



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

Memorandum

To: Members of the AELR Committee
Standing Committee Chairs

From: Marie H. Razulis, AELR Committee Counsel
George H. Butler, Jr., AELR Committee Counsel
Crystal L. Lemieux, AELR Committee Counsel

Date: June 17, 2016

Re: **Synopses of Regulations received from 6/3/2016 through 6/16/2016**

Enclosed please find synopses of regulations received by the AELR Committee during the weeks noted above.

The Office of Policy Analysis prepares analyses of the regulations to determine if there are any problem areas, to ensure that the regulations comply with statutory authority and legislative intent, and to assess the fiscal impact of the regulations. If any regulation is of particular interest to you, please feel free to contact us at 410-946-5350 and we will supply you with a copy of the regulation along with the legal and fiscal analysis.

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cc: Victoria L. Gruber
Alexandra M. Hughes

Health and Mental Hygiene, Department of

Proposed Regulation

DLS Control No. 16-117

Department of Health and Mental Hygiene:

Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech

Language Pathologists:

Civil Penalties: COMAR 10.41.09.03

According to the department, the purpose of this action is to correct an inconsistency in regulations of the Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists regarding the maximum administrative fine that can be imposed on a licensee found to have committed a violation. Currently, COMAR 10.41.09.01 and § 2-314.9 of the Health Occupations Article state that the Board may impose an administrative penalty not exceeding \$5,000 on a licensee for an act or omission prohibited under current law. Currently, COMAR 10.41.09.03 states that the maximum administrative fine is \$1,000.

Natural Resources, Department of

Proposed Regulations

DLS Control No. 16-112

Department of Natural Resources:

Fisheries Service:

Shellfish - General: COMAR 08.02.08.06 and .10

Endangered and Threatened Fish Species: COMAR 08.02.12.13

According to the department, the purpose of this action is to list Jonah Crab (*Cancer borealis*) as in need of conservation and adopt both recreational and commercial management measures which are based on the current status of the stock, biology, fishery, and economic and management considerations. Another purpose of this action is to correct the spelling of the scientific name of Atlantic menhaden and make corrections to the requirements of a lobster trap.

Planning, Department of

Proposed Regulations

DLS Control No. 16-111

Department of Planning:

Historical and Cultural Programs:

Sustainable Communities Tax Credit Certifications: COMAR 34.04.07.01-.09

According to the department, the purpose of this action is to incorporate into the regulations statutory changes, including the program name, made during the 2016 Session applicable to the procedural implementation of the Heritage Structure Rehabilitation Tax Credit Certification Program, and to make various stylistic changes and minor edits to the regulations for the Heritage Structure Rehabilitation Tax Credit Certification Program to provide greater clarity and to conform with existing agency processes.

State Police, Department of

Proposed Regulation

DLS Control No. 16-116

Department of State Police:

Weapons Regulation:

Regulated Firearms: COMAR 29.03.01.59

According to the department, the purpose of this action is to adopt new regulation .59 Firearm Regulation pursuant to Public Safety Article, § 2-415; a police employee, on retirement in good standing, may keep or acquire the handgun issued by the department of State Police to that police employee.

Transportation, Department of

Proposed Regulations

DLS Control No. 16-113

Department of Transportation:

Motor Vehicle Administration – Administrative Procedures:

Summary Suspensions for Alcohol and Drug-Related Offenses:

COMAR 11.11.03.03, .09, .11 and .12

Ignition Interlock Program: COMAR 11.11.13.02, .03, .04, .05 and .09

According to the department, the purpose of this action is to amend regulations to increase the suspension periods for alcohol-related offenses, expand individual enrollment and participation in the Ignition Interlock System Program and update provisions related to violations of the Program pursuant to Senate Bill 945, Chapter 512, Acts of 2016. This action also updates and clarifies definitions and removes obsolete language.

Proposed Regulations

DLS Control No. 16-118

Department of Transportation:

Motor Vehicle Administration – Administrative Procedures:

Commercial Driver's License Disqualification: COMAR 11.11.12.02 and .09

According to the department, the purpose of this action is to permit the Motor Vehicle Administration to automatically downgrade a commercial driver's license (CDL) to a noncommercial driver's license when the CDL privilege is cancelled for failure to submit a medical certification as set forth in SB 80, Chapter 158, Acts of 2016.

Insurance Administration, Maryland

Proposed Regulations

DLS Control No. 16-110

Maryland Insurance Administration:

Unfair Trade Practices:

Solicitation of Annuity and Deposit Fund Contracts: COMAR 31.15.04.01-.07

Annuity Disclosure: COMAR 31.15.15.01-.09

According to the administration, the purpose of this action is to adopt the National Association of Insurance Commissioners' (NAIC) "Annuity Disclosure Model Regulation," Model MDL-245. This Model Regulation addresses many of the same issues found in current COMAR 31.15.04, but in more detail. Model MDL-245 was adopted by the NAIC in 1999 and has been amended in 2011 and 2013. Maryland's current chapter, COMAR 31.15.04, which applies to both annuities and deposit fund contracts, has not been amended since its adoption in January 1980. The NAIC Model provides more detailed requirements for annuity illustrations and conforms COMAR to the modern annuity marketplace. The purpose of this reproposal is to correct a cross reference and to provide an exception from considering actuarial assumptions in the dividend scale formula as a nonguaranteed element for the annuity illustrations for insurers that offer both participating and nonparticipating annuities.

Lottery and Gaming Control Agency, Maryland State

Proposed Regulation

DLS Control No. 16-114

Maryland State Lottery and Gaming Control Agency:

Video Lottery Terminals:

Video Lottery Technical Standards: COMAR 36.04.01.28

According to the agency, the purpose of this action is to bring this regulation into compliance with the Style Manual for Maryland Regulations.

Proposed Regulations

DLS Control No. 16-115

Maryland State Lottery and Gaming Control Agency:

Table Games:

General: COMAR 36.05.01.02

Table Game Equipment: COMAR 36.05.02.02 and .19

Table Game Procedures: COMAR 36.05.03.11, .12, and .16

According to the agency, the purpose of this action is to (1) define the Direct Bet Coupon under COMAR 36.05.01.02; (2) remove the wagering restrictions on a promotional chip under COMAR 36.05.02.02; (3) update the responsibilities of a casino floor person to be consistent with current casino practices under COMAR 36.05.02.19; (4) allow casinos the ability to offer Direct Bet Coupons to patrons under COMAR 36.05.03.11 and .12; and (5) remove redundant words and revise numbering to ensure proposed regulations are in compliance with the Style Manual for Maryland Regulations.