



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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## BILL DEADLINES

Bill deadlines have passed in both the Senate and the House. At this point in the session, 836 Senate bills and 4 resolutions and 1,427 House bills and 3 resolutions are before the Assembly.

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## NEW SENATOR

On Friday, February 8, David C. Harrington was sworn in to represent District 47. Senator Harrington (D), formerly a member of the Prince George's County Council and most recently its Chair, will serve on the Education, Health, and Environmental Affairs Committee. The vacancy was caused by the sudden death of Senator Gwendolyn T. Britt, who had been a member of the Senate since 2003.

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## COURTS AND CIVIL PROCEEDINGS

A measure to repeal the prohibition against broadcast media coverage of a criminal sentencing hearing ([HB 77](#)) received testimony this week in a House committee. After consideration of specific factors, a judge may grant, deny or limit a media organization's request to make a visual or audio recording of such a proceeding held in open court.

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## CRIMES, CORRECTIONS, AND PUBLIC SAFETY

[HB 108](#) makes it illegal for a person other than a law enforcement officer in the course of duty to possess, use, sell, distribute, or transport into the State an electronic weapon such as a stun gun or taser. A violation is a misdemeanor punishable by up to 3 years in jail or a fine of up to \$5,000, or both. A hearing was held last month on the bill, which also requires special training of police in the proper use of electronic weapons.

Attending a cockfight or dogfight is changed from a misdemeanor to a felony crime under [SB 44/HB 719](#). The maximum penalty is increased from 90 days in jail and a \$1,000 fine to 3 years in jail and a \$5,000 fine. Under another bill, [HB 662](#), the penalty increases by the same amount while the crime remains a misdemeanor. [HB 662](#) also increases the maximum incarceration from

3 to 5 years for the felony crime of allowing or possessing dogs or birds to be used in dogfights or cockfights or otherwise facilitating dogfights or cockfights. All of these bills have had hearings.

With the price of copper increasing dramatically and thefts of the metal rising, [HB 33](#), heard by a committee last week, sets out recordkeeping requirements that junk dealers and scrap metal processors must follow for transactions involving copper scrap metal. A person who does not meet the enhanced requirements is guilty of a misdemeanor and subject to fines of \$500 for a first offense, \$1,500 for a second offense, and \$3,000 for a third or subsequent offense. Hearings on proposals for stricter regulation of all transactions of junk dealers and scrap metal processors ([SB 521](#) and [SB 352/HB 727](#)) will be held on February 21.

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## ECONOMIC AND BUSINESS ISSUES

This week testimony was heard on [HB 127](#), which requires utility employees to make efforts to determine if a resident is home before entering a private residential property, to knock on the front door or main entrance, and to post notice of the visit before leaving. The bill also requires facility employees to wear clear identification and that utility vehicles be clearly identifiable and display a phone number. Nine utility facilities are covered by the bill: cable, electric, gas, sewage disposal, steam heating, water, telegraph, telephone, and telecommunications. The bill excludes meter reading services.

Several bills relating to the Maryland Automobile Insurance Fund (MAIF) have been introduced. Created by the General Assembly in 1972, MAIF provides automobile liability insurance to residents of the State who are unable to obtain policies in the private insurance market. MAIF is an independent agency that receives no State funding, rather its operating funds come from the insurance premiums. [SB 603](#) and its companion [HB 32](#), among other provisions, authorize MAIF to accept premiums on an installment basis. [SB 105](#) changes current law to authorize the Maryland Insurance Commissioner to impose existing administrative penalties against MAIF. The bill also provides that the Insurance Commissioner may require MAIF to make

restitution to persons who have suffered financial injury resulting from a violation of the Insurance Article.

Another bill, [SB 148](#), clarifies and alters the requirements for making a qualifying claim against MAIF's Uninsured Division, referred to as the UCJ Fund. The Fund compensates qualifying individuals who file accident-related claims against unidentified, disappearing, or unavailable and uninsured vehicles.

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## EDUCATION

Committee members recently investigated [SB 96](#). A companion bill, [HB 285](#), will be heard February 13. These bills seek to implement Positive Behavioral Intervention and Support (PBIS) programs to help combat truancy rates in schools with an unexcused absence rate that rises above 8% of enrollment. By training select educators and staff of each school in PBIS and putting a unified positive modification approach in action, the goal is to bring high-rate reporting schools down to 1% truancy over a four-year period.

