



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:** July 17, 2020

**Re:** **Synopses of Regulations received from 6/26/2020 through 7/16/2020**

---

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

**Natural Resources, Department of**

**Proposed Regulation**

**DLS Control No. 20-076**

**Department of Natural Resources:**

**Wildlife:**

**Forest Wildlife:** COMAR 08.03.04.03

According to the department, the purpose of this action is to establish a process for a person to legally take possession of a deer or turkey killed by means other than hunting, such as the result of a vehicle collision. The proposed change replaces the need to obtain a paper nonhunter kill tag from the Department of Natural Resources or local law enforcement agencies, which is a manual process. The new process will instead require the person to obtain a confirmation number for the deer or turkey taken into possession through an online reporting system. The person must obtain the confirmation number within 24 hours of taking possession of the deer or turkey.

**Proposed Regulation**

**DLS Control No. 20-078**

**Department of Natural Resources:**

**Forest and Parks:**

**Licensed Tree Experts:** COMAR 08.07.07.02

According to the department, the purpose of this action is to update the edition of the incorporation document.

**Proposed Regulation**

**DLS Control No. 20-079**

**Department of Natural Resources:**

**Boating–Speed Limits and Operation of Vessels:**

**Tred Avon River:** COMAR 08.18.27.04

According to the department, the purpose of this action is to establish a speed limit in a portion of Dixon Creek, a tributary of the Tred Avon River. The proposed action establishes coordinates for the eastern branch waterway of Dixon Creek and establishes a speed limit in the newly defined area for Saturdays, Sundays, and State holidays during the boating season.

**Proposed Regulation**

**DLS Control No. 20-082**

**Department of Natural Resources:**

**Wildlife:**

**Forest Wildlife:** COMAR 08.03.04.02

According to the department, the purpose of this action is to revise the process for reporting deer taken under the authority of a Deer Management Permit. The new process replaces the need

to tag each deer before removing the carcass from the place of kill if a confirmation number has been generated with an online reporting system. If the person does not obtain the confirmation number electronically prior to removing the carcass from the field, the person must observe the current system of reporting. The shooter must make a reasonable effort to retrieve and take possession of the wounded or dead deer. The regulation also adds two counties, Baltimore and Harford, to the list of counties allowing the use of rifles when shooting under the authority of a Deer Management Permit. The purpose of this proposed change is to conform the regulation with recent statutory additions (Chapters 175 and 176 of 2019 and Chapter 454 of 2020).

### **Secretary of State**

#### **Proposed Regulation**

**DLS Control No. 20-080**

**Executive Department:**

**Secretary of State:**

**Notary Public Fees:** COMAR 01.02.08.01-.12

According to the Secretary, the purpose of this action is to put into place certain protections and safeguards for notaries public in anticipation of the enactment of the Maryland Revised Uniform Law on Notarial Acts and legalization of remote notarization on October 1, 2020. It includes qualifications that remote online notary vendors must meet before they can provide services to Maryland notaries public. The proposed action also (1) ensures that the technologies selected by Maryland notaries public meet certain standards for the protection of both notaries public and all citizens; and (2) requires vendors to be based in the United States of America, to have been lawfully operating for at least three years, and that all encryption and decryptions take place within the United States. This action also identifies enforcement actions regarding notaries public who fail to meet obligations under the law and applicable regulations. The proposed action also permits the Secretary of State or Assistant Secretary of State to refuse to renew, suspend, or impose conditions on notaries public who fail to meet specified obligations under the law. The proposed action clarifies that notaries public cannot charge more \$4 per notarial act, and outlines recordkeeping requirements of notaries public. The action also informs the Secretary of State's Office process for communicating with notaries public, and requires notaries public to notify the Secretary of State's Office of name, email, and address changes.

