



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

Date: September 4, 2020

Re: **Synopses of Regulations received from 8/7/2020 through 9/3/2020**

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. 20-094

Board of Elections:

Early Voting:

Early Voting Centers: COMAR 33.17.02.01 - .02

According to the board, the proposed emergency changes allow a local board to establish a new early voting center if the number of active, registered voters increased in an amount that would have crossed the threshold for a new early voting center in the time since the number of early voting centers was determined (either months prior to the primary election). This issue was brought to the State Board at its July 23, 2020 meeting by a local board of elections, and was adopted by the State Board at its August 5, 2020 meeting. Prior to adopting these proposed emergency regulations, the members of the board first passed a motion to suspend the requirements of EL § 10-301.1(c), which requires each early voting center to be designated “no later than 6 months before a primary election.” The board has the authority to do this under the Governor’s emergency delegation of suspension authority to agencies with regard to deadlines, timeframes, etc., in the statutes they administer, as outlined in the Governor’s Emergency Order dated June 19, 2020. As this was not brought to the State Board until July, there is not enough time to adopt these regulations under the normal promulgation process.

Emergency Regulations

DLS Control No. 20-096

Board of Elections:

Meetings and Training:

Judges’ Manuals and Training: COMAR 33.02.03.04

Canvassing: Definitions; General Provisions: COMAR 33.08.01.02

Absentee Ballots: Issuance and Return: COMAR 33.11.03.06 and .08

Early Voting: Election Judges: COMAR 33.17.05.01

According to the board, the regulations make changes for the November 3, 2020, general election relating to the training of election judges, the canvass of votes, the return of voted absentee ballots, and the operation of voting centers. Most of these emergency regulations are identical to emergency regulations that were in effect for the June 2, 2020, primary election.

Emergency Regulation

DLS Control No. 20-099

Board of Elections:

Early Voting:

Early Voting Centers: COMAR 33.17.02.02

According to the board, these changes are necessary to allow the local boards of elections to change previously approved early voting centers or add additional early voting centers. The

proposed emergency changes allow a local board to change the location of or establish a new early voting center if: (1) a previously approved center is no longer available; (2) a local board determines that there is a more suitable location; and (3) a local board approves an early voting center authorized under Election Law Article, §10-301.1(b)(7). Due to the short time before early voting, the State Board of Elections adopted these regulations as an emergency measure.

Comptroller of the Treasury

Proposed Regulation

DLS Control No. 20-092

Comptroller of the Treasury:

Alcohol and Tobacco Tax:

Alcoholic Beverages: COMAR 03.02.01.05

According to the office, the purpose of this action is to update and rename a regulation dealing with price filings and containers of alcoholic beverages for sale.

Natural Resources, Department of

Proposed Regulations

DLS Control No. 20-098

Department of Natural Resources:

Fisheries Service:

Fishing in Nontidal Waters: COMAR 08.02.11.01, .03, and .04

According to the department, the proposed action prohibits the possession of brook trout while fishing in nontidal waters of the State located east of Interstate 81. All brook trout caught from waters east of Interstate 81 (I-81) must be released. The proposed action also prohibits the possession of brook trout in nontidal waters of the State that are designated as a put-and-take area. All brook trout caught from a put-and-take trout fishing area must be released. The purpose of this action is to eliminate the harvest of adult brook trout in Maryland's most pressured waters and stressed populations. The proposed action also reorganizes sections for clarity, corrects references, and removes duplicate information.

Labor, Maryland Department of

Proposed Regulation

DLS Control No. 20-091

Maryland Department of Labor:

Commissioner of Financial Regulation:

Credit and Other Regulation: COMAR 09.03.10.05

According to the department, the regulation specifies the form which a mobile home retailer must use to provide a certain written statement to a prospective consumer borrower.

Emergency Regulation

DLS Control No. 20-097

Maryland Department of Labor:

Commissioner of Financial Regulation:

Credit and Other Regulation: COMAR 09.03.10.05

According to the department, we currently have a Proposed Regulation in motion (New Regulation 09.03.10.05: a link to a one page disclosure statement). Pursuant to Senate Bill 155 from last year's Session, Enacted under Article II, Section 17(c) of the Maryland Constitution - Chapter 49, said disclosure statement is mandated to be on a form prescribed by the Commissioner by Regulation. However, the provisions of that new law have an effective date of October 1, 2020, and we now believe the adoption date for the aforementioned Proposed Regulation will fall beyond that date.

Proposed Regulations

DLS Control No. 20-100

Maryland Department of Labor:

Racing Commission:

Prohibited Acts: COMAR 09.10.03.03

Prohibited Acts: COMAR 09.10.03.08

According to the department, the purpose of this action is to restrict the use of shock wave therapy on a horse during training by not allowing a horse to work out for at least 10 days after treatment. This proposal also codifies the prohibition of Lasix being administered to a 2 year old thoroughbred horse and any thoroughbred horse that participates at a graded stakes race within 48 hours of its race.

Proposed Regulation

DLS Control No. 20-101

Maryland Department of Labor:

Racing Commission:

Thoroughbred Rules: COMAR 09.10.01.57

According to the department, the purpose of this action is to require a trainer and assistant trainer of horses to complete four hours of continuing education each calendar year to remain eligible to renew their license.

Insurance Administration, Maryland

Proposed Regulation

DLS Control No. 20-093

Maryland Insurance Administration:

Insurance Producers and Other Insurance Professionals:

Managing General Agents: COMAR 31.03.19.01

According to the administration, the regulation requires a managing general agent to maintain and obtain a certain fidelity bond and a certain errors and omissions policy for the protection of the insurer and policyholder.

Emergency/Proposed Regulations

DLS Control No. 20-095

Maryland Insurance Administration:

General Regulations:

Emergency Powers: COMAR 31.01.02.02, .03, and .06

According to the administration, these regulations extend the applicability of Chapter .02 to certain pharmacy benefits managers. Additionally, these regulations authorize the bulletin issued by the Commissioner during a state of emergency to waive certain cost sharing requirements and make other changes related to health carrier coverage and handling of claims related to the diagnosis, testing, and treatment of a specified illness, including vaccination for the illness.

Proposed Regulations

DLS Control No. 20-102

Maryland Insurance Administration:

Property and Casualty Insurance:

Notices of Cancellation, Nonrenewal, Premium Increase, and Reduction in

Coverage: COMAR 31.08.03.04, .05, .07, and .08

According to the administration, the purpose of this action is to amend regulations .04, .05, .07, and .08 under COMAR 31.08.03 Notices of Cancellation, Nonrenewal, Premium Increase, and Reduction in Coverage. During the 2020 General Assembly Legislative session, Senate Bill 97(SB 97) was passed, which amended § 27-613 and § 27-614 of the Insurance Article. See Md. Laws 2020, Ch. 523. Chapter 523 permits consumers to electronically file a protest or request a hearing of premium increase via the Administration's consumer complaint portal in response to notices of auto premium increases, non-renewals, and cancellation. These regulations implement those requirements.

