

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Firearms

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 26, 2007, meeting, amended § 141.15 (relating to loaded firearm) to extend the application of section 2503 (relating to loaded firearms in vehicles) to prohibit "loaded" crossbows or muzzleloaders in, on or against any conveyance propelled by mechanical power.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 37 Pa.B. 2837 (June 23, 2007).

1. Purpose and Authority

Section 2503 of the code (relating to loaded firearms in vehicles) generally prohibits persons, not otherwise authorized, from having a loaded firearm of any kind in, on or against any conveyance propelled by mechanical power. This prohibition is intended primarily to protect the safety of persons traveling within the conveyances as well as others who may be in the vicinity of the same. Similar to the hazards associated with more traditional firearms, loaded crossbows and muzzleloaders also have the potential of causing serious injury or death to persons inside a conveyance propelled by mechanical power, as well as others who may be in the vicinity of the same, if either an intended or unintended discharge occurs. In an effort to limit the various and potential harms associated with this type of conduct, the Commission amended § 141.15 to extend the application of section 2503 of the code to prohibit "loaded" crossbows or muzzleloaders in, on or against any conveyance propelled by mechanical power.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 141.15 was adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amended § 141.15 to extend the application of section 2503 of the code to prohibit "loaded" crossbows or muzzleloaders in, on or against any conveyance propelled by mechanical power.

3. Persons Affected

Persons possessing loaded crossbows or muzzleloaders in, on or against any conveyance propelled by mechanical power will be affected by the final rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in any additional cost or paperwork.

6. Effective Date

The final-form rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.15 to read as set forth at 37 Pa.B. 2837.

(b) The Executive Director of the Commission shall certify this order, 37 Pa.B. 2837 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-253 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 07-1791. Filed for public inspection September 28, 2007, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Deer Control

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 26, 2007, meeting, amended § 147.553 (relating to permit) to standardize the agricultural deer control permit closure period to May 16 through June 30 for both vegetable and general crop farmers.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 37 Pa.B. 2695 (June 16, 2007).

1. Purpose and Authority

Each year the Commission issues agricultural deer control permits (red tags) to farmers who are suffering agricultural damage from white-tailed deer. Generally speaking, the permits are valid from February 1 through September 28 annually, except for a brief period of time during the peak of the fawning season when they are temporarily invalidated. Traditionally, the invalidated periods ran from May 16 through July 31 for general crop farmers and from May 16 through June 30 for vegetable farmers. However, after further review prompted by public inquiry, the Commission determined that it was necessary to standardize the closure period between the two agricultural classes to provide enhanced consistency in the regulations as well as provide additional deer control opportunities for general crop farmers without putting an unjustified additional demand on deer during the fawning season. Therefore, the Commission adopted the amendment to § 147.553 in an effort to standardize the agricultural deer control permit closure period to May 16 through June 30 for both vegetable and general crop farmers.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 147.553 was adopted under to this authority.

2. Regulatory Requirements

The final-form rulemaking amended § 147.553 to standardize the agricultural deer control permit closure period to May 16 through June 30 for both vegetable and general crop farmers.

3. Persons Affected

Persons wishing to exercise the privileges of an agricultural deer control permit may be affected by the final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in any additional cost or paperwork.

6. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.553 to read as set forth at 37 Pa.B. 2695.

(b) The Executive Director of the Commission shall certify this order and 37 Pa.B. 2695 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-252 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 07-1792. Filed for public inspection September 28, 2007, 9:00 a.m.]