

No. 1978-291

## AN ACT

HB 1673

Amending the act of December 15, 1959 (P.L.1779, No.673), entitled, as amended, "An act relating to fish, frogs, tadpoles and turtles; and amending, revising, consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," defining certain terms and increasing the power of the executive director.

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

Section 1. The act of December 15, 1959 (P.L.1779, No.673), known as "The Fish Law of 1959," is amended by adding sections to read:

**Section 15. Amphibian Defined.**—*Any of the cold-blooded, scaleless vertebrates of the class Amphibia, such as frogs, toads and salamanders, the young usually being aquatic and breathing by gills and the adults usually losing the gills and breathing by lungs.*

**Section 16. Aquatic Organism.**—*Any plant or animal which grows or lives in or upon waters.*

**Section 17. Endangered Species Defined.**—*All species and subspecies of game fish, bait fish, fish bait, aquatic organisms, reptiles and amphibians which have been declared threatened with extinction by the Secretary of the United States Department of the Interior, and appear on the Endangered Species List or the Native Endangered Species List as published in the Federal Register, or any species or subspecies of game fish, bait fish, fish bait, aquatic organisms, reptiles and amphibians native to this Commonwealth which may be declared to be threatened with extinction by action of the Commission and published in the Pennsylvania Bulletin.*

**Section 18. Threatened Species Defined.**—*All species and subspecies of game fish, bait fish, fish bait, aquatic organisms, reptiles and amphibians which are declared in such small numbers through their range by the Secretary of the United States Department of the Interior, that they may become endangered if their environment worsens, and appear on a threatened species list as published in the Federal Register, or any species or subspecies of game fish, bait fish, fish bait, aquatic organisms, reptiles and amphibians native to this Commonwealth which may be declared in such small number throughout their range by the Commission that they may become endangered if their environment worsens, and published in the Pennsylvania Bulletin.*

**Section 19. Reptiles Defined.**—*Any of the various species of cold-blooded vertebrates of the class Reptilia, such as turtles, snakes and lizards, which breathe by means of lungs and usually have a scaly skin.*

Section 2. Sections 251 and 251.1 of the act, amended or added December 27, 1974 (P.L.1021, No.331), are amended to read:

Section 251. Power of Executive Director and His Agent to Fish; Rules and Regulations.—The Executive Director or his agent may catch fish in any of the waters of this Commonwealth at any season of the year and with any kind of nets or devices. The Executive Director, with the approval of the Commission, may promulgate such rules and regulations for the angling, catching, introduction or removal of fish in or from any of the inland waters, artificial or otherwise, and the boundary lakes and boundary rivers of this Commonwealth, as he may deem necessary. To aid in the better protection and management of fish in any of the inland waters and boundary lakes and boundary rivers of this Commonwealth, the Commission may also reduce or increase open seasons and creel possession size and season limits, or may close or open seasons as, in its judgment, may be necessary to conserve, protect or assure the future fish supply in any portion of the inland waters and boundary lakes and boundary rivers of this Commonwealth.

To reduce or increase open seasons or creel limits, or to open or close seasons for fishing in any portion of the inland waters or boundary lakes or boundary rivers of this Commonwealth, the Commission shall prepare and distribute such posters or notices as, in its judgment, may be necessary to give due notice of its regulations adopted hereunder.

The Executive Director, with the approval of the Commission, may promulgate rules and regulations governing the taking, catching, killing [and possession], *possessing, selling, offering for sale or purchasing* of all amphibians, [and] reptiles *and aquatic organisms* and in addition may establish seasons and possession limits for all amphibians, reptiles and aquatic organisms.

The Commission may issue annual Scientific Collectors Permits for educational and scientific purposes for the taking of fish, amphibians, *aquatic organisms* and reptiles at a fee established by the Commission.

Any person violating any of said rules and regulations shall, upon conviction as provided in chapter 14 of this act, be sentenced to pay a fine of twenty dollars (\$20.00), and in addition thereto, may be fined ten dollars (\$10.00) for each fish, amphibian and reptile caught, taken or had in possession contrary to such rules and regulations of the Commission.

Section 251.1. [Rare] *Threatened* and Endangered Species.—The Executive Director, with the approval of the Commission, may promulgate rules and regulations governing the taking, catching, killing, [and possession] *possessing, selling, offering for sale, or purchasing of threatened or* endangered species within the classifications of fish, amphibians and reptiles. Any species caught by mistake shall immediately be released in the condition in which it was captured in the place it was taken.

Any person violating any of said rules and regulations shall, upon conviction as provided in chapter 14 of this act, be sentenced to pay a fine of five hundred dollars (\$500.00) for each violation.

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

APPROVED—The 26th day of November, A. D. 1978.

MILTON J. SHAPP