

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

### [58 PA. CODE CH. 51] Administrative Provisions

The Fish and Boat Commission (Commission) proposes to amend Chapter 51 (relating to administrative provisions). The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment relates to counties where the use of the field acknowledgment of guilt is authorized.

#### A. *Effective Date*

The proposed amendment, if approved on final rulemaking, will go into effect on January 1, 2000, or upon publication of an order adopting the amendment in the *Pennsylvania Bulletin*, whichever occurs later.

#### B. *Contact Person*

For further information on the proposed amendment, 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*

The proposed amendment is published under the statutory authority of Act 1999-41, which Governor Ridge signed on November 3, 1999. Section 5 of Act 41, among other things, limits the power of waterways conservation officers to accept field acknowledgments of guilt for summary violations as set forth in section 925 of the code (relating to acknowledgment of guilt and receipts for payment). The law will go into effect on January 1, 2000.

#### D. *Purpose and Background*

The proposed amendment is designed to implement Act 41, which provides that field acknowledgments of guilt shall be used only in counties the Commission may designate by regulation for that use upon a finding that the county has summary offense procedures that differ from those used in other counties. The Commission has found that Philadelphia County is a county that uses summary offense procedures that differ from Statewide procedures.

#### E. *Summary of Proposal*

The Commission proposes to designate Philadelphia County as a county where the use of the field acknowledgment of guilt is authorized.

#### F. *Paperwork*

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

#### G. *Fiscal Impact*

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendment 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 amendment to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after 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 shall be included in each transmission. In addition, all electronic comments shall be contained in the text of the transmission, not in an attachment. 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-104. 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

#### Subchapter A. PRELIMINARY PROVISIONS

#### § 51.8. Counties where the use of the field acknowledgment of guilt is authorized.

Under section 925(d) of the code (relating to acknowledgment of guilt and receipts for payment), the field acknowledgment of guilt may be used in Philadelphia County.

[Pa.B. Doc. No. 99-2041. Filed for public inspection December 3, 1999, 9:00 a.m.]

### [58 PA. CODE CH. 65] Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend § 65.24 (relating to miscellaneous special 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 amendment relates to fishing.

#### A. *Effective Date*

The proposed amendment, if approved on final rulemaking, will go into effect on January 1, 2000, or upon publication of an order adopting the amendment in the *Pennsylvania Bulletin*, whichever occurs later.

#### B. *Contact Person*

For further information on the proposed change, 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*

The proposed amendment is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

*D. Purpose and Background*

The proposed amendment is designed to update, modify and improve Commission regulations relating to fishing. The specific purpose of the proposed amendment is described in more detail under the summary of proposal.

*E. Summary of Proposal*

A recent review of the Commission's regulations by the Bureau of Law Enforcement has revealed that there are two miscellaneous special regulations that state that the creel limit for trout is eight per day. When the Commission amended its Statewide trout regulations earlier this year to reduce the creel limit from eight to five, these miscellaneous regulations should have been amended as well. Accordingly, the Commission proposes the amendment to read as set forth at Annex A.

*F. Paperwork*

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

*G. Fiscal Impact*

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendment 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 amendment to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after 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 shall be included in each transmission. In addition, all electronic comments shall be contained in the text of the transmission, not in an attachment. 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-103. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 65. SPECIAL FISHING REGULATIONS**

**§ 65.24. Miscellaneous special regulations.**

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
	* * * * *	
Mercer	Shenango River from the dam downstream to SR 3025, a distance of 1.5 miles.	Closed season on trout: April 1 until 8 a.m., first Saturday after April 11. Daily limit—Opening day of trout season in April until Labor Day: <b>[ eight ] five</b> trout per day; day after Labor Day to midnight, March 31 of the following year—three trout per day. Inland regulations apply to warmwater/coolwater species.
	* * * * *	
Somerset, Fayette, Westmoreland and Allegheny	Youghiogheny River from confluence with Casselman River downstream to the confluence with Ramcat Run Youghiogheny River from the pipeline crossing at the confluence with Lick Run downstream to the mouth of the river.	No closed season on trout. Daily limit opening day of trout season to Labor Day— <b>[ eight ] five</b> trout; day after Labor Day to succeeding opening day of trout season—three trout per day. Inland regulations apply to warmwater/coolwater species.
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[Pa.B. Doc. No. 99-2042. Filed for public inspection December 3, 1999, 9:00 a.m.]

