

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2585 Session of  
1996

INTRODUCED BY B. SMITH, PHILLIPS, GRUITZA, BARLEY, NYCE,  
STABACK, BROWN, HUTCHINSON, SURRA, ALLEN, HESS, MAJOR, HANNA,  
GODSHALL, GEIST, FARGO, SEMMEL, JAROLIN, PERZEL, EGOLF,  
SATHER, LYNCH, BAKER AND LEH, MAY 2, 1996

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS  
AMENDED, NOVEMBER 25, 1996

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated  
2 Statutes, FURTHER PROVIDING FOR THE ORGANIZATION OF THE <—  
3 PENNSYLVANIA FISH AND BOAT COMMISSION; PROVIDING FOR USE OF  
4 CREDIT AND DEBIT CARDS; PROVIDING FOR LIMITATION ON  
5 REGULATORY JURISDICTION; prohibiting interference with lawful  
6 fishing and boating; AND FURTHER PROVIDING FOR DISABLED <—  
7 VETERANS AND FOR FISH COLLECTING ACTIVITIES. <—

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 ~~Section 1. Title 30 of the Pennsylvania Consolidated~~ <—  
11 ~~Statutes is amended by adding a section to read:~~

12 SECTION 1. SECTION 301(C) OF TITLE 30 OF THE PENNSYLVANIA <—  
13 CONSOLIDATED STATUTES IS AMENDED TO READ:

14 § 301. ORGANIZATION OF COMMISSION.

15 \* \* \*

16 (C) [COMPENSATION.--] TERMS OF OFFICE AND COMPENSATION.--THE  
17 MEMBERS SHALL HOLD OFFICE FOR TERMS OF EIGHT YEARS AND MAY  
18 CONTINUE TO HOLD OFFICE FOR A PERIOD OF TIME NOT TO EXCEED SIX

1 MONTHS OR UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIED,  
2 WHICHEVER OCCURS FIRST. A MEMBER APPOINTED TO FILL A VACANCY FOR  
3 A PERIOD OF FOUR YEARS OR LESS MAY BE ELIGIBLE FOR APPOINTMENT  
4 TO A FULL EIGHT-YEAR TERM. A MEMBER WHO SERVES A FULL EIGHT-YEAR  
5 TERM OR FILLS A VACANCY FOR A PERIOD OF MORE THAN FOUR YEARS  
6 SHALL NOT BE ELIGIBLE FOR REAPPOINTMENT TO THE COMMISSION UNTIL  
7 A PERIOD OF EIGHT YEARS EXPIRES. THE MEMBERS SHALL RECEIVE NO  
8 COMPENSATION FOR THEIR SERVICES BUT MAY BE REIMBURSED FOR TRAVEL  
9 EXPENSES.

10 \* \* \*

11 SECTION 2. TITLE 30 IS AMENDED BY ADDING SECTIONS TO READ:

12 § 325. USE OF CREDIT AND DEBIT CARDS.

13 (A) SALES OF LICENSES AND OTHER ITEMS.--THE EXECUTIVE  
14 DIRECTOR WITH THE APPROVAL OF THE COMMISSION MAY ESTABLISH  
15 POLICIES AND PROCEDURES FOR THE USE OF CREDIT CARDS AND DEBIT  
16 CARDS FOR THE PURCHASE OF LICENSES, PERMITS, PUBLICATIONS,  
17 PROMOTIONAL ITEMS AND OTHER ITEMS OFFERED FOR SALE BY THE  
18 COMMISSION.

19 (B) FINES AND SETTLEMENTS.--THE EXECUTIVE DIRECTOR WITH THE  
20 APPROVAL OF THE COMMISSION MAY ESTABLISH POLICIES AND PROCEDURES  
21 FOR USE OF DEBIT CARDS FOR PERSONS TO PAY FINES, SETTLEMENTS OR  
22 OTHER AMOUNTS COLLECTED UNDER THIS TITLE.

23 § 326. LIMITATION ON REGULATORY JURISDICTION.

24 THE COMMISSION SHALL HAVE NO REGULATORY JURISDICTION OVER THE  
25 PROGRAM WHEREBY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
26 SPRAYS BACILLUS THURINGIENSIS ISRAELIENSIS (BTI) ON COMMONWEALTH  
27 WATERS FOR CONTROL OF BLACKFLY.

28 § 909. Interference with lawful fishing and boating prohibited.

29 (a) General rule.--Except as otherwise provided in this  
30 title, it is unlawful for a person at the location where lawful

fishing or boating is taking place to intentionally obstruct or physically interfere with the lawful fishing or boating.

