



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:** George H. Butler, Jr., AELR Committee Counsel  
Kathryn H. Selle, AELR Committee Counsel  
Nathan W. McCurdy, AELR Committee Counsel

**Date:** April 5, 2019

**Re:** **Synopses of Regulations received from 3/22/2019 through 4/4/2019**

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Enclosed please find synopses of regulations received by the Joint Committee on Administrative, Executive, and Legislative Review (AELR) 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: Jake Weissmann  
Alexandra M. Hughes

**Labor, Licensing and Regulation, Department of**

**Proposed Regulation**

**DLS Control No. 19-027**

**Department of Labor, Licensing, and Regulation:**

**Racing Commission:**

**Thoroughbred Rules: COMAR 09.10.01.23**

According to the department, the purpose of this action is to specify how often a jockey must have a physical exam and require, as part of that physical exam, the jockey to be tested with the most recent sport concussion assessment tool to ascertain a baseline if the jockey is injured and suffers from a concussion or is suspected to have been concussed.

**Proposed Regulation**

**DLS Control No. 19-028**

**Department of Labor, Licensing, and Regulation:**

**Racing Commission:**

**General: COMAR 09.10.04.08**

According to the department, the purpose of this action is to require a racing association to adopt and implement a protocol for the management of concussions suffered by jockeys. This action also requires a racing association to establish return to ride guidelines and require a jockey to acknowledge in writing that the jockey has been made aware of the protocols.

**Natural Resources, Department of**

**Proposed Regulations**

**DLS Control No. 19-022**

**Department of Natural Resources:**

**Fisheries Service:**

**General: COMAR 08.02.01.07**

**Crabs: COMAR 08.02.03.09 and .15**

According to the department, the purpose of this action is to authorize a boat owner to provide proof of purchase of a specified recreational fishing or crabbing boat decal rather than have the decal affixed to the boat for a certain period of time after the decal is purchased in order to allow for a delay in shipping. This change will be better for customers and help enforcement.

The proposed action also establishes requirements for the recreational crabbing boat decal that are identical to other license decals. The requirements are currently in place and communicated to licensees, but are not included in regulation.

**Proposed Regulation**  
**DLS Control No. 19-023**  
**Department of Natural Resources:**  
**Fisheries Service:**  
**General:** COMAR 08.02.01.01

According to the department, the purpose of this action is to incorporate by reference Amendment 1 to the 2002 Maryland Tidewater Yellow Perch Fishery Management Plan (December 2017). The amendment formally updates the yellow perch management framework in Maryland.

**Proposed Regulations**  
**DLS Control No. 19-024**  
**Department of Natural Resources:**  
**Fisheries Service:**  
**Fish:** COMAR 08.02.05.29 and .30

According to the department, the purpose of this action is to update the regulations for the snapper grouper management group and tilefish. Specifically, the proposed action:

- corrects minor spelling errors of scientific names;
- updates the name for the National Oceanic and Atmospheric Administration's fisheries division;
- changes the catch limit for sheepshead;
- updates the public notice authority; and
- removes tilefish regulations from the snapper grouper complex and creates a new regulation for tilefish.

**Proposed Regulation**  
**DLS Control No. 19-025**  
**Department of Natural Resources:**  
**Fisheries Service:**  
**Fishing Licenses - Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure:** COMAR 08.02.13.06

According to the department, the purpose of this action is to clarify who needs to submit the Commercial Charter Boat Captain's Daily Log. Currently, the regulation only requires the person who purchases the charter boat license decal to report their trips. It is common for charter boat owners to hire a captain (licensed guide) for their vessel. A licensed fishing guide that is

operating a charter should be expected to be responsible for completing the reports. Making this change will ensure that the department knows who should be completing the form.

**Proposed Regulations**

**DLS Control No. 19-026**

**Department of Natural Resources:**

**Fisheries Service:**

**Sharks:** COMAR 08.02.22.02 and .04

According to the department, the purpose of this action is to remove the recreational possession limit for smoothhound sharks (smooth dogfish), establish recreational requirements for increasing a shark's chance of survival after release, and correct the spelling of the scientific name for spiny dogfish. The requirements established by this proposal are complimentary to federal highly migratory species shark rules and would help shark populations, such as the dusky shark, rebuild. This action is being proposed in order to minimize potential injury to these protected and prohibited species.

**Proposed Regulations**

**DLS Control No. 19-029**

**Department of Natural Resources:**

**Fisheries Service:**

**Fishing in Nontidal Waters:** COMAR 08.02.11.04

**Nuisance and Prohibited Species:** COMAR 08.02.19.06

According to the department, the purpose of this action is to remove the list of specific methods for killing a snakehead that must be used by an individual who wants to capture and keep a snakehead. The department has determined that there are other effective methods that can be used to kill a snakehead. The proposed action removes the specific methods and simply requires an individual to kill the snakehead upon capture. This action simplifies the requirement for both enforcement and anglers.

**State Police, Department of**

**Proposed Regulation**

**DLS Control No. 19-031**

**Department of State Police:**

**Weapons Regulation:**

**Handgun Roster Board:** COMAR 29.03.03.01

According to the department, the purpose of this action is to amend definition of "handgun" to conform to § 5-401 of the Public Safety Article and in § 4-201 of the Criminal Law Article.

**Higher Education Commission, Maryland**

**Proposed Regulation**

**DLS Control No. 19-030**

**Maryland Higher Education Commission:**

**Financial Aid:**

**Richard W. Collins III Leadership With Honor Scholarship Program:**

COMAR 13B.08.11.01 through .09

According to the commission, the purpose of this action is to implement the provisions § 18-605 of the Education Article, which establishes the Richard W. Collins III Leadership With Honor Scholarship Program.