

202. (Fish Ladders.) Every owner of a dam or dams upon any of the non-tidal waters of this 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 Game and Inland Fish Commission 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 dam, the same Game and Inland Fish Commission is empowered to enter into an agreement with the owner, lessee, or operator of such dam to pay to the said Commission 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, then the annual payment shall in all such cases be Four Thousand Dollars (\$4,000) per annum to be expended by the said Commission for the purpose of stocking with fish the waters of the pool above and of the stream below said dam and the acquisition of the necessary facilities therefor. Provided, however, nothing contained in this section or in Section 242 of this Article, shall apply to any dam or dams constructed by Federal, State, or County funds or by funds of any public sanitary district created by an act of the General Assembly of Maryland to provide a public water supply, if said dam is not built for commercial purposes. Provided further, however, that one-half ($\frac{1}{2}$) of any such monies received on behalf of the Conowingo Dam across the Susquehanna River shall be credited to the State Game Protection Fund, the balance to be expended as heretofore in this section provided. On and after June 1, 1953, nothing in this section shall repeal Section 242 of this Article, except where dam or dams are built on non-tidal waters, and any fines for violation of Section 242 of this Article imposed by any Court of Justice or any settlement arrived at between the owner of said dam or dams which are erected on non-tidal