

No. 1978-202

AN ACT

HB 133

Amending the act of December 15, 1959 (P.L.1779, No.673), entitled, as amended, "An act relating to fish, frogs, tadpoles and turtles; and amending, revising, consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," further providing for the powers of waterways patrolmen.

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

Section 1. Section 256, act of December 15, 1959 (P.L.1779, No.673), known as "The Fish Law of 1959," amended March 22, 1974 (P.L.208, No.43), is amended to read:

Section 256. Powers of [**Fish Wardens.—A fish warden**] *Waterways Patrolmen.—A waterways patrolman* shall have power:

(a) To enforce all the laws of the Commonwealth relating to fish; (b) to execute all warrants and search warrants for the violation of the fish laws; (c) to serve subpoenas issued for the examination, investigation and trial of all offenses against the laws relating to fish; (d) to carry firearms or other weapons in the performance of his duties; (e) to search without warrant any boat, conveyance, vehicle, fish-box, bag, coat, boot, basket, or other receptacle for fish, when he has reason to believe that any provision of any law of this Commonwealth relating to fish has been violated; (f) to seize and take possession of any and all fish which may have been caught, taken or killed at any time, in any manner, or for any purpose, or had in possession or under control, or have been shipped or about to be shipped contrary to the laws of this Commonwealth and fish so seized shall be disposed of in any manner as the Executive Director may direct; (g) to enter upon any land or water in the performance of his duty; (h) to demand and secure proper assistance in case of emergency; (i) to purchase fish for the purpose of securing evidence; (j) to arrest any person found to have committed any of the following acts *in or* along any waters or lands adjacent to or contiguous to waters of the Commonwealth, (i) throw, leave, discard or deposit any garbage, bottles, cans, rubbish, wire, glass, paper, cardboard, or wooden boxes or cartons of any other type debris or trash, without the permission of the persons residing on said land, (ii) to park or leave standing any motor vehicle or other means of conveyance in such a manner as to obstruct the owner or his tenant ingress, egress, or regress to his property or cattle ways without the permission of the person residing on said land, (iii) to dig or drive a motor vehicle or other type of conveyance on or over any cleared or cultivated lands without the permission of the persons residing on said land.

Any person convicted of violating clause (j) of this section shall be sentenced to pay a fine of twenty-five dollars (\$25.00) to fifty dollars (\$50.00) and costs of prosecution for each such offense.

Section 2. This act shall take effect immediately.

APPROVED—The 4th day of October, A. D. 1978.

MILTON J. SHAPP