

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1109 Session of  
1991

INTRODUCED BY FEE, GRUPPO, HANNA, STABACK, PHILLIPS, BOWLEY,  
ARMSTRONG, KASUNIC, LEVDANSKY, KRUSZEWSKI, McCALL, COLAIZZO,  
HALUSKA, HERMAN, LESCOVITZ, HECKLER, BELARDI, VEON, TRELLO,  
HESS, NAILOR, ARGALL, MICOZZIE, SEMMEL, STEIGHNER, SCHEETZ,  
BATTISTO, PISTELLA, GEIST, GIGLIOTTI, JOHNSON AND SURRA,  
APRIL 10, 1991

REFERRED TO COMMITTEE ON GAME AND FISHERIES, APRIL 10, 1991

AN ACT

1 Authorizing the Commonwealth of Pennsylvania to join the  
2 Northeast Conservation Law Enforcement Compact; providing for  
3 the form of the compact; and imposing additional powers and  
4 duties on the Governor and the Compact Administrator.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Northeast  
9 Conservation Law Enforcement Compact Act.

10 Section 2. Authority to execute compact.

11 The Governor of Pennsylvania, on behalf of this State, is  
12 hereby authorized to execute a compact in substantially the  
13 following form with any one or more of the states of the United  
14 States and the General Assembly hereby signifies in advance its  
15 approval and ratification of such compact:

16 Article I

17 Purposes

1 The purposes of this compact are to:

2 (1) Provide close and effective cooperation and assistance  
3 in detecting and apprehending those engaged in illegal fisheries  
4 and wildlife and environmental activities.

5 (2) Render mutual aid and assistance and provide for the  
6 powers, duties, rights, privileges and immunities of  
7 conservation law enforcement personnel when rendering such aid.

8 Article II

9 Entry Into Force and Withdrawal

10 (a) This compact shall enter into force when enacted into  
11 law by any two of the states of Connecticut, Delaware, Maine,  
12 Massachusetts, New Hampshire, New Jersey, New York,  
13 Pennsylvania, Rhode Island, Vermont and West Virginia.

14 Thereafter this compact shall become effective as to any other  
15 of the aforementioned states upon its enactment thereof.

16 (b) Any party state may withdraw from this compact by  
17 enacting a statute repealing the same, but no such withdrawal  
18 shall take effect until one year after the Governor of the  
19 withdrawing state has given notice in writing of the withdrawal  
20 to the Governors of all the party states. No withdrawal shall  
21 affect any liability already incurred by or chargeable to a  
22 party state prior to the time of such withdrawal, and any  
23 records, files or information obtained by officers or employees  
24 of a withdrawing state shall continue to be kept, used and  
25 disposed of only in such manner as is consistent with this  
26 compact and rules or regulations pursuant thereto.

27 Article III

28 The Compact

29 (a) There is hereby established the "Northeast Conservation  
30 Law Enforcement Compact," hereinafter called the compact, to be

1 composed of a representative from each party state who shall be  
2 the administrative head of the conservation law enforcement  
3 agency from each party state; specifically the Director from  
4 Connecticut, New York, and Massachusetts; New Jersey, Chief of  
5 Law Enforcement, Division of Fish, Game, and Wildlife; Rhode  
6 Island, Chief, Division of Enforcement, Department of  
7 Environmental Management; the Chief Game Warden from Vermont;  
8 the Chief from West Virginia; the Chief of Marine Resources and  
9 the Chief Warden of the Bureau of Warden Service of the  
10 Department of Inland Fisheries and Wildlife from Maine; the  
11 Director of the Bureau of Law Enforcement from the Pennsylvania  
12 Fish Commission and from the Bureau of Law Enforcement from the  
13 Pennsylvania Game Commission; the Chief of Law Enforcement of  
14 the New Hampshire Fish and Game Department and the Major from  
15 the Enforcement Section of the Department of Natural Resources &  
16 Environmental Control from the state of Delaware, hereinafter  
17 called the administrator, from each party state.

18 (b) The administrator of a party state may provide for the  
19 discharge of his duties and the performance of his functions on  
20 the compact by an alternate. No such alternate shall be entitled  
21 to serve unless notification of his identity and appointment  
22 shall have been given the compact in such form as the compact  
23 may require.

