

CHAPTER 703

(House Bill 820)

AN ACT to repeal Section 202 of Article 66C of the Annotated Code of Maryland (1954 Supplement), title "Natural Resources," sub-title "Birds, Game & Inland Water Fish," sub-heading "Part 2. Game and Fresh Water Fish," and to repeal and re-enact, with amendments, Section 242 of said Article (1951 Edition), sub-title "Fish and Fisheries," sub-heading "Part 1. General Provisions," to provide for construction and maintenance of fish ways or fish ladders on waters of this State when found by the Board of Natural Resources to be necessary, practicable and advisable, and relating generally to the laws applicable to fish ladders at dams on waters in this State.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 202 of Article 66C of the Annotated Code of Maryland (1954 Supplement), title "Natural Resources", sub-title "Birds, Game and Inland Water Fish," sub-heading "Part 2. Game and Fresh Water Fish," be and it is hereby repealed and that Section 242 of said Article (1951 Edition), sub-title "Fish and Fisheries," sub-heading "Part 1. General Provisions," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

242. (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 Commission of Tidewater Fisheries 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 Commission of Tidewater Fisheries is empowered to enter into an agreement with the owner, lessee or operator of such dam to pay to the Commission of Tidewater Fisheries annually, or at other stated periods a sum of money which shall be not less than four and one-half per centum (4½%) 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 Board for the purpose of stocking with food fish the waters of the pool above and of the stream below said dam,

EXPLANATION: *Italics indicate new matter added to existing law.*

[Brackets] indicate matter stricken from existing law.

CAPITALS indicate amendments to bill.

~~Strike out~~ indicates matter stricken out of bill.