

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 AND BAKER, MAY 2, 1996

REFERRED TO COMMITTEE ON GAME AND FISHERIES, MAY 2, 1996

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated  
2 Statutes, prohibiting interference with lawful fishing and  
3 boating.

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

6 Section 1. Title 30 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

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

9 (a) General rule.--Except as otherwise provided in this  
10 title, it is unlawful for a person at the location where lawful  
11 fishing or boating is taking place to intentionally obstruct or  
12 physically interfere with the lawful fishing or boating.

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

16 (1) Disturbs fish in their habitat for the purpose of  
17 disrupting the lawful taking of fish where another person is

1 engaged in the process of lawful fishing.

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

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

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

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

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

16 (c) Exception.--The conduct declared unlawful in this  
17 section does not include any lawful activities arising from  
18 ownership and occupancy of private lands, farming, mining,  
19 forestry practices, activities associated with oil and gas  
20 drilling and production, recreation and similar activities or  
21 exercise of defendant's rights of free speech under the  
22 Constitution of the United States or the Constitution of  
23 Pennsylvania. Nothing contained in this section shall be  
24 construed to authorize any interference with or disruption of  
25 activities associated with oil and gas drilling, production site  
26 restoration or other conduct necessary for compliance with the  
27 act of June 22, 1937 (P.L.1987, No.394), known as The Clean  
28 Streams Law, the act of December 19, 1984 (P.L.1140, No.223),  
29 known as the Oil and Gas Act, or other laws or regulations of  
30 the Commonwealth by the operator of the oil and gas site. In

1 addition, nothing contained in this section shall be construed  
2 to authorize any interference with or disruption of activities  
3 conducted pursuant to a permit or other authorization of a  
4 Federal, State or local government agency or any other  
5 government agency.

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

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

13 Section 2. This act shall take effect in 60 days.