



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: Kathryn H. Selle, AELR Committee Counsel
John J. Joyce, AELR Committee Counsel
Kathleen P. Kennedy, AELR Committee Counsel

Date: May 1, 2020

Re: **Synopses of Regulations received from 4/10/2020 through 4/30/2020**

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.

/cr

cc: Jake Weissmann
Alexandra M. Hughes

Elections, State Board of

Emergency Regulation

DLS Control No. 20-037

Board of Elections:

Special Elections by Mail:

Voting Center Procedures: COMAR 33.21.06.01

According to the board, the purpose of this action is to repeal a requirement that the local election directors conduct a voting center evaluation program for voting centers established for a special election conducted by mail in order to limit the number of individuals at voting centers to reduce the potential for transmission of the coronavirus in accordance with the Governor's proclamations of March 17, 2020 and April 10, 2020.

Emergency Regulations

DLS Control No. 20-038

Board of Elections:

Canvassing:

Definitions; General Provisions: COMAR 33.08.01.02

Absentee Ballots: Canvass of Ballots – Procedures: COMAR 33.11.04.05 and .07

Special Elections By Mail: Election Judges: COMAR 33.21.05.01

According to the board, the purpose of this action is to reduce the number of individuals who must be physically present in the same room at a voting center and during the canvass of absentee votes for the April 28, 2020 special general election and the June 2, 2020 presidential primary election in order to reduce the potential for transmission of the coronavirus in accordance with the Governor's proclamations of March 17, 2020 and April 10, 2020.

Emergency Regulation

DLS Control No. 20-043

Board of Elections:

Absentee Ballots:

Issuance and Return: COMAR 33.11.03.06

According to the board, in accordance with the Governor's Proclamations dated March 17, 2020 and April 10, 2020 which declared that the 2020 Special General Election and the 2020 Presidential Primary Election be conducted primarily by mail, the State Board of Elections approved amendments to regulations that would alter the requirement to stamp the date received on each return envelope. This change is necessary due to the expected significant increase of ballots being returned to local boards. This change would be in effect for both the April 28, 2020 Special General Election in the 7th Congressional District and the June 2, 2020 Presidential Primary Election.

Natural Resources, Department of

Proposed Regulation

DLS Control No. 20-040

Department of Natural Resources:

Wildlife:

General: COMAR 08.03.01.01

According to the department, the purpose of this action is to amend Regulation .01 to define two new terms, namely primitive weapon and straight-walled cartridge. Primitive weapon will be defined as a vertical long bow, vertical recurve bow, or other vertical bow that does not use wheels, cams, or other mechanical devices that aid in the drawing of the bow string or the holding of a drawn bow, a flintlock, or a percussion cap sidelock muzzle loading firearm. Straight-walled cartridge will be defined as a bullet casing with straight walls all the way to the projectile used as ammunition for a handgun or rifle while hunting. These definitions will be used in other wildlife hunting regulations.

Proposed Regulation

DLS Control No. 20-041

Department of Natural Resources:

Wildlife:

Forest Wildlife: COMAR 08.03.04.05

According to the department, the purpose of this action is to clarify the use of certain devices to hunt deer. Regulation .05 is amended to allow the use of straight-walled cartridges for hunting deer with a rifle or handgun in certain counties. Another amendment clarifies that during the days when the deer muzzle loading hunting season and deer archery season overlap, a hunter may possess only one weapon while hunting. A third amendment describes the restrictions for the use of primitive weapons during the February deer muzzle loading and archery seasons.

Proposed Regulations

DLS Control No. 20-042

Department of Natural Resources:

Wildlife:

Open Seasons, Bag Limits for Game Birds and Game Animals:

COMAR 08.03.03.03, .04, .05, .07, and .08

According to the department, the purpose of this action is to establish the season dates and bag limits for the 2020-2021 and 2021-2022 hunting seasons for forest game, upland game, fur-bearing mammals, white-tailed deer, and sika deer. Season dates and bag limits for most species are similar to previous hunting seasons with some exceptions. A three-day deer hunting season has been added to the archery and muzzleloader seasons in February and only primitive weapons may be used during those days. Deer harvested during the February season count against the normal bag limits for archery and muzzleloaders, except in Region A where one additional antlerless deer may be harvested. A suburban deer management zone will be established in

Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's counties where the bag limit for antlerless deer will be unlimited during the archery season. It is clarified that when the archery and muzzleloader seasons for hunting deer overlap a hunter may only possess one of the weapons while deer hunting. In Region A, hunters will be able to use a Bonus Antlered Deer Stamp to take a second antlered deer when the hunter already harvested one in Region B during the same weapon season.

Transportation, Department of

Emergency/Proposed Regulations

DLS Control No. 20-035

Department of Transportation:

Maryland Transportation Authority:

Electronic Toll Collection and Toll Violation Enforcement:

COMAR 11.07.07.02, .06, and .09

According to the department, emergency status is needed so that important provisions of MDTA can be initiated upon the activation of MDTA's new Third Generation (3G) Electronic Toll Collection system on July 1, 2020.

Labor, Maryland Department of

Proposed Regulation

DLS Control No. 20-039

Maryland Department of Labor:

Division of Labor and Industry:

Employee Injury and Illness Records and Reports: COMAR 09.12.21.02

According to the department, the purpose of this action is to adopt through incorporation by reference the updated federal standard 29 CFR Part 1904, Subpart E—Reporting Fatality, Injury and Illness Information to the Government requiring electronic submission of injury and illness data by employers. This action will require establishments with 250 or more employees that are currently required to keep OSHA injury and illness records, and establishments with 20-249 employees that are classified in certain high hazard industries to electronically submit their Form 300A Summary data. This action also amends the regulation to reduce and consolidate adoptive language of prior versions of this federal standard that are duplicative or no longer exist.

Insurance Administration, Maryland

Emergency Regulations

DLS Control No. 20-036

Maryland Insurance Administration:

General Regulations:

Emergency Powers: COMAR 31.01.02.02, and .06

According to the administration, the regulations (1) apply the provisions governing the Maryland Insurance Administration's emergency powers to each pharmacy benefits manager registered to do business in the State; (2) authorize the Maryland Insurance Commissioner to require pharmacy benefits managers and health carriers to suspend random audits unless there is a reasonable suspicion of fraud; and (3) authorize the Commissioner to require health carriers to suspend, waive, or modify requirements related to prior authorization, concurrent review, retrospective review, and notification of inpatient acute care, post-discharge care, and facility transfers.