

MARYLAND REGISTER

**Proposed Action on Regulations**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	07/27/2020	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 8/28/2020**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

09 29 01 02

**3. Name of Promulgating Authority**

Department of Labor, Licensing, and Regulation

**4. Name of Regulations Coordinator Telephone Number**

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**5. Name of Person to Call About this Document Telephone No.**

Shanai Jordan 410-230-6318

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shanai.jordan@maryland.gov

**6. Check applicable items:**

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: March 10, 2020.

Repeal of Existing Regulations



### **09.29.01 General Regulations**

Authority: Business Occupations and Professions Article, §§7-206(a)(2), 7-304(b), and 7-305(b)(i), Annotated Code of Maryland

### **Notice of Proposed Action**

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The Maryland Board of Foresters proposes to amend Regulation .02 under COMAR 09.29.01 General Regulations.

This action was considered at a public meeting of the Maryland Board of Foresters held on July 27, 2020, notice of which was provided by posting on the Maryland Board of Foresters' website, in accordance with General Provisions Article, §3-302(c)(ii), Annotated Code of Maryland.

### **Statement of Purpose**

The purpose of this action is to clarify the education that a license applicant may complete to demonstrate qualification for licensure.

### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

### **Estimate of Economic Impact**

The proposed action has no economic impact.

### **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

### **Opportunity for Public Comment**

Comments may be sent to Shanai Jordan, Executive Director, Maryland Board of Foresters, Department of Labor, 500 North Calvert Street, Third Floor, Baltimore, MD 21202, or call 410-230-6318, or email to [shanai.jordan@maryland.gov](mailto:shanai.jordan@maryland.gov), or fax to 410-962-8482. Comments will be accepted through September 30, 2020. A public hearing has not been scheduled.

### **Open Meeting**

Final action on the proposal will be considered by the Maryland Board of Foresters during a public meeting to be held on October 26, 2020 at 10:00 a.m., at the Department of Labor, 500 North Calvert Street, Third Floor, Baltimore, MD 21202.

### **Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2021

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

No funds a necessary for the implementation of the proposed action.

E. If these regulations have no economic impact under Part A, indicate reason briefly: The proposed action merely clarifies the type of education that a license applicant must have completed to qualify for licensure by the Board of Foresters.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet. The proposed action merely clarifies the type of education that a license applicant must have completed to qualify for licensure by the Board of Foresters.

G. Small Business Worksheet:

Impact Statement Part C — Legislative Information

Part C requests agencies to provide information required by the Department of Legislative Services in its report to the AELR Committee. Answer the questions in the space provided. Part C is not printed in the Maryland Register.

#### Small Business Analysis Worksheet

This worksheet is designed to assist the agency in determining if and how the proposal impacts small businesses. Quantify the number of affected small businesses and estimates of costs and benefits to small businesses if possible. State Government Article, §2-1505.2, includes the following definitions which are relevant to the analysis:

“Economic impact analysis” means an estimate of the cost or the economic benefit to small businesses that may be affected by a regulation proposed by an agency pursuant to Title 10, Subtitle 1 of this article.

“Small business” means a corporation, partnership, sole proprietorship, or other business entity, including its affiliates, that: (i) is independently owned and operated; (ii) is not dominant in its field; and (iii) employs 50 or fewer full-time employees.

1a. Intended Beneficiaries. Who are the intended beneficiaries of the proposed

regulation? Are these intended beneficiaries primarily households or businesses?

The intended beneficiaries include any prospective applicant for licensure by the Board of Foresters (“Board”) and prospective employers of licensed individuals.

1b. Intended Beneficiaries: Households. If households are the primary intended beneficiaries, will the proposal affect their income or purchasing power such that the volume or patterns of their consumer spending will change? If so, what directions of change would you anticipate? Will these expected spending changes have a disproportionate impact on small businesses? Can you descriptively identify the industries or types of business activities that are impacted?

Households will not be affected by the proposed action.

