

**As Receded From by the Senate**

**126th General Assembly  
Regular Session  
2005-2006**

**H. B. No. 157**

**Representatives Distel, Aslanides, McGregor, S. Patton, Seitz, C. Evans,  
Carano, Cassell, Hartnett, Brown, Strahorn, Perry, Gibbs, Setzer, Domenick,  
Allen, Blessing, Book, Chandler, Coley, Collier, Core, DeBose, Dolan,  
Driehaus, Fende, Flowers, Harwood, Hughes, Kearns, Key, Koziura, Latta,  
Law, Martin, Miller, Oelslager, Otterman, T. Patton, Reinhard, S. Smith,  
D. Stewart, J. Stewart, Taylor, Wagoner, Walcher, Williams, Woodard, Yates,  
Yuko**

**Senators Zurz, Grendell, Gardner, Harris, Niehaus, Mumper, Armbruster,  
Carey, Kearney, Cates, Dann, Prentiss, Fedor**

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**A B I L L**

To amend section 1541.31 of the Revised Code to 1  
revise the Pymatuning Lake Compact. 2

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 1541.31 of the Revised Code be 3  
amended to read as follows: 4

**Sec. 1541.31.** That the compact or agreement mentioned below 5  
and every article, matter and thing therein is hereby ratified and 6  
approved and shall be and hereafter remain in force agreeable to 7  
the true tenor and intent thereof. 8

AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA 9  
AND THE STATE OF OHIO RE PYMATUNING LAKE 10

This agreement made and concluded between the commonwealth of 11

Pennsylvania, acting by and through its lawfully authorized  
agency, namely, the water and power resources board, as party of  
the first part, and the state of Ohio, acting by and through its  
lawfully authorized agency, namely, its conservation commissioner,  
as party of the second part,

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Witnesseth:

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Whereas, By act of assembly of Pennsylvania approved May 2,  
1929, P. L. 1503, as amended by acts of May 5, 1931, P. O. 84,  
April 24, 1933, P. L. 67, and July 9, 1935, P. L. 619, the  
department of forests and waters of Pennsylvania, acting through  
the water and power resources board, was authorized, inter alia,  
to complete the work begun and continued under an act approved  
July 25, 1913, P. L. 1270, entitled "An act providing for the  
erection of a dam at the outlet of Pymatuning swamp, and the  
establishment of a reservoir to conserve the waters thereof;  
providing for the taking of land and materials necessary thereto;  
vesting certain powers and duties in the water supply commission;  
and making an appropriation", and did duly complete said work,  
whereby there was created a lake or reservoir, now known and  
hereinafter called Pymatuning Lake, extending in part across the  
boundary line between said states of Ohio and Pennsylvania into  
the state of Ohio, and

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Whereas, The primary purposes of the project by which said  
lake was created was to conserve water draining said swamp, all of  
which has its source in Pennsylvania, as well as control floods  
and regulate the flow of water in the Shenango and Beaver rivers,  
and secondary thereto, permit the water and the land surrounding  
the same to be used for fishing, hunting, recreation and park  
purposes, under such terms and conditions as the water and power  
resources board might determine, in such way or ways as in the  
opinion of the said board will not materially interfere with the  
primary purpose in said acts of assembly and hereinbefore

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specifically referred to, and

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Whereas, In view of the fact that a certain part of the lake  
extends into the state of Ohio, whereby it is necessary and  
desirable that the use of the lake for the secondary purposes,  
namely, hunting, fishing, and recreational use, be uniformly  
provided for, as well as to guard against inconvenience and  
mischiefs which might hereafter arise from the uncertainty of  
jurisdiction within and on said lake, to the end that the lake may  
be adequately policed and conflicts of jurisdiction for the arrest  
and punishment of offenders be avoided.

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Now, then, therefore, in order that law and justice may in  
all such cases be executed and take effect upon said lake from  
shore to shore in all parts and places thereof where the lake is a  
boundary between said states, the said parties hereto do agree for  
and in behalf of their respective states in the manner following:

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1. General use. It is hereby agreed that the entire  
Pymatuning lake or reservoir, subject to the primary use thereof  
by the commonwealth of Pennsylvania for regulating the flow of the  
water in the Shenango and Beaver rivers as in paragraph 9  
hereinafter more specifically mentioned, shall be open for  
recreational use equally to the citizens of both contracting  
parties, save as restricted as to hunting, fishing, and boating in  
this agreement set forth, or hereafter mutually agreed upon by  
both parties but no person shall be permitted to hunt or fish  
therein or thereon unless the lawful holder of a fishing or  
hunting license, authorizing ~~him or her~~ the holder so to do,  
issued by the proper authorities of Pennsylvania or of Ohio.