(b) Activities that violate section.--A person violates this section if that person intentionally or knowingly commits any of the following:

(1) Disturbs fish in their habitat for the purpose of disrupting the lawful taking of fish where another person is engaged in the process of lawful fishing.

(2) Blocks or impedes another person who is engaged in the process of lawful fishing or boating.

(3) Uses natural or artificial visual, aural, olfactory or physical stimuli to affect fish behavior in order to hinder or prevent the lawful taking of fish.

(4) Creates or erects barriers with the intent to deny ingress or egress to areas where the lawful fishing or boating is permitted.

(5) Places obstructions or objects in the waters of this Commonwealth for the purpose of hindering lawful fishing or boating.

(6) Fails to obey the order of any officer authorized to enforce this title to cease and desist from conduct in violation of this section.

(c) Exception.--The conduct declared unlawful in this section does not include any lawful activities arising from ownership and occupancy of private lands, farming, mining, forestry practices, activities associated with oil and gas drilling and production, recreation and similar activities or exercise of defendant's rights of free speech under the Constitution of the United States or the Constitution of Pennsylvania. Nothing contained in this section shall be

1 construed to authorize any interference with or disruption of  
2 activities associated with oil and gas drilling, production site  
3 restoration or other conduct necessary for compliance with the  
4 act of June 22, 1937 (P.L.1987, No.394), known as The Clean  
5 Streams Law, the act of December 19, 1984 (P.L.1140, No.223),  
6 known as the Oil and Gas Act, or other laws or regulations of  
7 the Commonwealth by the operator of the oil and gas site. In  
8 addition, nothing contained in this section shall be construed  
9 to authorize any interference with or disruption of activities  
10 conducted pursuant to a permit or other authorization of a  
11 Federal, State or local government agency or any other  
12 government agency.

13 (d) Enforcement and recovery of damages.--The commission or  
14 any person who is lawfully engaged in fishing or boating who is  
15 directly affected by a violation of this section may bring an  
16 action to restrain conduct declared unlawful in this section and  
17 to recover damages.

18 (e) Penalties.--A violation of this section is a summary  
19 offense of the first degree.

20 ~~SECTION 3. SECTION 2707 OF TITLE 30 IS AMENDED TO READ:~~ <—

21 SECTION 3. SECTIONS 2707 AND 2905 OF TITLE 30 ARE AMENDED TO <—  
22 READ:

23 § 2707. DISABLED VETERANS.

24 (A) GENERAL RULE.--ANY DISABLED VETERAN WHO HAS A DISABILITY  
25 INCURRED IN ANY WAR OR ARMED CONFLICT WHICH CONSISTS OF THE LOSS  
26 OF ONE OR MORE LIMBS, OR THE LOSS OF USE OF ONE OR MORE LIMBS,  
27 OR TOTAL BLINDNESS, OR WHO IS 100% DISABLED AS CERTIFIED BY THE  
28 UNITED STATES [VETERANS' ADMINISTRATION] DEPARTMENT OF VETERANS  
29 AFFAIRS, AND WHO MEETS THE QUALIFICATIONS OF SECTION 2701  
30 (RELATING TO RESIDENT FISHING LICENSES), SHALL BE ISSUED A FREE

1 RESIDENT FISHING LICENSE UPON APPLICATION TO THE COMMISSION OR A  
2 COUNTY TREASURER [OR, IN COUNTIES WHERE THERE IS NO COUNTY  
3 TREASURER BY VIRTUE OF A HOME RULE CHARTER OR OPTIONAL PLAN OF  
4 GOVERNMENT, THE COUNTY OFFICIAL WHO PERFORMS THE FUNCTIONS OF A  
5 COUNTY TREASURER AND WHO HAS BEEN DESIGNATED AS AN ISSUING AGENT  
6 BY THE COMMISSION]. AN APPLICATION UNDER THIS SECTION SHALL, IN  
7 ADDITION TO ANY INFORMATION REQUIRED UNDER SECTION 2701, CONTAIN  
8 A STATEMENT THAT THE APPLICANT IS A WAR OR ARMED CONFLICT  
9 VETERAN AND THAT [HIS] THE QUALIFYING DISABILITY WAS SERVICE  
10 INCURRED. THE ISSUING AGENT OR THE COMMISSION MAY REQUIRE THE  
11 PRODUCTION OF THE DISCHARGE PAPERS OF THE APPLICANT.

12 (B) LIFETIME LICENSES.--IF A DISABLED VETERAN WHO QUALIFIES  
13 FOR ISSUANCE OF A FREE RESIDENT FISHING LICENSE UNDER SUBSECTION  
14 (A) PRESENTS DOCUMENTATION TO SHOW THAT THE QUALIFYING  
15 DISABILITY IS PERMANENT, THE COMMISSION OR COUNTY TREASURER  
16 SHALL ISSUE A DISABLED VETERAN LIFETIME FISHING LICENSE.