# GAME COMMISSION

[58 PA. CODE CHS. 141 AND 143]

## Hunting hours; conditions for appointment

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its October 5, 1999, meeting proposed the following amendments:

Amend § 141.4 (relating to hunting hours) by making an editorial change to paragraph (2). The proposed change is required as a result of the deletion of a subparagraph and resulting renumbering of the subsections.

Amend § 143.27 (relating to conditions for appointment) by raising the minimum security required for license issuing agents.

These proposed amendments will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposal of these regulations is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

These proposals were made public at the October 5, 1999, meeting of the Commission, and comments on these proposals may be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until December 31, 1999.

### *Proposed Amendment to § 141.4*

#### 1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on October 5, 1999, proposed an editorial change to § 141.4. The proposed change is required as a result of the deletion of a subparagraph and resulting renumbering of the subsections by a regulation finally adopted at the Commission's June 8, 1999, meeting. This change was proposed under sections 322(c)(1) and 2102(a) of the code (relating to powers and duties of the Commission and regulations).

#### 2. Purpose and Authority

At its June 8, 1999 meeting, the Commission expanded hunting hours for hunting mourning doves by deleting paragraph (1) of § 141.4. In doing so, the Commission failed to change a reference in then paragraph (3) to "paragraph (2)," which became paragraph (1). The proposed change will remedy this situation.

Section 322(c)(1) of the code empowers the Commission to fix daily shooting or taking hours. Section 2102(a) of the code authorizes the Commission to promulgate regulations relating to the hunting of game or wildlife in this Commonwealth. The change was proposed under this authority.

#### 3. Regulatory Requirements

The proposed change would not result in any additional regulatory requirements but rather would only clarify the existing regulation.

#### 4. Persons Affected

The proposed change is editorial in nature and would not impact anyone.

#### 5. Cost and Paperwork Requirements

The proposed change should not result in any additional cost or paperwork.

### *Proposed Amendment to § 143.27*

#### 1. Introduction

To more effectively manage the wildlife resources of this Commonwealth and administer its license issuing system, the Commission at its meeting held on October 5, 1999, proposed changing § 143.27 to raise the minimum security required for license issuing agents from \$10,000 to \$18,000. This change was proposed under section 2722(g) of the code (relating to regulations).

#### 2. Purpose and Authority

With the July 1, 1999, effective date of amendments to the code providing for license fee increases, many hunting license issuing agents discovered that they did not have sufficient security to allow them to obtain adequate supplies of licenses for issuance. In addition to reducing the availability of licenses, this resulted in greater workload for the agents and the Commission by reason of the need to order licenses more frequently. As a result, the Commission has decided to propose amending § 143.27 to raise the minimum security to be posted by agents from \$10,000 to \$18,000.

Section 2722(g) of the code directs the Commission to adopt regulations for the administration, control and performance of license issuance. The proposed change is made under that authority.

#### 3. Regulatory Requirements

The proposed change would increase the amount of security which must be posted by most hunting license issuing agents but should reduce the amount of time and effort required to order licenses.

#### 4. Persons Affected

Hunting license issuing agents who post bonds would be affected by the proposed change.

#### 5. Cost and Paperwork Requirements

The proposed change will result in additional cost to agents for security. At the same time, it should decrease the amount of paperwork and ordering costs. Also, agents did receive a fee increase when the license fees were increased.

### *Effective Date*

The proposed changes will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

### *Contact Person*

For further information on the proposed changes, contact Thomas R. Littwin, Director, Bureau of Law Enforcement, (717) 783-6526, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** 48-114. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION  
PART III. GAME COMMISSION  
CHAPTER 141. HUNTING AND TRAPPING  
Subchapter A. GENERAL

§ 141.4. Hunting hours.

During open hunting seasons, wild birds and animals may be taken 1/2 hour before sunrise to sunset unless further restricted.

\* \* \* \* \*

(2) Raccoon, fox, skunk, opossum, coyote and weasel may be taken any hour, day or night, except during restricted periods in paragraph [ (2) ] (1), and woodchuck, coyote, opossum, skunk and weasel may not be hunted prior to 12 noon during the spring gobbler season.

\* \* \* \* \*

CHAPTER 143. HUNTING AND FURTAKE  
LICENSES

Subchapter B. APPOINTMENT OF AGENTS

§ 143.27. Conditions for appointment.

A person desiring consideration for appointment as an agent shall meet the following conditions:

\* \* \* \* \*

(6) Provide security to the Commission in an amount [ not less than \$10,000 ] at least \$18,000.

[Pa.B. Doc. No. 99-2043. Filed for public inspection December 3, 1999, 9:00 a.m.]

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