

246.

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. Provided, the construction of said fish ladder or ladders is deemed by the ~~{Board of Natural Resources}~~ *Department of Water Resources* to be necessary, practicable and advisable for the ascending or descending of fish and to permit the passage of fish from the waters below to the waters above any such dam or dams except that no provision of this law is to be construed as changing or attempting to change the terms, conditions or obligations imposed by any contract presently in force and effect between the owner or owners of any dam now in existence and the State of Maryland or any department, agency, office or commission thereof. In addition to any other provisions of law relating thereto, before any dam is constructed on any of the waters of this State, application therefor shall be made to the ~~{Board of Natural Resources}~~ *Department*. Sufficient information shall be given so that said ~~{Board}~~ *Department* may determine the need and advisability of providing a fish ladder or ladders. If the Board shall determine from such application or from other evidence or information it may obtain, that a fish ladder or fish ladders is necessary, practicable and advisable in construction of the proposed dam or dams, it shall forthwith advise the applicant of its determination and finding. The plans for construction of such dam or dams, with or without fish ladders, shall be approved by both the ~~{Board of Natural Resources}~~ *Department* as well as any other agency of this State having jurisdiction in the matter before construction of such dam or dams is commenced. Where in lieu of requiring the erection of such fish ladder or ladders 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, the owner, lessee or operator of such dam has heretofore entered into an agreement to pay any agency of this State an annual or periodic sum of money, then and in that event the said charter provisions and provisions of such agreements shall remain in effect. Provided, however, such sum of money 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 is equal to or exceeds the sum of four thousand dollars (\$4,000.00) per annum, then the annual payment shall in all such cases be four thousand dollars (\$4,000.00) per annum, payable to the **[Commission of Tidewater Fisheries]** *Department of Game and Inland Fish* to be expended by **[the Commission of Tidewater Fisheries]** *it* for the purpose of propagating, rearing and distributing the fish actually placed in said waters, and the acquisition of the necessary facilities therefor. Any money received by the **[Commission of Tidewater Fisheries]** *Department of Game and Inland Fish* pursuant to such an agreement shall be **[paid into the Conservation Fund and is hereby]** specifically appropriated **[to be expended by the Commission of Tidewater Fisheries]** for the purposes above named. 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