Air quality inside of portable and permanent classrooms is the focus of [HB 15](#). This bill, recently heard by a committee, aims to develop a task force to study Classroom Indoor Air Quality (IAQ). The IAQ Task Force will evaluate and identify potentially unhealthy environmental conditions, construction, ventilation, maintenance practices, classroom design, and possible toxins inside of State schools. A report of findings and recommended best practices will be due to the Governor and General Assembly by May 1, 2010.

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## ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Testimony was heard this week on [SB 213](#), which modifies the Chesapeake Bay 2010 Trust Fund to direct funds from it to a newly created Chesapeake Bay Nonpoint Source Fund to be used to provide financial assistance for the implementation of urban and suburban stormwater management practices and stream and wetland restoration. The bill codifies the BayStat Program created by executive order in 2007, and establishes a BayStat Program Scientific Advisory Panel to provide annual recommendations to the BayStat Subcabinet on the use of funds for the following fiscal year.

## FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

A hearing was held this week for [HB 284](#), the Consumer Loyalty Card Privacy Act, which prohibits a merchant from sharing or selling personal information or marketing information about a consumer in the State. Violation of the bill is an unfair or deceptive trade practice under the Maryland Consumer Protection Act and subject to its civil and criminal penalties.

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## REAL PROPERTY, ESTATES AND TRUSTS

To date, 18 bills and 1 resolution ([HJ 1](#)) are before the legislature concerning various aspects of foreclosure on real property. Most of the legislation will be considered by Senate and House committees this month.

A number of these measures are Administration bills, some of which have already started though the hearing process on the Senate side. [SB 216/HB 365](#) change the law governing recordation and foreclosure of mortgages and deeds of trust and alter the requirements for recordation, notice, service of process, court filings, and cure of defaults. [SB 217/HB 360](#) create a comprehensive mortgage fraud statute with criminal penalties and authorize the Attorney General, a State's Attorney, and the Commissioner of Financial Regulation to take action to enforce the law. The legislation also authorizes a private right of action for violations in specified circumstances. [SB 218/HB 361](#) alter several provisions of current law regarding the protection of homeowners in foreclosure including foreclosure rescue transactions. [SB 270/HB 363](#) prohibit a lender from requiring or authorizing the imposition of prepayment charges in connection with specified subprime loans, prohibit lenders and credit grantors from making specified mortgage loans without giving due regard to the borrower's ability to repay the loans, and require a specified representation by a mortgage broker to be contained in a finder's fee agreement.

Legislation related to foreclosure and subprime mortgages in Prince George's County includes [SB 532/HB 1035](#). [HB 901](#) concerns the time frame for payment of interest after foreclosure sale in Garrett County. Other proposals in the pipeline with statewide applicability include [HB 58](#), [HB 59](#), [HB 67](#), [HB 645](#), [HB 682](#), and [HB 778](#). Senators are considering [SB 17](#), [SB 389](#), [SB 406](#), [SB 535](#), and [SB 688](#).

## TRANSPORTATION

Bills that create new vehicle registration plates include:

- [SB 664](#) to honor Maryland lighthouses;
- [HB 708](#) to honor individuals who died while serving in the U.S. armed forces and their families through Gold Star plates that would be available to immediate family members; and
- [HB 31](#) to honor emergency medical services providers. These plates would be available for use by certified or licensed emergency medical services providers.

On the same subject, but with a different message, [HB 504](#) requires the Motor Vehicle Administration to issue special license plates to identify a vehicle that is owned by an individual who has been convicted of repeated drunk or drugged driving offenses. The special registration plates are required to be distinctive and to include the letters “DUI.”

Two transportation-related measures seek to increase protection of children. Companion bills increase the age of a child to 8 years old who would need to be secured in a child safety seat while riding in a vehicle, including vehicles that are registered in another state or Puerto Rico ([SB 789/HB 1312](#)). Another proposal prohibits a person from smoking in a vehicle with a child 6 years old or younger who is a passenger ([SB 785](#)).

[SB 576](#) prohibits the Department of Transportation and the Motor Vehicle Administration from expending funds to implement any regulations or policies intended to bring the State into compliance with the federal REAL ID Act of 2005, beginning with fiscal 2009. The REAL ID Act establishes national authentication and security standards for certain identification documents, including state-issued driver’s licenses.