

immediately, and are hereby specifically appropriated to the board for the purposes herein specified.

APPROVED—The 14th day of May, A. D. 1925.

GIFFORD PINCHOT.

No. 410.

AN ACT

To amend sections five hundred and nine, five hundred and eleven, five hundred and twelve, seven hundred and nine, and seven hundred and twenty, and repeal section five hundred and ten of an act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred and fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto."

Game, wild birds
and wild animals.

Section 509 of act
of May 24, 1923
(P. L. 359),
amended.

Section 1. Be it enacted, &c., That section five hundred and nine of an act, approved May twenty-fourth, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred and fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," is amended to read as follows:

Section 509. [Extending Season for Squirrels, Rabbits, and Woodcock—Removal of Protection.—Upon receipt of a petition from any county containing the signatures of not less than two hundred citizens, at least fifty per centum of whom were regularly licensed during the preceding season, setting forth their desire for an extension of the open season for squirrels, rabbits, or woodcock, or that squirrels or rabbits have become a nuisance in that county, or any portion thereof, stating the manner in which squirrels or rabbits have become a nuisance or their reasons for such desire, with such other information as the petitioners may deem advisable, the board, if after investigation is satisfied the conditions in such county warrant, may declare such county, or any township or townships thereof, open during an additional season, not exceeding one month, at such time of the year as may be deemed necessary, except between January first and August twentieth. During any such special open season squirrels, rabbits, and woodcock may be killed and disposed of only under the same conditions and in the same number as during the general open season.

The board may extend such special open season from year to year, so long as, in their opinion, conditions in such county warrant, without a new petition being filed each year.

To open a county, or any portion thereof, to the killing of squirrels, rabbits, or woodcock, during a special season, as herein provided, a notice to that effect shall be published by the board before the beginning of such special open season in not less than three newspapers of general circulation, if there be so many published in the county affected, once a week for at least two consecutive weeks, setting forth the dates of any such special open season and the conditions governing same.]

Removal of Game. Removal of Protection. Changing Seasons and Bag Limits.—When it is proven to the satisfaction of the board that game birds or game animals or fur-bearing animals are materially destroying property, or otherwise becoming a nuisance, or the sexes are not balanced properly, or the natural food supply is insufficient or that hunting or trapping in addition to the regular open season provided by this act may be permitted without jeopardizing the future supply of game or fur-bearing animals of any kind in any section of the Commonwealth, the board may at any time remove or have removed such animals or birds from that section, or may direct or authorize the killing of such birds or animals, or grant an extension of the open season, or permit additional hunting or trapping, under such rules governing seasons, bag limits, methods of taking and other regulations as the case may require, regardless of protection afforded or open seasons or bag limits fixed by this act.

Removal of protection.

Upon failure to relieve, under the several provisions of the Game Law, damages being done to private property by birds or animals of any kind protected by law, on lands open to public hunting, the board shall endeavor to capture and may use for stocking purposes any surplus birds or animals captured, or may make such other disposition thereof as in their judgment may be desirable. If unable to capture alive such birds or animals, protected by law, which are causing material damage on lands open to public hunting, with a reasonable expenditure of funds, or rapidly enough to relieve the condition promptly, the board is hereby directed to detail its officers, or such other responsible citizens as the board may designate, to kill such number of the species of birds or animals causing the damage as may be necessary to relieve the situation promptly. The board may dispose of such carcasses as they deem desirable.

Surplus birds or animals may be captured.

May kill animals causing damage.

To aid in the better protection of game or fur-bearing animals in any part of the Commonwealth, the board may also reduce open seasons and bag limits, or may close seasons, as in their judgment may be necessary to guarantee a future supply of such birds or animals in any part of or throughout the entire Commonwealth.

May change open seasons or bag limits.

Notice of change in open seasons or bag limits.

To remove protection, declare additional open seasons, or reduce open seasons or bag limits, or close seasons, for the killing of game or fur-bearing animals in any county or part thereof, a notice to that effect shall be published by the board in not less than two newspapers of general circulation, in each county affected, one time each week for at least two consecutive weeks, setting forth the action of the board and the rules and regulations adopted relative thereto. The board shall prepare and distribute such additional posters or notices as in their judgment may be necessary.

Violations of rules and regulations.

It is unlawful for any person to violate any of the rules and regulations adopted by the board for the preservation of game birds or game animals or fur-bearing animals, or to take such birds or animals at a time or in any number or manner, or of any kind or sex, contrary to such rules and regulations.

Section 510 repealed.

Section 2. That section five hundred and ten of said act be and the same is hereby repealed.

Section 511 amended.

Section 3. That section five hundred and eleven of said act is amended to read:

Removal of protection from deer.

