

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 793 Session of 2009

INTRODUCED BY GODSHALL, EVERETT, BENNINGHOFF, BEYER, GEIST,
HARHAI, HESS, MELIO, O'NEILL, PYLE, REICHLEY, SIPTROTH,
STABACK AND STERN, MARCH 9, 2009

REFERRED TO COMMITTEE ON GAME AND FISHERIES, MARCH 9, 2009

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, providing for the definitions of "habitat
3 management," "supplemental feeding" and "supplemental feeding
4 site"; and further providing for unlawful devices and
5 methods.

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

8 Section 1. Section 102 of Title 34 of the Pennsylvania
9 Consolidated Statutes is amended by adding definitions to read:

10 § 102. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this title which are applicable to specific
13 provisions of this title, the following words and phrases when
14 used in this title shall have the meanings given to them in this
15 section unless the context clearly indicates otherwise:

16 * * *

17 "Habitat management." The management of an area of land to
18 increase the density of game it can sustain, to improve the
19 availability of nutrition for existing populations or to provide

cover for various wildlife or game species. Habitat management practices may include timbering, food plots, agriculture, fertilization, approved burning and supplemental feeding.

* * *

"Supplemental feeding." The practice of placing or depositing natural or manmade food sources, which do not contain any artificial attractant, to improve the quality, number or health of game and wildlife species.

"Supplemental feeding site." A location or area in which supplemental feed is placed or deposited or that contains feed material for the purpose of providing supplemental nutrition to game or wildlife species.

* * *

Section 2. Section 2308(a) of Title 34 is amended by adding a paragraph and the section is amended by adding a subsection to read:

§ 2308. Unlawful devices and methods.

(a) General rule.--Except as otherwise provided in this title, it is unlawful for any person to hunt or aid, abet, assist or conspire to hunt any game or wildlife through the use of:

* * *

(8.1) Any artificial or natural hay, grain, fruit, nut, salt, chemical, mineral or other food or bait as an enticement for game or wildlife, regardless of kind and quantity, or to take advantage of any such area of food or bait unless the food or bait is at a supplemental feeding site that is being used as part of an overall habitat management plan. Nothing contained in this paragraph shall pertain to normal or accepted farming, habitat management

1 practices, oil and gas drilling, mining, forest management
2 activities or other legitimate commercial or industrial
3 practices. Upon discovery of such baited areas, whether
4 prosecution is contemplated or not, the commission may cause
5 a reasonable area surrounding the enticement to be posted
6 against hunting or taking game or wildlife. The posters shall
7 remain for 30 days after complete removal of the bait.

8 (a.1) Game feeders and feeding areas.--

9 (1) Except as otherwise provided in this title and in
10 areas designated by special regulations where baiting is
11 allowed, it shall be unlawful for any person to harvest any
12 game or wildlife within 150 yards of any supplemental feeding
13 site or feeding area.

14 (2) Any violation of this subsection must require proof
15 that the alleged violator knew or should have known of the
16 presence of the supplemental feeding site or feeding area.

17 (3) Movement through the 150-yard zone surrounding a
18 supplemental feeding site or feeding area or past a
19 supplemental feeding site or feeding area to an area outside
20 of the parameters of paragraph (1) shall not be construed as
21 an illegal hunting activity.

22 (4) Nothing contained in this subsection shall pertain
23 to normal or accepted farming, habitat management practices,
24 oil and gas drilling, mining, forest management activities or
25 other legitimate commercial or industrial practices.

26 * * *

27 Section 3. This act shall take effect in 60 days.