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2. Arrest and prosecution of offenders. That each state shall  
enjoy and exercise a concurrent jurisdiction upon the water (but  
not upon the dry land), between the shores of said lake, including  
the islands therein, with respect to the arrest and prosecution of

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offenders, but in such sort that any boat or vessel fastened to or  
aground on the shore of either state shall be considered  
exclusively within the jurisdiction of said state; but that all  
capital and other offenses, trespasses, or damages committed on or  
over said lake, the judicial investigation and determination  
thereof shall be exclusively vested in the state wherein the  
offender or person charged with such offense shall be first  
apprehended, arrested, prosecuted, or first brought to trial; it  
being the intent of this agreement that an offender may be pursued  
and arrested anywhere on or over said lake or shores thereof or  
islands therein, regardless of the boundary lines, by any peace  
officers or persons of either state authorized to make arrests,  
whether the offenses be committed on or over any part of the lake,  
on the shores or islands therein, regardless of the state in which  
the place where the offense was committed lies.

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3. Islands. All islands within the lake shall be considered  
as part of the state of Pennsylvania.

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4. Pollution of water. The lake shall be forever protected  
against pollution of its waters by industrial trade waste,  
individual, or municipal sewage from shore or boat, and the  
discharge of any noxious or deleterious substance, liquid or  
solid, into the waters of the lake which is or may become  
inimical, or injurious, to public health or to animal or aquatic  
life is hereby expressly forbidden.

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No sewage may be discharged into the waters of the lake  
except after complete treatment and then only upon permit first  
approved by the health department of both states.

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5. Boats and vessels. No ~~hydroplanes or aquaplanes, nor any~~  
~~type of boat motor~~ person shall operate any watercraft propelled  
by a single motor, or any combination of motors, that produces a  
horsepower rating in excess of a ten horsepower ~~rating shall be~~

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~~operated anywhere on said lake, except such on Pymatuning Lake,~~ 106  
~~except a pontoon boat sixteen feet in length or longer propelled~~ 107  
~~by a single motor, or any combination of motors, that produces a~~ 108  
~~horsepower rating of twenty horsepower or less and police or~~ 109  
~~administration motor boats watercraft, to the number of~~ 110  
~~which shall be mutually agreed upon by the parties hereto. Sail boats,~~ 111  
~~row boats, canoes and boats propelled by a motor not in excess of~~ 112  
~~ten horsepower shall be permitted provided the owners~~ 113

No person shall operate a watercraft without first obtain 114  
obtaining a license from the respective state of which the owner 115  
is a resident under such regulations as each party to this 116  
agreement may now or hereafter adopt. Provided nevertheless that 117  
the use of any type of ~~boats~~ watercraft equipped with a motor is 118  
expressly limited and restricted to that portion of the lake 119  
extending from the main dam near Jamestown northwardly to the 120  
causeway at or near Linesville, ~~and provided further, that any~~ 121  
~~boat. Watercraft~~ equipped with a motor in excess of ten horsepower 122  
rating may be operated on said lake so long as such motor is not 123  
used, except for a pontoon boat that is sixteen feet in length or 124  
longer. ~~A motor of not more than ten horsepower rating may be~~ 125  
~~attached to the boat and used for propelling the boat on said~~ 126  
~~lake.~~ 127

No person shall ride or attempt to ride upon one or more 128  
water skis, surfboards, towed inflatable devices, or similar 129  
devices or use or operate any vessel to tow a person thereon. 130

Nothing contained in this subdivision shall be interpreted to 131  
effect a change in the level or flow of water as determined or 132  
fixed by the department of ~~environmental~~ conservation and natural 133  
resources. 134

Any one who violates any of the provisions of this subsection 135  
or who operates any boat equipped with a motor on the lake without 136  
being authorized to do so under the provisions of this 137

subdivision, shall upon conviction thereof, be sentenced ~~to pay a~~ 138  
~~fine not to exceed fifty dollars and cost of prosecution and, in~~ 139  
~~default of payment of the fine and costs, shall undergo~~ 140  
~~imprisonment not to exceed thirty days~~ in accordance with the 141  
applicable laws for the same or similar violations within the 142  
prosecuting jurisdiction, provided that the penalty for said 143  
violation shall not exceed a fine of five hundred dollars or 144  
imprisonment for thirty days. 145

6. Fishing. Any person possessing a duly issued fishing 146  
license by either state shall be permitted to fish anywhere on the 147  
entire lake (except such portion thereof as is closed to fishing 148  
by paragraph 8 hereof or such further portion as may hereafter by 149  
regulation be mutually agreed to by the parties hereto), but no 150  
~~fisherman~~ fisher shall be entitled to fish from the shores of the 151  
state of which ~~he~~ the fisher is a nonresident unless ~~he~~ the fisher 152  
complies with the nonresident fishing license law of said state. 153

