

No. 46

AN ACT

HB 926

Amending the act of June 3, 1937 (P.L.1225, No.316), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," further regulating the issuance of special permits and providing a penalty.

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

Section 1. Section 401, act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law," is amended by adding a new first paragraph to read:

Section 401. Commission Empowered to Grant Permits.—*Notwithstanding any other provision of this article to the contrary, the commission shall, as deemed necessary to properly manage the wildlife resources, be authorized to adopt rules and regulations further regulating the issuance of any special permit set forth herein, and to adopt rules and regulations to further regulate and control such activities which may be performed under authority of any special permit issued.*

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Section 2. Section 419 of the act, amended October 13, 1965 (P.L.592, No.308), is amended to read:

Section 419. Penalties.—Any person violating any of the provisions of this article *or rules and regulations adopted by the commission* shall, upon conviction, be sentenced to pay the following fines and costs of prosecution for each offense:

(a) For the sale or exchange or shipment or removal out of this Commonwealth of birds or nests or eggs, or the taking of birds or eggs or nests, contrary to the provisions of this article, by agents of museums or persons of scientific attainment in ornithology or mammalogy acting under the authority of any permit, twenty-five dollars;

(b) For the practice of taxidermy for profit without a permit, as provided in this article, twenty-five dollars, and in addition thereto, twenty-five dollars for each specimen of a bird or animal protected by this act mounted or in possession for mounting;

(c) For the mounting, sale, or shipment, or removal from, or permitting the removal from, the Commonwealth, by the holder of any taxidermy permit, of each specimen of a bird or animal protected by this act, contrary to the provisions of this act, twenty-five dollars;

(d) For a resident of the Commonwealth purchasing, or receiving, or reselling raw furs for commercial purposes without a permit, as provided in this article, one hundred dollars;

(e) For a nonresident of the Commonwealth purchasing, or receiving, or reselling raw furs for commercial purposes without a permit, as provided in this article, two hundred dollars;

(f) For the breeding or propagating of game or fur-bearing animals in captivity without a propagating permit, contrary to the provisions of this article, twenty-five dollars for each bird or animal so bred or propagated;

(g) For the killing or selling or giving away or removing or shipping of game or fur-bearing animals or the pelts thereof bred or propagated, or eggs produced, by the holder of any propagating permit, or his agent or employe, contrary to the provisions of this article, twenty-five dollars;

(h) For neglecting or failing to return the duplicate copy of such tag to the commission, or for neglecting or failing to retain the copy of the tag as provided in this article, ten dollars for each such neglect or failure;

(i) For wilfully or wantonly removing, or mutilating, or counterfeiting or altering, or destroying a tag attached to a container or bird or animal, contrary to the provisions of this article, twenty-five dollars;

(j) For wilfully using any tag for the carrying, or removing, or shipping of game or fur-bearing animals, or the eggs of game birds, taken or killed outside of premises for propagating game or fur-bearing animals, under authority of permit, or for the purpose of a second shipment of game or fur-bearing animals from any such premises, or for failure to maintain the required record of transactions, contrary to the provisions of this article, twenty-five dollars;

(k) For taking any game birds on premises covered by a regulated shooting grounds permit in excess of the numbers fixed by the provisions of this article, or for taking or capturing such birds by any method other than by shooting, or for consuming on the premises or removing therefrom any propagated or released pheasants, bobwhite quail of the subspecies approved by the commission, chukar partridges or mallard or black ducks killed in accordance with the provisions of this article with reference to regulated shooting grounds which have not been tagged as herein required, or for attempting to operate such regulated shooting grounds contrary to any other provisions of this article, fifty dollars;

(l) For the breeding or selling, or offering for sale, or having in possession, or delivering any ferret or fitch, contrary to the provisions of this article, twenty-five dollars for each ferret or fitch;

(m) For maintaining a roadside menagerie for the purpose of exhibition or attracting trade contrary to the provisions of this article, or for failure to comply with the regulations of the commission relative to the housing and care of such animals, twenty-five dollars;

(n) For failure to submit any annual report as required by this article, twenty-five dollars;

(o) For releasing, retrapping, possessing or tagging bobwhite quail or traps for dog training purposes contrary to the provisions of this article, twenty-five dollars;

(p) 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 commission 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 cost of prosecution, he shall be imprisoned one day for each dollar of fine imposed and cost of prosecution.

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 3. This act shall take effect immediately.

APPROVED—The 14th day of April, A. D. 1976.

MILTON J. SHAPP