

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 51 AND 63]

Administration and Fishing

The Fish and Boat Commission (Commission) proposes to amend Chapters 51 and 63 (relating to administrative provisions; and general fishing regulations). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments relate to administration and fishing.

A. *Effective Date*

These proposed amendments will, if approved on final rulemaking, go into effect on January 1, 1998, or upon publication of an order adopting the amendments, whichever occurs later.

B. *Contact Person*

For further information on the proposed changes, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P.O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

C. *Statutory Authority*

These proposed amendments are published under the statutory authority of sections 2102 and 2711 of the code (relating to rules and regulations; and issuing agents).

D. *Purpose and Background*

The proposed amendments are designed to update, modify and improve Commission regulations pertaining to issuing agents and the display of fishing licenses and verification of license purchase. The specific purpose of the various amendments is described in more detail under the summary of proposal.

E. *Summary of Proposal*

1) Sections 51.31, 51.34 and 51.35 (relating to responsibility of issuing agents; stamps and permits; and operation of issuing agency). The Commission's staff recently undertook a review of the current licensing process, and beginning in 1998, the application form will no longer be used. The new process provides that the applicant will give the issuing agent his driver's license or other positive form of identification (as already required), and the agent will copy the information from the driver's license to the reverse side of the license. To address concerns about signatures being required on the display side of the license, staff were able to modify the reverse side of the license to include the signature of the applicant. This proposed change, coupled with some other modifications to the reverse side of the form, will allow the Commission to eliminate the application form. Although the signature will still appear over the face of the trout stamp, this is hardly discernable except upon close inspection. The Commission approved the publication of a notice of proposed rulemaking containing changes to the issuing agent regulations in Chapter 51 to reflect the revised process for issuing licenses.

2) Section 63.2 (relating to display of fishing license). Current practice in the Bureau of Law Enforcement

provides that when a resident is apprehended for fishing without a license in his possession and claims that previously a valid fishing license was purchased but left it elsewhere, the apprehending officer will give the individual 7 days to produce the original license certificate. Current practice also provides that if it is inconvenient for the individual to produce the certificate in person, the officer may permit the individual to mail the original license certificate to the officer, and upon receipt, the officer will examine and verify it and return it to the individual. To codify this existing practice, the Commission approved the publication of a notice of proposed rulemaking containing a new subsection (c), describing the process by which officers deal with claims that a person fishing without a license has left it elsewhere.

F. *Paperwork*

The proposed amendments will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at regulations@fish.state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-72, No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 51. ADMINISTRATIVE PROVISIONS

§ 51.31. Responsibility of issuing agents.

(a) Issuing agents are responsible to [insure] ensure that the fishing license [application] is fully completed [by the applicant]. [The issuing agent may assist the applicant in completing the application, but the applicant] The applicant shall make sure the information entered on the license form is correct, and shall sign his own name or place his mark in the place indicated on the [application] reverse of the license certificate.

(b) Issuing agents shall verify the eligibility of the applicant for the class of license indicated on the [appli-

cation] license in accordance with § 51.32 (relating to resident and nonresident licenses). [Issuing agents shall notate on the application the type of proof that the applicant provided to demonstrate resident status.]

(c) The issuing agent shall transfer the information [from the application] provided by the applicant to the license certificate, assuring that the information can be easily read. Information on the license certificate shall agree with the [application] information provided and be typed or printed in ink.

(d) Agents shall use standard abbreviations supplied by the Commission for the color [of hair and color] of eyes.

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(h) Issuing agents are responsible to [insure] ensure that when someone buys a license as a gift for another person, the person buying the license signs his name on the [application] reverse of the agent's copy of the license and [writes the word "gift" below his signature] indicates that the license was purchased as a gift. The recipient of the gift license shall sign his name on the original of the license.

§ 51.34. Stamps and permits.

(a) The Commission may require licensees to possess stamps or permits to fish for certain species or in certain bodies of water. [It is not necessary for the purchaser of a stamp or permit to complete an application.]

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(c) Issuing agents shall make stamps and permits available to individuals purchasing them as collectibles. [An application is not required, and the] The buyer does not have to sign the stamp or permit.

§ 51.35. Operation of the issuing agency.

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(b) An entity accepted by the Commission to act as an issuing agent shall perform in the following manner:

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(3) Issuing agents shall retain the third copy of the license certificate [and the original application] for 1 year after the close of any given license year.

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Subpart B. FISHING

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.2. Display of fishing license and verification of license purchase.

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(c) Fishing without a license in possession.

(1) When a resident of this Commonwealth is apprehended for fishing without a license in his possession and claims that a valid fishing license was previously purchased for that year, the officer apprehending the individual shall give the individual 7 days to produce the original of the license certificate, if the individual provides to the officer's satisfaction, at the time of apprehension, positive proof of identity and a residence address within this Commonwealth.

(2) If it is inconvenient for the individual to produce the certificate in person, the officer may permit the individual to mail the original license certificate, showing the required permits and a purchase date prior to the date of apprehension, to the officer together with a stamped, self-addressed return envelope. If the officer permits the individual to mail the original license certificate to the officer, the officer shall provide the individual with a receipt or other documentation allowing the individual to fish during the period that the original license certificate is not in his possession.

(3) Upon receipt of the original license certificate, the officer shall examine and verify it and return it to the licensee.

(4) If the person apprehended fails to send the original license certificate and required permits to the officer within the time allotted, the officer shall institute summary proceedings against the individual in the manner prescribed by law.

[Pa.B. Doc. No. 97-1788. Filed for public inspection November 7, 1997, 9:00 a.m.]