

## CHAPTER 1008.

(House Bill 332)

AN ACT to repeal and re-enact, with amendments, Section 16 of Article 39 of the Annotated Code of Maryland (1939 Edition), title "Fish and Fisheries", sub-title "General Provisions"; and Section 90 of Article 99 of the Annotated Code of Maryland (1943 Supplement), title "Birds, Game and Inland Water Fish", sub-title "Game and Fresh Water Fish", providing that one-half of the monies received on behalf of the Conowingo Dam shall be credited to the State Game Protection Fund; and correcting an error in said Section 90 of Article 99.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 16 of Article 39 of the Annotated Code of Maryland (1939 Edition), title "Fish and Fisheries", sub-title "General Provisions", and Section 90 of Article 99 of the Annotated Code of Maryland (1943 Supplement), title "Birds, Game and Inland Water Fish", sub-title "Game and Fresh Water Fish", be and they are hereby repealed and re-enacted, with amendments, to read as follows:

16. (Fish Ladders.) Every owner of a dam or dams upon any of the waters of the State is hereby required to make and keep in repair, or cause to be made and kept in repair, and placed upon said dam or dams at least one fish ladder of such a character as to enable fish to have a free course up and down said waters at all times. But in lieu of requiring the erection of such fish ladder or ladders pursuant to the above provisions and in lieu of requiring the construction and maintenance of fish ways or fish ladders pursuant to the provisions contained in any charter heretofore granted to any corporation by any special or general laws of this State, and in lieu of all and singular the liability imposed thereby or consequent therefrom, in or upon any dam where the same is not deemed by the Conservation Commission of Maryland to be practical or advisable for the ascending or descending of fish or to permit the passage of fish from the waters below to the waters above any such dams, the said Conservation Commission is empowered to enter into an agreement with the owner, lessee or operator of such dam to pay to the Conservation Department of Maryland annually, or at other stated periods a sum of money which shall be not less than four and one-half per centum ( $4\frac{1}{2}\%$ ) per annum upon the estimated cost of the erection of such fish ladder or ladders, except in such cases where the amount so calculated would be equal to or exceed the sum of four thousand dollars (\$4,000) per annum,