Section 511. Removal of Protection from [Female] Deer—Special Deer License.—Upon receipt of a petition signed by [at least two hundred] residents of any county, *giving their addresses and vocation*, setting forth that deer have become a nuisance in that county, or any township thereof, stating the manner in which such animals are a nuisance, *or upon information otherwise obtained by the board indicating that deer have become destructive to property, or that the herds should be reduced for any reason*, the board, if satisfied that conditions warrant, [or if, in their opinion, the sexes are not balanced properly,] may declare [such county, or any township therein, or part thereof,] *any section of the Commonwealth* open to the killing of [large female deer] *deer without visible antlers*, through the use of legal firearms, as herein-after provided, by residents of the Commonwealth during a special season [not exceeding three days,] *of such length as the board may deem advisable, either prior to or following the regular open season for male deer. During such special season the killing of [female] deer shall be in accordance with such rules and regulations as the board may adopt.*

Notice of special open season.

[Ninety] *Thirty* or more days prior to the date of any such special open season, a notice shall be published by the board in at least two newspapers of the county, one time each week for three consecutive weeks, setting forth the date or dates of such special season, and the conditions governing same.

Special deer license.

Before any person shall hunt for [female] deer during a special open season declared by the board, such person shall have a resident hunter's license before

hunting on any property where this act requires such license, and shall also apply to and obtain from the board at Harrisburg, a special [female] deer license, the fee for which is hereby fixed at [five dollars] *two dollars, except that no fee shall be charged for a special deer license applied for by an owner or lessee of lands residing upon and cultivating lands lying within the territory opened to deer hunting by the board, under the provisions of this act, or applied for by any member of his family, or any employe, who regularly assists in the cultivation of such lands. Such license issued without fee shall be good only on the lands upon which such person resides and cultivates.* Such licenses shall entitle the holder to kill one [female] deer *without visible antlers.* Such special [female] deer licenses shall be issued only in such number for each county or township as the board may deem advisable, and shall be issued in the order of the applications made to the board.

Number of special licenses to be issued.

It is unlawful for any person to hunt for or kill, or attempt to hunt for or kill, [female] deer during any special open season declared by the board unless complying with the provisions of this section relative to licenses, and complying with the rules and regulations prescribed by the board. Deer killed during such special season shall be disposed of only in the manner provided for the disposition of deer legally killed during the general open season, but no provision of this act relative to the number of deer that may be killed by any person, or any hunting party or camp, shall be construed to prevent the killing of [female] deer by any resident if legally authorized, as herein provided.

Hunting in violation of this section.

Disposition of deer killed.

Section 4. That section five hundred and twelve of said act is amended to read:

Section 512 amended.

Section 512. Penalties.—Any person violating any of the provisions of this article shall be sentenced to pay the following fines and costs of prosecution for each offense:

Penalties.

For taking, killing, wounding, or transporting from one locality to another within this State, or for attempting to take, kill, or wound, contrary to this article, or any rules and regulations *relative to the taking of game or fur-bearing animals* adopted by the board:

- (a) Each elk, two hundred dollars, and in the discretion of the court, six months' imprisonment;
- (b) Each deer, one hundred dollars;
- (c) Each bear, fifty dollars;
- (d) Each wild turkey, ruffed grouse, ring-neck pheasant, quail, or woodcock, twenty-five dollars;
- (e) Each other bird or animal, ten dollars.

For violating any of the provisions of this article not above specifically provided for, or for violating

any of the rules and regulations of the board adopted under the provisions of this article, twenty-five dollars and costs of prosecution for each offense.

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution, he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution.

Second and subsequent offenses.

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution, and in addition thereto shall, in the discretion of the court, suffer imprisonment one day for each dollar of fine imposed.

Section 709 amended.

Section 5. That section seven hundred and nine of said act is amended to read:

Killing game by mistake; return of penalty.

Section 709. Killing Game by Mistake—Return of Penalty.—Each individual who may by mistake kill any game or fur-bearing animal, contrary to the provisions of this act, or any rules and regulations of the board, shall have returned to him [one-fourth] *one-half* of the penalty imposed by law for such offense and actually paid by him to a legally authorized representative of the Commonwealth, if such individual, to the best of his ability, shall at once dress and hang up or deliver the carcass of the game or fur-bearing animal so killed, and shall immediately after such killing and caring for or delivering of the carcass make report of the wrong done to any game protector, or the district attorney of the county, or a justice of the peace, or a representative of the Department of [Forestry] *Forests and Waters*, in the neighborhood where the offense was committed, and shall give to such person definite information regarding the place where such carcass may be found, or deliver the carcass to such official for disposition, as hereinafter provided, and shall, within twenty-four hours after such killing, forward to the board at Harrisburg a statement in writing, under oath, explaining when and where and how such mistake was made.

Said [one-fourth] *one-half* of the penalty, imposed by law and paid into the hands of the board, shall be returned to the said individual as quickly as possible after the said board is satisfied that said killing was by mistake, and was not intentional or by carelessness.