### **Labor, Maryland Department of**

#### **Proposed Regulation**

**DLS Control No. 20-081**

**Maryland Department of Labor:**

**Commissioner of Financial Regulation:**

**Credit Reporting Agencies:** COMAR 09.03.07.02-.07

According to the department, the purpose of this action is to generally enhance consumer rights and protections, update the consumer credit reporting agency regulations to better reflect existing market practices and conditions, and improve the channels of information exchange between the Commissioner and consumer credit reporting agencies. This action seeks to ensure accuracy in the information that consumer credit reporting agencies collect, maintain efficiency in the systems that consumer credit reporting agencies use for maintaining consumer information and responsiveness to consumer complaints, transition consumer credit reporting agencies' registration to NMLS, and establish bond requirements and standards.

### **Insurance Administration, Maryland**

#### **Proposed Regulation**

**DLS Control No. 20-084**

**Maryland Insurance Administration:**

**Insurance Producers and Other Insurance Professionals:**

**Insurance Producers – Continuing Education Requirements:** COMAR 31.03.02.03

According to the administration, the purpose of this action is to amend Regulation .03 under COMAR 31.03.02 Insurance Producers – Continuing Education Requirements. This change would allow insurance producers with excess continuing education credits, due to completion of a designation program, to use the credits towards completion of their continuing education requirements for an additional license renewal period, up to nine credits.

### **Lottery and Gaming Control Agency, Maryland State**

#### **Proposed Regulations**

**DLS Control No. 20-083**

**Maryland State Lottery and Gaming Control Agency:**

**Gaming Provisions:**

**General:** COMAR 36.03.01.02

**Investigation and Licensing:** COMAR 36.03.02.01 - .04, .06, .12, .17, .and .18

**Enforcement:** COMAR 36.03.04.03

**Enforcement of Voluntary Exclusion Program:** COMAR 36.03.06.01 and .02

**Video Lottery Facility Minimum Internal Control Standards:**

COMAR 36.03.10.03, .16, .20, and .28

**Video Lottery Terminals: Video Lottery Technical Standards:**

COMAR 36.04.01.18 and .28

**Table Games: Table Game Procedures:** COMAR 36.05.03.23

**Skill-based Amusement Devices: Amusement Gaming License:**

COMAR 36.08.03.02

According to the agency:

- Under COMAR 36.03.02, codify existing processes that agency staff uses to review a video lottery employee licensee's notice that he or she intends to make a "change in employment status"; clarify that those licensees separated from employment for more than 6 months shall pay the required fee for conducting a criminal history check; clarify that an applicant or licensee always has the burden of proving license qualifications; delete the certified check payee designation for administrative costs and fees for licensing, making the process more easily adaptable for the agency's fiscal staff; clarify that Agency staff's approval of an "institutional investor" would generally be valid for a term of 5 years from the date of last approval; restate and clarify that a video lottery employee license is portable in the State, and that nothing precludes the holder of a valid license from working at more than one casino; and increase the vendor registration limit to \$20,000.
- Under 36.03.06, clarify that, if a casino uses technology to comply with the confidentiality requirements of Regulation .01.B, the casino is responsible for ensuring compliance with all applicable State laws, and for preventing unauthorized access to confidential VEP records; specifically require a casino that uses this technology include the confidentiality assurance with its annual report to the Commission describing its responsible gaming plan.
- Under 36.03.10, clarify the reporting requirements for a missing form or document that is required to be accounted for by series number or copies of a form or document that are required to be compared for agreement; removes the 90 day follow up requirement and changes the Player Tracking System audit from at least semiannual to at least annual; authorize a facility operator to accept checks issued as a payout in connection with gaming activity from a facility operator that holds a valid gaming license in another jurisdiction, subject to a daily aggregate limit of \$25,000; and authorize a counter check to be redeemed in a gaming pit.
- Under 36.04.01, authorize a bar-top style video lottery terminal to use different tower lights from an upright VLT; allow the progressive controller to be located in a video lottery terminal, as well as another secured area.
- Under 36.05.03, clarify the procedures for issuing a manual table game payout document.
- Under 36.08.03, make this regulation consistent with COMAR 36.08.02.01, which was amended to require registration every other year.