

No. 1983-40

AN ACT

SB 473

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," removing the requirements to obtain special permits for the possession and sales of ferrets or fitches; further defining unlawful hunting with ferrets or fitches; and providing penalties.

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

Section 1. Section 401(f) of the act of June 3, 1937 (P.L.1225, No.316), known as The Game Law, is repealed.

Section 2. Section 402 of the act, amended March 13, 1982 (P.L.185, No.60), is amended to read:

Section 402. Application for Permits.—(a) Any person, firm, association, or corporation desiring a permit, as provided for in this article, shall present an application therefor, on forms supplied by the commission, and shall pay to the director the following fees: permit for a disabled person to hunt from an automobile, one dollar (\$1); collecting permit, ten dollars (\$10); falconry permit, ten dollars (\$10); fur dealer's employes permit, ten dollars (\$10); **[permit for possessing or owning a ferret or fitch, ten dollars (\$10);]** permit to release and retrap bobwhite quail for dog training purposes, ten dollars (\$10); menagerie, three hundred dollars (\$300); game propagation, fifteen dollars (\$15); fur farming, fifteen dollars (\$15); taxidermists desiring to practice taxidermy for profit shall pay fifty dollars (\$50) for initial application and permit, and twenty-five dollars (\$25) per year thereafter for renewal of permit; resident fur dealers, twenty-five dollars (\$25); nonresident fur dealers, purchasing or receiving raw furs for commercial purposes in this Commonwealth, shall pay one hundred dollars (\$100); persons desiring to operate regulated shooting grounds on a noncommercial basis shall pay twenty-five dollars (\$25) for the first one hundred acres in the tract so used, and five dollars (\$5) for each additional one hundred acres or fraction thereof; persons desiring to operate regulated shooting grounds on a commercial basis shall pay fifty dollars (\$50) for the first one hundred acres, and ten dollars (\$10) for each additional one hundred acres, or fraction thereof; **[and breeders and dealers in ferrets or fitches shall pay fifty dollars (\$50);]** special retriever dog training area permit, thirty-five dollars (\$35); wildlife dealer's permit, five hundred dollars (\$500); and for a wildlife possession permit, two hundred dollars (\$200) for each animal.

(b) In the case of applications for permits by firms, associations, or corporations, the application shall bear the name of the president or general manager, and the permit shall be issued in his name. All applications for propagating permits and regulated shooting grounds permits shall be accom-

panied by a written description and a map or sketch of the premises to be used for such purposes, with the location thereof.

Section 3. The heading of subdivision (f) of Article IV of the act is amended to read:

ARTICLE IV
SPECIAL PERMITS

* * *

(f) **[Permits to Possess or Propagate] Ferrets [or Fitches]**

* * *

Section 4. Section 413 of the act is repealed.

Section 5. The act is amended by adding a section to read:

***Section 413.1. Ferret Permit.*—A permit to own, possess or deal in ferrets shall not be required by any agency of this Commonwealth.**

Section 6. Section 419(l) of the act is repealed.

Section 7. Section 704(e) of the act is amended to read:

Section 704. Unlawful Methods of Hunting.—***

(e) Hunting with Ferrets or Fitches

Except as otherwise provided in this act, it is unlawful for any person to hunt for, catch, or kill, or cause or permit the hunting of **[hares or rabbits] wildlife** with or through the use of a ferret or a fitch. The fact that any person shall place a ferret or a fitch in any hole or opening outside of buildings in which **[a rabbit] wildlife** might be found, or shall be caught in the act of using a ferret or a fitch in taking **[hares or rabbits] or attempting to take wildlife**, or shall have a ferret or fitch in possession or under control in either the fields or forests **[or highways, or in or on any vehicle or trailer upon the highways, or on railroad or railway cars]**, shall render such person liable to the penalty prescribed in this article. Any ferret or fitch found running at large, or found in the possession or under the control of a person **[not possessed of a ferret or a fitch permit, or of a person convicted of violating any provisions of this act] contrary to the provisions of this subsection**, shall be forfeited to the Commonwealth, **and shall be immediately killed by the officer or citizen into whose hands such animal may come**.

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Section 8. The third paragraph of section 731 of the act, amended June 13, 1961 (P.L.306, No.182), is amended to read:

Section 731. Penalties.—Any person violating any of the provisions of the sections of this article shall, upon conviction, be sentenced to pay the following fines and costs of prosecution for each offense:

* * *

[In addition to the fine above prescribed, any] Any person who shall make use of or have in possession or under control a ferret or fitch, contrary to the provisions of this article, shall, upon conviction, be sentenced to pay a fine of [twenty-five dollars (\$25)] two hundred dollars (\$200) for each ferret or fitch and costs of prosecution.

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Section 9. This act shall take effect immediately.

APPROVED—The 4th day of October, A. D. 1983.

DICK THORNBURGH