH HOLDS A MENAGERIE PERMIT,  
3 OR ANY NATIONALLY RECOGNIZED CIRCUS.

4 NO PERMIT PROVIDED FOR IN THIS SECTION SHALL BE GRANTED BY  
5 THE COMMISSION UNTIL IT IS SATISFIED THAT THE PROVISIONS FOR  
6 HOUSING AND CARING FOR SUCH WILDLIFE AND FOR PROTECTING THE  
7 PUBLIC ARE PROPER AND ADEQUATE AND IN ACCORDANCE WITH THE  
8 STANDARDS ESTABLISHED BY RULES AND REGULATIONS OF THE  
9 COMMISSION.

10 IT SHALL BE UNLAWFUL FOR ANY PERSON TO POSSESS, PURCHASE OR  
11 RECEIVE WILDLIFE UNDER ANY CIRCUMSTANCES WITHOUT FIRST SECURING  
12 A PERMIT AS REQUIRED IN THIS SECTION. IT SHALL BE UNLAWFUL FOR  
13 ANY PERSON TO RELEASE WILDLIFE AS DEFINED IN THIS SECTION INTO  
14 THE WILD.

15 IN ADDITION TO THE PENALTIES HEREINAFTER PROVIDED, THE  
16 DIRECTOR MAY, FOR ANY VIOLATION OF THE PROVISIONS OF THIS  
17 SECTION OR RULES AND REGULATIONS ADOPTED THEREUNDER, REVOKE OR  
18 SUSPEND ANY PERMIT AND ORDER THE DISPOSAL OF ANY WILDLIFE HELD.

19 SECTION 4. ALL FEES PAID DURING THE 1981-1982 AND 1982-1983  
20 LICENSE YEARS FOR PERMITS FOR MENAGERIES, PERMITS TO DEAL IN  
21 WILDLIFE AND PERMITS TO POSSESS WILDLIFE, WHICH EXCEED THE FEES  
22 ESTABLISHED BY THIS AMENDATORY ACT, SHALL BE REFUNDED OR  
23 CREDITED BY THE PENNSYLVANIA GAME COMMISSION TO ALL THOSE PERMIT  
24 HOLDERS WHO PAID SUCH FEES.

25 SECTION 5. THE PROVISIONS OF THIS AMENDATORY ACT AFFECTING  
26 SECTION 402 OF THE ACT SHALL BE RETROACTIVE TO THE 1981-1982  
27 LICENSE YEAR.

28 Section ~~2~~ 6. This act shall take effect immediately.

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