

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION [58 PA. CODE CH. 147]

Taxidermy

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), on January 23, 1996, adopted the following amendments:

Amend §§ 147.121 and 147.122 and add §§ 147.123—147.129 to provide additional regulations to include definitions, testing protocols and standards, reports and records, unclaimed procedures and general operational requirements for prospective as well as currently licensed taxidermists.

These amendments are necessary to properly manage the wildlife resources of this Commonwealth and will have no adverse effect on the resources.

The amendments were made public as a proposal at the June 20, 1995, meeting of the Commission. The notice of proposed rulemaking was set forth at 25 Pa.B. 5246 (November 25, 1995).

The amendments are adopted under 34 Pa.C.S. (relating to the Game and Wildlife Code) (Code).

1. Introduction

The Commission at its June 20, 1995, meeting proposed and at its January 23, 1996, meeting adopted amendments to §§ 147.121—147.129, to provide regulations relating to definitions, testing protocols and standards, reports and records, unclaimed procedures and general operational requirements for prospective as well as currently licensed taxidermists.

2. Purpose and Authority

The Commission has determined that the regulation of taxidermists protects the public by placing certain standards on the taxidermy services to be provided. At the same time, requiring accurate recordkeeping by taxidermists helps to control the commercialization of wildlife which may involve illegal trafficking in wildlife. Section 2901(b) of the Code (relating to regulations for permits), authorizes the Commission to promulgate regulations for the issuance of any permit and to control the activities which may be performed under the authority thereof.

3. Regulatory Requirements

The amendments will require currently licensed taxidermists to keep records relating to, from whom, and when a specimen is received, when a specimen is returned and a description of the specimen. They also require an annual report be made to the Commission by each taxidermist if so requested. In addition, the amendments require taxidermists to make reasonable efforts, including certified mail, to contact the owner of a specimen before declaring it unclaimed. Certain other reporting procedures for threatened or endangered and Convention on International Trade in Endangered Species (C.I.T.E.S.), species are also set forth. The last significant amendment specifies who may take the taxidermy examination and what form the examination may take.

4. Persons Affected

Currently licensed taxidermists and those seeking to become licensed taxidermists will be affected.

5. Comment and Response Summary

After the proposed amendments were made public, comments were received from members of the Pennsylvania Taxidermists Association with regard to requirements on employes and satellite operations. After staff members of the Commission met with representatives of that Association, slight changes were made to §§ 147.125, 147.127 and 147.129 which are contained in the final adoption. No other comments were received.

6. Cost and Paperwork Requirements

The amendments involve no additional costs associated with the examination or issuance of the permit. Records are currently required to be kept and most are kept in the manner being prescribed. Additional costs incurred by reason of using the new forms should be minimal. There are additional incidental costs of making reports (annual, employment and threatened or endangered species) as well as certified mail costs in the case of unclaimed specimens. These costs should also be minimal.

7. Effective Date

These amendments will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

8. Contact Person

For further information on the amendments the contact person is James R. Fagan, Director, Bureau of Law Enforcement, (717) 783-6526, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments 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 the amendments 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 §§ 147.121 and 147.122 and adding §§ 147.123, 147.124, 147.126 and 147.128 to read as set forth at 25 Pa.B. 5246 (November 25, 1995); and by adding §§ 147.125, 147.127 and 147.129 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order and Annex A to the Office of Attorney General for approval as to legality as required by law.

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

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

DONALD C. MADL,
Executive Director

Fiscal Note: 48-90. Fiscal Note 48-90 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter B. TAXIDERMY

§ 147.125. Records and reports.

(a) A record of all transactions shall be kept on PGC-9LE according to the instructions provided or on a form supplied by the permittee listing the following information:

- (1) The name, address and telephone number of the person from whom the specimen was received.
- (2) A special permit number or tag number, if a specimen is required to be tagged or marked.
- (3) The date received and the date returned.
- (4) A description of the wildlife specimen received.
- (b) The required records shall be maintained at the taxidermy shop where the work is performed.
- (c) An annual report, when required by the Director, shall be submitted in the form of a PGC-9LE or on the form supplied by the permittee as listed in subsection (a).

§ 147.127. Operation.

- (a) Legitimate employes of more than 30 consecutive days and apprentices shall be listed on the face of the permit and come under the direct supervision of the permittee at the place of business listed on the permit. Permits shall be amended during the permit year to add or delete employes and apprentices by notifying the Bureau of Law Enforcement.
- (b) Specimens shall be deposited at the business address listed on the permit. Drop points or pick up stations are not permitted.
- (c) All Convention on International Trade in Endangered Species (C.I.T.E.S.) wildlife not properly marked, tagged or documented shall be reported to the wildlife conservation officer in charge of the area. Threatened or endangered species may not be mounted unless properly permitted.

(d) Only one shop may be established per permit. Except as otherwise provided in subsection (a), all taxidermy work shall be performed by a licensed taxidermist.

(e) A taxidermist mounting or preparing any migratory birds shall be in possession of a current and valid Federal Fish and Wildlife Permit.

(f) A taxidermist or an employe may not hold wildlife protected by the act or this part for more than 72 hours without notifying an officer of the Commission. Game birds, game animals and furbearers lawfully taken and lawfully possessed are excepted.

§ 147.129. Unlawful acts.

- (a) It is unlawful to:
 - (1) Fail to keep an accurate record of all transactions or to make a false entry on the report.
 - (2) Fail to submit the annual report, when required by the Director, within 30 days of expiration of the permit.
 - (3) Sell an unclaimed specimen contrary to the procedures established in this part.
 - (4) Sell a specimen that is not properly disposed of in accordance with the act.
 - (5) Fail to list or delete an employe or apprentice from the permit.
 - (6) Establish drop points or pick up stations contrary to this part.
 - (7) Fail to report unmarked Convention on International Trade in Endangered Species (C.I.T.E.S.) or threatened or endangered species to the wildlife conservation officer in charge of the area within 72 hours.
 - (8) Receive, possess or mount a migratory bird without a Federal Fish and Wildlife Permit.
 - (9) Submit a false affidavit with the application for examination.
 - (10) Receive, possess or hold a specimen for another without a taxidermy permit.
 - (11) Violate other provisions of this title or the act.
- (b) A person violating this subchapter will be subject to penalties provided in the act.

[Pa.B. Doc. No. 96-394. Filed for public inspection March 15, 1996, 9:00 a.m.]