24 (c) An alternate serving pursuant to subdivision (b) of this  
25 article shall be selected only from among the officers and  
26 employees of the conservation law enforcement agency, the head  
27 of which such alternate is to represent.

#### 28 Article IV

#### 29 Compact Powers

30 The compact shall have the power to:

1 (1) Consider and recommend means of identifying organized  
2 violators of fish and wildlife and environmental laws.

3 (2) Facilitate mutual assistance among the conservation law  
4 enforcement agencies of the party states pursuant to Article V  
5 of this compact.

6 (3) Promote cooperation in conservation law enforcement and  
7 make recommendations to the party states and other appropriate  
8 law enforcement authorities for the improvement of such  
9 cooperation.

10 (4) Do all things which may be necessary and incidental to  
11 the exercise of the foregoing powers.

12 Article V

13 Mutual Aid

14 (a) As used in this article:

15 (1) "Requesting state" means the state whose conservation  
16 law enforcement agent requests assistance.

17 (2) "Responding state" means the state furnishing aid, or  
18 requested to furnish aid, pursuant to this article.

19 (b) Upon the request for assistance of the administrator of  
20 the conservation law enforcement agency of a party state, the  
21 administrator of the conservation law enforcement agency of each  
22 responding state shall order such part of his conservation  
23 police forces as he, in his discretion, may find necessary, to  
24 aid the conservation police forces of the requesting state in  
25 order to carry out the purposes set forth in this compact. In  
26 such case it shall be the duty of the administrator of the  
27 conservation law enforcement agency of each responding state to  
28 issue the necessary orders for such use of the conservation law  
29 enforcement forces of his state without the borders of his  
30 state, and to direct such forces to place themselves under the

1 operational control of the administrator of the conservation law  
2 enforcement agency of the requesting state.

3 (c) The administrator of the conservation law enforcement  
4 agency of any party state, in his discretion, may withhold or  
5 recall the conservation law enforcement forces of his state or  
6 any part or any member thereof, serving without its borders.

7 (d) Whenever any of the conservation law enforcement forces  
8 of any party state are engaged outside their own state in  
9 carrying out the purposes of this compact, the individual  
10 members so engaged shall have the same powers, duties, rights,  
11 privileges and immunities as members of the conservation law  
12 enforcement forces of the state in which they are engaged, but  
13 in any event, a requesting state shall save harmless any member  
14 of a conservation law enforcement agency of a responding state  
15 serving within its borders for any act or acts done by him/her  
16 in the performance of his/her duty while engaged in carrying out  
17 the purposes of this compact.

18 (e) All liability that may arise under the laws of the  
19 requesting state or under laws of the responding state or under  
20 laws of a third state on account of or in connection with a  
21 request for aid, shall be assumed and borne by the requesting  
22 state.

23 (f) Each party state shall provide, in the same amounts and  
24 manner as if they were on duty within their state, for the pay  
25 and allowances of the personnel of its conservation law  
26 enforcement agency while engaged without the state pursuant to  
27 this compact and while going to and returning from such duty  
28 pursuant to this compact.

29 (g) Each party state providing for the payment of  
30 compensation and death benefits to injured members and the

1 representatives of deceased members of its conservation law  
2 enforcement agency in case such members sustain injuries or are  
3 killed within their own state, shall provide for the payment of  
4 compensation and death benefits in the same manner and on the  
5 same terms in case such members sustain injury or are killed  
6 while rendering aid pursuant to this compact.

7 Article VI

8 Construction and Severability

9 This compact shall be liberally construed so as to effectuate  
10 the purposed thereof, and shall not be construed to nullify any  
11 existing or future statute created by any party states. The  
12 provisions of this compact shall be severable and if any phrase,  
13 clause, sentence or provision of this compact is declared to be  
14 contrary to the constitution of any state or of the United  
15 States or the applicability thereof to any government, agency,  
16 person or circumstance is held invalid, validity of the  
17 remainder of this compact and the applicability thereof to any  
18 government, agency, person or circumstance shall not be affected  
19 thereby. If this compact shall be held contrary to the  
20 constitution of any state participating herein, the compact  
21 shall remain in full force and effect as to the remaining party  
22 states and in full force and effect as to the state affected as  
23 to severable matters.

24 Section 3. Effective date.

25 This act shall take effect immediately.