

FISH AND BOAT CODE (30 PA.C.S.) - OMNIBUS AMENDMENTS

Act of Dec. 19, 1996, P.L. 1454, No. 185

Cl. 30

Session of 1996

No. 1996-185

HB 2585

AN ACT

Amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for the organization of the Pennsylvania Fish and Boat Commission; providing for use of credit and debit cards; providing for limitation on regulatory jurisdiction; prohibiting interference with lawful fishing and boating; and further providing for disabled veterans and for fish collecting activities.

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

Section 1. Section 301(c) of Title 30 of the Pennsylvania Consolidated Statutes is amended to read:

§ 301. Organization of commission.

* * *

(c) [Compensation.--] **Terms of office and compensation.--The members shall hold office for terms of eight years and may continue to hold office for a period of time not to exceed six months or until a successor is appointed and qualified, whichever occurs first. A member appointed to fill a vacancy for a period of four years or less may be eligible for appointment to a full eight-year term. A member who serves a full eight-year term or fills a vacancy for a period of more than four years shall not be eligible for reappointment to the commission until a period of eight years expires.** The members shall receive no compensation for their services but may be reimbursed for travel expenses.

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Section 2. Title 30 is amended by adding sections to read:

§ 325. Use of credit and debit cards.

(a) **Sales of licenses and other items.--The executive director with the approval of the commission may establish policies and procedures for the use of credit cards and debit cards for the purchase of licenses, permits, publications, promotional items and other items offered for sale by the commission.**

(b) **Fines and settlements.--The executive director with the approval of the commission may establish policies and procedures for use of debit cards for persons to pay fines, settlements or other amounts collected under this title.**

§ 326. Limitation on regulatory jurisdiction.

The commission shall have no regulatory jurisdiction over the program whereby the Department of Environmental Protection sprays *Bacillus thuringiensis israeliensis* (Bti) on Commonwealth waters for control of blackfly.

§ 909. Interference with lawful fishing and boating prohibited.

(a) **General rule.--Except as otherwise provided in this 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 construed to authorize any interference with or disruption of activities associated with oil and gas drilling, production site restoration or other conduct necessary for compliance with the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, or other laws or regulations of the Commonwealth by the operator of the oil and gas site. In addition, nothing contained in this section shall be construed to authorize any interference with or disruption of activities conducted pursuant to a permit or other authorization of a Federal, State or local government agency or any other government agency.

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

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

Section 3. Sections 2707 and 2905 of Title 30 are amended to read:

§ 2707. Disabled veterans.

(a) **General rule.**--Any disabled veteran who has a disability incurred in any war or armed conflict which consists of the loss of one or more limbs, or the loss of use of one or more limbs, or total blindness, or who is 100% disabled as certified by the United States [Veterans' Administration] **Department of Veterans Affairs**, and who meets the qualifications of section 2701 (relating to resident fishing licenses), shall be issued a free resident fishing license upon application to the commission or a county treasurer [or, in counties where there is no county treasurer by virtue of a home rule charter or optional plan of government, the county official who performs the functions of a county treasurer and who has been designated as an issuing agent by the commission]. An application under this section shall, in addition to any information

required under section 2701, contain a statement that the applicant is a war or armed conflict veteran and that [his] **the qualifying** disability was service incurred. The issuing agent or the commission may require the production of the discharge papers of the applicant.

(b) Lifetime licenses.--If a disabled veteran who qualifies for issuance of a free resident fishing license under subsection (a) presents documentation to show that the qualifying disability is permanent, the commission or county treasurer shall issue a disabled veteran lifetime fishing license.

(c) Home rule and optional plan counties.--In a county where there is no county treasurer by virtue of a home rule charter or optional plan of government, the county official who performs the functions of a county treasurer and who has been designated an issuing agent by the commission shall issue free resident fishing licenses to disabled veterans under this section.

§ 2905. Permits for **scientific and educational** fish collecting activities.

The executive director, with the approval of the commission, may grant permits to catch fish in any of the waters within or bordering on this Commonwealth at any season of the year and with any kind of nets or other devices without regard to size or possession limits to a person who possesses a valid Pennsylvania fishing license and is engaged in scientific or educational research or other collecting activities approved by the commission. The commission may establish a fee for the issuance of the permits. Permits issued under this section may be revoked, **recalled or suspended** at any time at the discretion of the commission. Persons permitted to take such species under this section shall make a report in writing to the executive director within 30 days after the expiration of the permit or conclusion of the survey or collecting activity. **The commission may promulgate regulations governing the issuance of permits under this section and the activities of persons holding such permits. In issuing a permit, the commission may impose general and special permit conditions to govern the activities of persons holding such a permit. Notwithstanding the provisions of section 2907 (relating to expiration of licenses and permits), permits issued under this section shall expire on the date specified in the permit conditions or on December 31 of the year in which the permit is issued, whichever comes first. Notwithstanding the provisions of section 2908 (relating to penalties), any person who engages in fish collecting activities for which a permit is required under this section without first acquiring the necessary permit commits a summary offense of the first degree, and any person who violates any regulation promulgated under this section or any permit condition imposed under this section commits a summary offense of the third degree.**

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

Section 5. This act shall take effect in 60 days.

APPROVED--The 19th day of December, A. D. 1996.

THOMAS J. RIDGE