17 (C) HOME RULE AND OPTIONAL PLAN COUNTIES.--IN A COUNTY WHERE  
18 THERE IS NO COUNTY TREASURER BY VIRTUE OF A HOME RULE CHARTER OR  
19 OPTIONAL PLAN OF GOVERNMENT, THE COUNTY OFFICIAL WHO PERFORMS  
20 THE FUNCTIONS OF A COUNTY TREASURER AND WHO HAS BEEN DESIGNATED  
21 AN ISSUING AGENT BY THE COMMISSION SHALL ISSUE FREE RESIDENT  
22 FISHING LICENSES TO DISABLED VETERANS UNDER THIS SECTION.

23 § 2905. PERMITS FOR SCIENTIFIC AND EDUCATIONAL FISH COLLECTING <—  
24 ACTIVITIES.

25 THE EXECUTIVE DIRECTOR, WITH THE APPROVAL OF THE COMMISSION,  
26 MAY GRANT PERMITS TO CATCH FISH IN ANY OF THE WATERS WITHIN OR  
27 BORDERING ON THIS COMMONWEALTH AT ANY SEASON OF THE YEAR AND  
28 WITH ANY KIND OF NETS OR OTHER DEVICES WITHOUT REGARD TO SIZE OR  
29 POSSESSION LIMITS TO A PERSON WHO POSSESSES A VALID PENNSYLVANIA  
30 FISHING LICENSE AND IS ENGAGED IN SCIENTIFIC OR EDUCATIONAL

1 RESEARCH OR OTHER COLLECTING ACTIVITIES APPROVED BY THE  
2 COMMISSION. THE COMMISSION MAY ESTABLISH A FEE FOR THE ISSUANCE  
3 OF THE PERMITS. PERMITS ISSUED UNDER THIS SECTION MAY BE  
4 REVOKED, RECALLED OR SUSPENDED AT ANY TIME AT THE DISCRETION OF  
5 THE COMMISSION. PERSONS PERMITTED TO TAKE SUCH SPECIES UNDER  
6 THIS SECTION SHALL MAKE A REPORT IN WRITING TO THE EXECUTIVE  
7 DIRECTOR WITHIN 30 DAYS AFTER THE EXPIRATION OF THE PERMIT OR  
8 CONCLUSION OF THE SURVEY OR COLLECTING ACTIVITY. THE COMMISSION  
9 MAY PROMULGATE REGULATIONS GOVERNING THE ISSUANCE OF PERMITS  
10 UNDER THIS SECTION AND THE ACTIVITIES OF PERSONS HOLDING SUCH  
11 PERMITS. IN ISSUING A PERMIT, THE COMMISSION MAY IMPOSE GENERAL  
12 AND SPECIAL PERMIT CONDITIONS TO GOVERN THE ACTIVITIES OF  
13 PERSONS HOLDING SUCH A PERMIT. NOTWITHSTANDING THE PROVISIONS OF  
14 SECTION 2907 (RELATING TO EXPIRATION OF LICENSES AND PERMITS),  
15 PERMITS ISSUED UNDER THIS SECTION SHALL EXPIRE ON THE DATE  
16 SPECIFIED IN THE PERMIT CONDITIONS OR ON DECEMBER 31 OF THE YEAR  
17 IN WHICH THE PERMIT IS ISSUED, WHICHEVER COMES FIRST.  
18 NOTWITHSTANDING THE PROVISIONS OF SECTION 2908 (RELATING TO  
19 PENALTIES), ANY PERSON WHO ENGAGES IN FISH COLLECTING ACTIVITIES  
20 FOR WHICH A PERMIT IS REQUIRED UNDER THIS SECTION WITHOUT FIRST  
21 ACQUIRING THE NECESSARY PERMIT COMMITS A SUMMARY OFFENSE OF THE  
22 FIRST DEGREE AND, ANY PERSON WHO VIOLATES ANY REGULATION  
23 PROMULGATED UNDER THIS SECTION OR ANY PERMIT CONDITION IMPOSED  
24 UNDER THIS SECTION COMMITS A SUMMARY OFFENSE OF THE THIRD  
25 DEGREE.

26 Section 4. The amendment of 30 Pa.C.S. § 301(c) shall not  
27 apply to a current member of the Pennsylvania Fish and Boat  
28 Commission until the member completes the term being served on  
29 the effective date of this act.

30 Section ~~2~~ 5. This act shall take effect in 60 days.

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