



The LEGISLATIVE WRAP-UP

Issue: 00-5

February 7 - 11, 2000

[CONSUMER AFFAIRS](#)

[COURTS](#)

[CRIMINAL MATTERS AND CORRECTIONS](#)

[EDUCATION](#)

[ENVIRONMENT](#)

[FAMILY LAW](#)

[FINANCIAL INSTITUTIONS](#)

[FISCAL MATTERS](#)

[HEALTH](#)

[HOUSING](#)

[INSURANCE](#)

[TRANSPORTATION](#)

CONSUMER AFFAIRS

The complex issues surrounding open access to cable television lines promise to become very controversial this session. SB 505/HB 571 would require a cable operator to provide, to any requesting Internet service provider, access to broadband Internet access transport services under specified circumstances. HB 986, just introduced, would provide for a Study Commission on Internet Transport Service.

A number of measures relate to consumer protection and telemarketing. They include SB 185/HB 339 that would require the Public Service Commission to create and operate a database of residential telephone subscribers who, for a fee, may put their names in the database. Telephone solicitors would be required to purchase the database and would be prohibited from calling individuals listed. Also slated for consideration are SB 18 and HB 912 that relate to caller identification blocking and HB 435 that addresses requests for social security numbers by telephone.

COURTS

The Maryland Comparative Negligence Act (SB 779) has been introduced to change the State standard for awarding damages in tort cases from contributory negligence to a more plaintiff-friendly comparative negligence. Currently, recovery of damages by accident victims from other responsible parties is prohibited if the victim contributed in any way to the accident. The bill would allow recovery if the victim's negligence is less than the combined negligence of the parties being sued. The court is required to reduce damages by the percentage of negligence attributable to the plaintiff.

CRIMINAL MATTERS AND CORRECTIONS

SB 88, to make it a misdemeanor to deliberately mislead a State legislative committee or task force at a recorded hearing or other proceeding, has passed the Senate. Bills have been introduced with similar language each year since 1988.

SB 7 would have established, at a victim's request, provisions to obtain body fluid samples to be tested for contagious diseases or viruses from the individuals charged with, convicted of, or given probation before judgement for specified acts or crimes when the victims are exposed to the body fluids of the offender. The bill failed in committee, as did SB 13, which would have made failure to report a death a misdemeanor. SB 13 applied to individuals with a relationship to the deceased, as specified in the bill, and who have personal knowledge of the death or who have personally discovered the body. The respective companion bills, HB 89 and HB 58, remain in committee.

EDUCATION

The Public Charter School Act of 2000 (SB543/HB526) would establish a pilot program to set up

new public charter schools or to convert existing public schools to charter status. The bills require Maryland's county boards of education to set up rules for the granting of charters to parents, teachers, nonprofit groups, or a public higher educational institution who want to start a public charter school. An existing public school could become a charter school if two-thirds of the school's staff and parents voted to do so. School boards would be required to give these charter schools the same per-pupil funding they spend on regular public schools. Private, parochial, or home schools could not be granted charters.

ENVIRONMENT

Testimony was heard this week on HB 69, which requires that crab meat be labeled in a manner that identifies its country of origin, and HB30, which prohibits possession, transport, and sale of egg-bearing female crabs, actions that are currently prohibited by regulation. A similar bill, HB107, prohibits the possession, transport, or sale of female crabs.

Hearings have been scheduled for next week for SB 210 and its companion HB 283 to require counties to identify sensitive areas where nitrogen removal technology must be included on newly installed septic systems and provides a tax credit for the extra costs incurred.

FAMILY LAW

The time frame allowed for the revocation of consent to adoption and guardianship would be narrowed by SB 346 and HB 61. SB 346 would reduce from 30 days to 7 days the time period within which an individual or child placement agency could revoke consent to an adoption and reduce from 30 days to 7 days the time period within which a natural parent could revoke consent to guardianship. HB 61 would reduce the time for revocation of an adoption or guardianship from 30 days to 15 days.

SB 374/ HB 1099 would require a person seeking a divorce or annulment to swear that all steps necessary to remove any barrier to the spouse's remarriage have been taken before the divorce or annulment is granted. The bill would force a Jewish husband to grant his wife a "get", which is a religious divorce decree required by Jewish law if the wife wants to remarry and remain in the faith after a civil divorce.

The Foster Parents' Bill of Rights of 2000 (HB 194), heard by a House committee this week, aims to improve the treatment of foster parents by social service agencies and the courts in the handling of their foster child's care, placement and case management. The measure establishes in law certain rights, many of which reflect current policies and regulations that guide the day-to-day operations of foster/adoptive homes in Maryland, including training, timely reimbursements, foster parent responsibilities, the licensure process, complaint investigations, and health assessment records. A companion bill (SB 229) is scheduled for a hearing later this month.

FINANCIAL INSTITUTIONS

Recently introduced were SB 450/HB 516, proposals to license check cashing services. Controversial activities of these services are payday loans or deferred deposits which permit customers to cash postdated checks for fees well above the state's maximum consumer loan rate. The bills set fees that may be charged by these services based on the amount and type of check.

Another bill (SB 460) would regulate deferred presentment services and set a maximum fee of 18 percent of the check amount that may be charged.