1c. Intended Beneficiaries: Businesses. If businesses are the intended beneficiaries, identify the businesses by industry or by types of business activities. How will businesses be impacted? Are these Maryland establishments disproportionately small businesses? If so, how will these Maryland small businesses be affected? Can you identify or estimate the present number of small businesses affected? Can you estimate the present total payroll or total employment of small businesses affected?

Businesses will be positively affected by the proposed action only insofar as it increases the number of qualified individuals who are available to fill available employment positions.

2a. Other Direct or Indirect Impacts: Adverse. Businesses may not be the intended beneficiaries of the proposal. Instead, the proposal may direct or otherwise cause businesses to incur additional expenses of doing business in Maryland. Does this proposal require Maryland businesses to respond in such a fashion that they will incur additional work-time costs or monetary costs in order to comply? Describe how Maryland establishments may be adversely affected. Will Maryland small businesses bear a disproportionate financial burden or suffer consequences that affect their ability to compete? Can you estimate the possible number of Maryland small businesses adversely affected? (Note that small business compliance costs in the area of regulation are the sum of out-of-pocket (cash) costs plus time costs — usually expressed as payroll, akin to calculations for legislative fiscal notes. Precise compliance costs may be difficult to estimate, but the general nature of procedures that businesses must accomplish to comply can be described.)

None.

2b. Other Direct or Indirect Impacts: Positive. Maryland businesses may positively benefit by means other than or in addition to changed consumer spending patterns. How may Maryland businesses be positively impacted by this initiative? Will Maryland small businesses share proportionately or disproportionately in these gains? Can you estimate the possible number of Maryland small businesses positively affected?

Businesses will be positively affected by the proposed action insofar as it is expected to increase the number of qualified individuals who are available to fill available employment positions.

3. Long-Term Impacts. There are instances where the longer run economic impact effect from regulations differ significantly from immediate impact. For example, regulations may impose immediate burdens on Maryland small businesses to comply, but the overall restructuring of the industry as a consequence of monitoring and compliance may provide

offsetting benefits to the affected small businesses in subsequent years. Can you identify any long run economic impact effects on Maryland small businesses that over time (a) may compound or further aggravate the initial economic impact described above, or (b) may mitigate or offset the initial economic impact described above?

As individuals are able to qualify for licensure through relevant post graduate education that is acceptable to the Board as well as undergraduate education, an applicant who did not pursue forestry until enrolling in post graduate education may qualify for licensure; in addition, the pool of qualified licensed individuals available to fill employment positions may be expected to increase.

4. Estimates of Economic Impact. State Government Article, §2-1505.2 requires that an agency include estimates, as appropriate, directly relating to: (1) cost of providing goods and services; (2) effect on the work force; (3) effect on the cost of housing; (4) efficiency in production and marketing; (5) capital investment, taxation, competition, and economic development; and (6) consumer choice.

(1) The cost of providing goods and services may decrease as more qualified licensed individuals are available for employment; (2) The work force may improve as individuals may become eligible for licensure more rapidly, and as qualified licensed individuals are available for employment; (3) There is no anticipated effect on the cost of housing except to the extent that suppliers of construction materials may be able to decrease costs as individuals may be eligible for licensure more rapidly, and as qualified licensed individuals are available for employment; (4) There is no anticipated effect on efficiency in production and marketing; (5) There is no anticipated capital investment, taxation, competition, and economic development; and (6) There is no anticipated effect on consumer choice.

Attached Document:

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## **Title 09 DEPARTMENT OF LABOR**

### **Subtitle 29 BOARD OF FORESTERS**

#### **09.19.01 General Regulations**

Authority: Business Occupations and Professions Article, §§7-206(a)(1), 7-304(b), and 7-305(b)(i), Annotated Code of Maryland

##### **.02 Application for Licensing.**

A. (text unchanged)

B. An application shall contain:

(1) Statements made under oath showing the applicant's education, including the applicant's official college transcript *that reflects completion of a program accredited by the Society of American Foresters or approved by the Board that includes:*

*(a) an undergraduate degree in forestry; or*

*(b) a masters degree in forestry;*

(2) (text unchanged)

(3) (text unchanged)

MICHAEL HUNEKE  
Chairman

## Board of Foresters