Section 720 amended.

Section 6. That section seven hundred and twenty of said act is amended to read:

Killing of game destroying property.

Section 720. [Removal or] Killing of Game Destroying Property.—[When it is proven to the satisfaction of the board that game is excessively destroying property or otherwise becoming a nuisance in any section of the State, the board may, at any time, remove or have removed such animals or birds from that neighborhood, or direct the killing and disposition of the same, as the case may require.]

Nothing in this act shall be construed to prevent any person actually residing upon or cultivating, as a means of gaining a livelihood, any lands for general farm crop purposes, commercial trucking, or fruit orchard or nursery being regularly maintained for commercial purposes, [within this Commonwealth,] as either the owner or lessee, or any member of the family of such owner or lessee residing upon and assisting in the cultivation of such lands, or the employe of such owner or lessee who regularly assists in the cultivation of such lands, from killing, in any manner except through the use of poison, at any time any elk, or deer, or bear, or rabbit, or squirrel, or raccoon or the birds commonly known as blackbirds, regardless of sex or age, which he may find on such lands actually engaged in the material destruction of cultivated fruit-trees, cultivated crops, vegetables, live stock, poultry, or bee-hives, or in the case of red squirrels or blackbirds destroying either the eggs or young of protected or game birds; or from destroying such animals or birds anywhere on the property under their control immediately following such destruction, or where the presence of such bird or animal on any such aforesaid cultivated lands or in any such aforesaid fruit orchards is just cause for reasonable apprehension of additional imminent destruction. Any such person shall, [at all times prove] upon request of any representative of the board, produce satisfactory evidence that material damage [was being] has been done within thirty days, and that there was just cause for reasonable apprehension of additional imminent destruction by the species of animal or bird killed, [and report such killing,] except in the case of red squirrels and blackbirds; and in the case of elk, deer or bears shall report such killing within twenty-four hours, either verbally or in writing, to the nearest game protector or the office of the board at Harrisburg, and shall [also] immediately remove the entrails, hang up and care properly for the carcass of any such animal killed for delivery to [such] any charitable institution [as] designated by such officer or board [may direct].

Evidence of damage.

Report of killing of elk or deer.

Care of carcass.

Rabbits, squirrels or raccoons.

Where three or more rabbits, or squirrels, or raccoons are killed under the provisions of this section in any one day, such killing shall be reported in like manner as above and the carcasses sent to a charitable institution.

In any county, or part of any county, where the board is satisfied that serious depredations are being committed by deer or bears, and the board by formal action has designated such territory, any person herein authorized to kill deer or bears as a protection to personal property, on lands open to hunting for deer or bears by permit or otherwise, if desired may, pro-

Carcass may be used for food.

viding such person is either the owner or lessee of such property, or a member of the family of such owner or lessee residing upon and assisting in the cultivation of such lands, or a regular employe of such owner or lessee hired on a monthly or annual basis and regularly assisting in the cultivation of the lands on which the injury to property has been occurring, retain and use for food the carcass of such deer or bear in and by his own household, or the household of his employer, or any household or households on the premises regularly assisting in the cultivation of such lands, but the killing of such animal and the intention to retain the carcass shall be reported within forty-eight hours to the nearest game protector or the office of the board at Harrisburg. All portions of the carcass generally considered edible must be utilized when the carcass is so retained for food.

Killing and retention to be reported.

Failure to [prove] produce satisfactory evidence of material damage, or lack of reasonable cause for apprehension of additional imminent destruction, or failure to make the report herein required, or dress and care for such carcass properly, unless retained for food, or use, in the manner herein specified, all edible portions of a carcass retained for food, [shall be prima facie evidence that the purpose of such killing was not to relieve the destruction of property, as herein contemplated, and] shall subject any person killing any animal or bird herein named, [in] or using or having in possession any portion of the carcass in any manner contrary to this section, to the full fine hereinafter provided for unlawfully killing or having in possession such animal or bird, or part thereof.

Not to prevent killing of bear inflicting injury.

Nothing in this act shall be construed to prevent any person from killing a bear at any time or in any manner when such animal is inflicting, or attempting to inflict, injury to either the person or personal property of any individual; or the killing of such bear in a pursuit commenced within forty-eight hours after the commission of such offense; or to prevent any person from killing a bear at any time, in any manner, when such animal is found within one-half mile of his regular place of residence, if such person has just cause to fear imminent injury to persons or his personal property. No steel traps shall be used for the purposes stipulated in this provision relative to bear. Any bear killed under this provision shall be reported, and the carcass dressed, [and] cared for and disposed of in the [same] manner [as] directed in this section.

APPROVED—The 14th day of May, A. D. 1925.

GIFFORD PINCHOT.