FISCAL MATTERS

To encourage energy efficiency, two bills have been introduced providing tax incentives for the purchase of energy efficient items. HB 20, "The Maryland Energy Efficient Technology Tax Act", would give income tax credits for the cost of energy efficient property including an electric vehicle, a hybrid vehicle, a new highly energy efficient principal residence, energy efficient gas and electric water heaters, heat pumps, and air conditioners. A tax credit would also apply to electricity produced from qualified renewable resources. The Maryland Energy Administration is to adopt regulations and compliance guidelines. The other bill, SB 670, the "Maryland Clean Energy Incentive Act", would 1) exempt from the sales and use tax certain appliances which meet energy efficiency criteria; 2) exempt qualified electric or hybrid vehicles from all or a portion of the motor vehicle excise tax; 3) provide an income tax credit for the purchase of a photovoltaic system or a solar water heating system; and 4) provide an income tax credit for the generation of electricity using certain forest or agricultural products or certain methane gas.

To encourage the film industry in Maryland, SB 192 would give a sales and use tax exemption to taxable property and services directly used in a film production certified by the Department of Business and Economic Development.

The General Assembly expanded the State's earned income credit and permitted refunds under the credit for the first time in 1998. The credit is being phased in with 12.5 percent of the federal earned income credit in 2000 and 15 percent in subsequent years. SB 240, scheduled for a hearing next week, would accelerate the phase- in by adopting the 15 percent credit in 2000. A similar bill has been introduced in the House (HB 1056).

HB 646 would accelerate the reduction in the State's top income tax rate and the increase in the personal exemption. Previously introduced bills dealing with the same subject include SB 227/ HB 12 and SB 228. The two Senate income tax reduction bills, SB 227 and 228, have a hearing scheduled for February 16.

HEALTH

HB 29 would further ban smoking in public places by prohibiting smoking on all school property at any time, not just during the official school day. Another measure (HB 39) would prohibit smoking at all public parks and recreational facilities. Under both bills violaters would be subject to a \$25 civil penalty. HB 303 would remove the exemptions to safety standards that allow smoking in bars, taverns, and clubs.

Because the two are so closely linked, HB 7 would seek to integrate child welfare and substance abuse treatment services to provide more effective services and to enhance the training of welfare personnel in screening recipients for addictions. The bill would also explore the demand for treatment slots for at-risk parents and the possibility of using excess hospital beds.

SB 29, which would have required substance abuse treatment centers for any new or expanding programs to go through an approval process that involved notification of local officials and community associations, received an unfavorable report by a committee. The companion is HB 82.

HOUSING

Measures have been proposed to require Maryland home builders to register with the State. SB 380 would establish an Office of Home Builder Registration in the Department of Labor, Licensing, and Regulation. SB 759/HB 811 would require a home builder to acquire a registration number from the Division of Consumer Protection of the Office of the Attorney General.

Legislation amending the Maryland Home Improvement Commission law has been introduced in

the House. HB 548 would increase, from \$50,000 to \$100,000, the amount of total claims required before the claims are paid proportionately; HB 560 would create a Home Improvement Enforcement Fund from collected fines to assist in enforcing the home improvement industry.

INSURANCE

A hearing was held this week on The Nonprofit Health Entity Responsibility Act (HB 4) which would require nonprofit health service plans to report annually on their community services to the Insurance Commissioner. The bill will permit the Insurance Commissioner to revoke the insurer's special tax status as a nonprofit corporation if the insurer is not meeting the community benefits criteria established by the bill. Currently the only nonprofit service plan in Maryland is CareFirst Blue Cross Blue Shield. Nonprofit hospitals in the State will also be required to report their community activities to the Health Services Cost Review Commission. These reports will then be available to the public.

A number of proposals related to mandated health insurance benefits have been recently introduced or are pending in committee after hearings. Among the proposals are bills to require coverage for chemotherapy hair prostheses (HB 22 and SB 386), hearing aids (HB 26), hearing aids for children (SB 268/HB 66), as well as for Thin Prep Pap tests which are 65% more effective than conventional Pap tests in discovering precancerous cells (HB 200).

TRANSPORTATION

A hearing was held this week on HB 43 which will prohibit a driver from using a hand-held telephone in a motor vehicle that is in motion. A violation would result in a fine of not more than \$500.

Testimony was taken this week by a committee on HB 17 that would establish the Regional Air Service Development Program within the Maryland Aviation Administration. HB 17 would seek to subsidize a commuter service from small regional airports to Baltimore Washington International Airport . The bill is designed to foster economic development by investing in air transportation facilities and services linking underserved regions of the State to the national and international air transportation systems.

HB 104 would establish a grant program to assist law enforcement agencies in addressing the problem of drivers who fail to stop for school vehicles. This measure would provide \$600,000 to the program starting in Fiscal year 2001 and continuing through Fiscal year 2005, from the fines collected through penalties of uninsured motorists. The Motor Vehicle Administration would assess 3 points instead of 2 points on the violator's driving record.

HB 334 would prohibit a person from using a controlled access highway to solicit money, donations, employment, business or a ride from a motorist. HB 203 which would prohibit a minor from standing in a roadway to solicit for charitable purposes was heard by a committee this week.