

# PROPOSED RULEMAKING

## GAME COMMISSION

[58 PA. CODE CHS. 139 AND 141]

### Deer Hunting

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 10, 2001, meeting, proposed the following amendments:

Amend § 139.2 (relating to definitions) to define regular and special firearms deer seasons.

Amend § 141.43 (relating to deer) to allow the special firearms hunters the opportunity to cooperate with the early muzzleloader and archery hunters while hunting deer.

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

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

These proposals were made public at the April 10, 2001, meeting of the Commission, and comments on these proposals can be sent to the Director of Information and Education of the Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until June 8, 2001.

#### *Proposed amendment to § 139.2*

##### 1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its April 10, 2001, meeting proposed changing § 139.2 to add definitions of "regular firearms deer season" and "special firearms deer season." Both terms are currently used without being defined. These changes were proposed under the authority contained in sections 322(c)(1) and 2102(b)(1) of the code (relating to powers and duties of commission; and regulations).

##### 2. Purpose and Authority

In the course of establishing various deer seasons, the Commission has used the terms "regular firearms deer season" and "special firearms deer season." Neither of these terms is currently defined in the regulations. The proposed changes will remedy these deficiencies.

Both of the new terms will be used to fix and regulate deer season, section 322(c) of the code specifically empowers the Commission to "... fix seasons... and daily, season and possession limits for any species of game or wildlife." Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits. These sections provide the authority for the proposed additions.

##### 3. Regulatory Requirements

No new regulatory requirements will be added by the proposed change.

##### 4. Persons Affected

Individuals wishing to hunt deer will be affected by the proposals.

#### *Proposed Amendment to § 141.43*

##### 1. Introduction

To more effectively manage the deer population in this Commonwealth, the Commission has established some

special firearms deer seasons prior to the regular seasons. Section 141.43(e) currently allows holders of appropriate licenses or stamps to cooperate with hunters using other firearms during seasons that run concurrently. Therefore, at its meeting held on April 10, 2001, the Commission proposed changing the subsection to allow holders of appropriate licenses and permits to cooperate during the special firearms seasons when it runs concurrently with the specified seasons. These changes were proposed under sections 322(c)(6) and 2102(a) of the code.

##### 2. Purpose and Authority

As was indicated in the Introduction, § 141.43(e) currently allows archery, flintlock muzzleloader and muzzleloader deer hunters to cooperate when their seasons run concurrently. The proposed change would add to this list special firearms deer hunters.

Section 322(c)(6) of the code directs the Commission to: "Limit the number of hunters or furtakers in any designated area and prescribe the lawful methods of hunting or taking furbearers in these areas." Section 2102(a) of the code provides that: "The commission shall promulgate such regulations as it deems necessary and appropriate concerning . . . methods and means of hunting or furtaking . . ." These provisions provide the authority for the proposed changes.

##### 3. Regulatory Requirements

No additional regulatory requirements will be imposed as a result of the proposed change. In fact, the proposed change will relax a restriction.

##### 4. Persons Affected

Persons wishing to cooperate to hunt deer during special firearms seasons may be affected by the proposed change.

#### *Cost and Paperwork Requirements*

The proposed changes would not result in additional costs, either to the Commission or to hunters.

#### *Effective Date*

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

#### *Contact Person*

For further information on the proposed changes, the contact person is David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*(Editor's Note: An amendment to § 141.43 was adopted at 31 Pa.B. 2577 (May 19, 2001) and is scheduled to be published in the July 2001 Pennsylvania Code Reporter (MTS 320).*

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** 48-131. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

**Regular firearms deer season**—The designated period of time when deer may be hunted and taken by any person who possesses a General Hunting License or a General Hunting License and Antlerless License only.

\* \* \* \* \*

**Special firearms deer season**—Any firearms deer season, except muzzleloader season, that precedes the regular firearms deer season.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.43. Deer.

\* \* \* \* \*

(e) Archery, **special firearms**, flintlock muzzleloader and muzzleloader seasons. When archery, **special firearms**, flintlock muzzleloading or muzzleloader seasons run concurrently, holders of any of the appropriate licenses or stamps may cooperate if pertinent provisions of this section and the act are met.

\* \* \* \* \*

[Pa.B. Doc. No. 01-986. Filed for public inspection June 8, 2001, 9:00 a.m.]

\_\_\_\_\_