In order to permit the fish to fully propagate and develop, 154  
no part of the lake shall be open for fishing until July 1, 1937, 155  
and thereafter shall be closed in each year between December 10 156  
and June 30. 157

Unless otherwise mutually agreed to by both parties hereto, 158  
the creel, size, and season limits for the respective kinds of 159  
fish caught shall be such as may hereafter be agreed upon between 160  
the two states. 161

7. Reciprocal hunting rights. Reciprocal hunting rights are 162  
hereby granted to the licensed hunters of each state on the water 163  
of that portion of the lake, both in Pennsylvania and Ohio, over 164  
the area bounded on the south by an east and west line crossing 165  
the state boundary 0.5 of a mile north of Simons, Ohio, and on the 166  
north by a line drawn between the point at which the Padanaram 167  
road crosses the state boundary and a point formerly known as the 168

Polleck bridge, but such reciprocal hunting rights hereby granted 169  
shall extend only to such wild migratory birds as are covered by 170  
the federal migratory bird treaty and federal laws adopted 171  
thereunder. 172

Hunting in such portions of the lake as are not included in 173  
the area above described and designated shall be and remain under 174  
the jurisdiction of the commonwealth of Pennsylvania. 175

No permanent blinds shall be erected anywhere on the lake and 176  
shores thereof, but this provision shall not be interpreted as 177  
forbidding the use of a boat as a blind temporarily moored to or 178  
grounded on the shore of the lake or islands thereof. 179

8. Wild game and fish sanctuaries. A. The game commission of 180  
the state of Pennsylvania, having established a wild migratory 181  
bird and game sanctuary or refuge in that part of the lake located 182  
southeast of the Pennsylvania railroad crossing, it is expressly 183  
agreed that nothing herein contained shall be interpreted as 184  
entitling the residents of either state, whether licensed to fish 185  
or hunt, or otherwise, to fish in, hunt, ~~trespass~~ trespass, or 186  
enter upon said sanctuary for any purpose whatsoever. Anyone so 187  
doing shall become amenable to prosecution therefor under the game 188  
laws of the state of Pennsylvania applicable to game refuges. 189

B. The conservation division of the department of agriculture 190  
of the state of Ohio, having established a fish sanctuary and game 191  
refuge in the following portion of the lake: 192

Being the southerly parts of lots Nos. 79 and 80, Richmond 193  
township; all of lot No. 41, and all of lot No. 42, except the 194  
westerly 1000 feet thereof, in Andover township, Ashtabula county, 195  
Ohio: 196

Beginning at a point in the west line of lot No. 79, that is 197  
1523 feet south of the north line of lot No. 79; also being the 198  
center line of Padanaram road; thence southerly along the county 199

highway along the westerly side of lot No. 79, 1869.5 feet to the  
north line of Andover township; thence westerly along the  
northerly line of Andover township, 939.7 feet to the northwest  
corner of lot No. 41; thence southerly along the highway that  
marks the westerly line of lot No. 41, 2809.8 feet to the north  
line of lot No. 42; thence easterly along the north line of lot  
No. 42, 1000 feet to a point; thence in a southerly direction  
parallel to and 1000 feet easterly from the westerly line of lot  
No. 42, 2734 feet, more or less, to the southerly line of lot No.  
42; thence easterly along the said southerly line of lot No. 42,  
5180.4 feet to the Ohio and Pennsylvania state line; thence  
northerly along the said Ohio and Pennsylvania state line, 7297.6  
feet, more or less, to a point that is 1523 feet southerly from  
the north line of lot No. 80; thence in a westerly direction, 1523  
feet southerly from and parallel to the north lines of lots Nos.  
79 and 80, 5260 feet, more or less, to the place of beginning.

It is expressly agreed that nothing herein contained shall be  
interpreted as entitling the residents of either state, whether  
licensed to fish or otherwise, to fish in, hunt, trespass, or  
enter upon said sanctuary for any purpose whatsoever. Anyone so  
doing shall become amenable to prosecution therefor under the laws  
of the state of Ohio applicable thereto.

9. Reservation of Pennsylvania's right to the body of the  
water. It is expressly agreed that nothing herein contained shall  
operate to deny, limit, or restrict the right of the water and  
power resources board of Pennsylvania, or any authority  
established hereafter by said state to exercise such power, to at  
any time now or hereafter, raise or draw off so much of the waters  
of the lake as in its sole judgment may be necessary to maintain  
or regulate the flow of the Shenango and Beaver rivers in  
furtherance of the primary purpose for which said lake was  
established, and said water and power resources board shall,



without let or hindrance, have the full right irrespective of 232  
other considerations, to release so much of the water as they may 233  
deem proper to maintain the flow of the Shenango and Beaver 234  
rivers, irrespective of its effect on the level of the lake or use 235  
thereof for other purposes. 236

**Section 2.** That existing section 1541.31 of the Revised Code 237  
is hereby repealed. 238