

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Natural Resources**
(DLS Control No. 15-316)

Overview and Legal and Fiscal Impact

The regulations update references to (1) the name of the Forest Service within the defined term of “Director” and (2) a document that is incorporated by reference (to reflect the most up-to-date version of the American Standard for Nursery Stock).

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Natural Resources:

Forest and Parks: Roadside Tree Care: COMAR 08.07.02.02

Roadside Tree Care: COMAR 08.07.02.02-1

Legal Analysis

Background

The American Standard for Nursery Stock provides buyers and sellers of nursery stock (young plants grown in a nursery) with a common terminology in order to facilitate commercial transactions involving nursery stock. It also establishes common techniques for measuring plants, specifying and stating the size of plants, determining the proper relationship between height and caliper or height and width, and determining whether a root ball or container is large enough for a particular size plant.

Summary of Regulations

First, the regulations update a reference to the name of the Forest Service within the defined term of “Director.” Second, the regulations update a reference to a document that is incorporated by reference (American Standard for Nursery Stock).

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites §§ 5-209 and 5-406 of the Natural Resources Article as statutory authority for the regulations. In particular, § 5-209(a) authorizes the department to adopt regulations “for the maintenance of order, safety, sanitation, traffic control, or for the protection of trees within the State parks and forests, State reserves, scenic preserves, parkways, historical monuments, recreational areas, and any other lands under its control.”

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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