

RULES AND REGULATIONS

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 3800]

Notice of Delay of the Implementation Date of §§ 3800.187 and 3800.188 Relating to Administration and Medications Administration Training

The Department of Public Welfare (Department) is announcing its intent to delay the implementation date of §§ 3800.187 and 3800.188 in Chapter 3800 (relating to child residential and day treatment facilities) regarding medications administration training of nonmedical staff persons.

Under Chapter 3800, §§ 3800.187 and 3800.188 were scheduled to take effect June 26, 2000 (29 Pa.B. 3295). The Department previously published a notice of delay of the implementation date on July 28, 2000, extending the implementation date to July 1, 2001 (30 Pa.B. 3794). The Department hereby extends the implementation date until January 2, 2002. This extension is necessary to give training providers sufficient opportunity to develop a program that will fully comply with the Statement of Policy as specified in the Office of Children, Youth and Families' Bulletin # 3800-99-01, issued December 31, 1999, § 3800.188a (relating to medications administration training) or superseding policy statement relating to medications administration training. The extension will also provide time for training providers to effectively implement the approved Medication Administration Training program.

All other aspects of Chapter 3800 remain the same.

FEATHER O. HOUSTON,
Secretary

Fiscal Note: 14-NOT-299. No fiscal Impact; (3) recommends adoption. This action may increase per diem rates paid by the Commonwealth.

[Pa.B. Doc. No. 01-1488. Filed for public inspection August 17, 2001, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 139]

Corrective Amendment to 58 Pa. Code § 139.2

The Game Commission has discovered a discrepancy between the agency text of 58 Pa. Code § 139.2 (relating to definitions) as deposited with the Legislative Reference Bureau and the official text published at 30 Pa.B. 2366, 2367 (May 13, 2000) and as currently appearing in the *Pennsylvania Code*. The definition of "field possession limit" was inadvertently omitted.

Therefore, under 45 Pa.C.S. § 901: The Game Commission has deposited with the Legislative Reference Bureau a corrective amendment to 58 Pa. Code § 139.2. The corrective amendment to 58 Pa. Code § 139.2 is effective as of May 13, 2000, the date the amendment appeared in the *Pennsylvania Bulletin*.

The correct version of 58 Pa. Code § 139.2 appears in Annex A.

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:

Antlered deer—A deer having two or more points to one antler, or with one antler 3 inches or more in length.

Antlered elk—An elk having at least one spike visible above the hairline.

Antlerless deer—A deer without antlers, or a deer with antlers both of which are less than 3 inches in length.

Antlerless elk—An elk without antlers, or an elk with no visible spike above the hairline.

Client—Any person who receives the services of a guide.

Closed season—Periods of the calendar year and hours during which it is unlawful to take game or wildlife.

Daily limit—The maximum number permitted to be taken by one person in 1 day during the open season.

Early small game hunting season—A designated period when only squirrels and grouse may be hunted and taken.

Field possession limit—The maximum number of legally taken wildlife of a species which a person may legally possess or transport between the place of taking and the person's permanent place of residence.

Field possession limit—deer—When multiple harvests of deer per day are authorized, only one deer at a time may be harvested. Before harvesting additional deer, the deer previously harvested shall be lawfully tagged.

Guide—Any person who assists another person to hunt or take game by locating game, calling game or directing another to game.

Hunting hours—The period each day of the open season, Sundays excepted, when game and wildlife may be lawfully taken.

Regular small game hunting season—The designated period of time when resident small game species may be hunted and taken.

Season limit—The maximum number of wildlife which may be taken during a designated open season or license year.

[Pa.B. Doc. No. 01-1489. Filed for public inspection August 17, 2001, 9:00 a.m.]

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 June 12, 2001, meeting, adopted the following changes:

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 are adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

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, and at its June 12, 2001, meeting adopted, changing § 139.2 to add definitions of "regular firearms deer season" and "special firearms deer season." Both terms are currently used in the code without being defined. These changes were adopted 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 code. The adopted changes will remedy these deficiencies.

Both of the new terms will be used to fix and regulate deer seasons. 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 authority for the adopted additions.

3. *Regulatory Requirements*

No new regulatory requirements will be added by the adopted changes.

4. *Persons Affected*

Individuals wishing to hunt deer will be affected by the adopted changes.

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, and at its meeting held on June 12, 2001, the Commission adopted, changing § 141.43(e) to allow holders of appropriate licenses and permits to cooperate during the special firearms seasons where they run concurrently with the specified seasons. These changes were adopted under authority contained in 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 adopted change adds to this list special firearms season 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 adopted changes.

3. *Regulatory Requirements*

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

4. *Persons Affected*

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

Comment and Response Summary

No official comments were received regarding these adopted changes.

Cost and Paperwork Requirements

The adopted changes would not result in any additional cost or paperwork.

Effective Date

The adopted 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 regarding these changes, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

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 Chapters 139 and 141, are amended by amending §§ 139.2 and 141.43 to read as set forth at 31 Pa.B. 2931 (June 9, 2001).

(b) The Executive Director of the Commission shall submit this order and 31 Pa.B. 2931, to the Legislative Reference Bureau as required by law.

(c) This order is effective upon final publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-131 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 01-1490. Filed for public inspection August 17, 2001, 9:00 a.m.]