



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
Kathleen P. Kennedy, AELR Committee Counsel
Georgianne Carter, AELR Committee Counsel

Date: October 16, 2020

Re: **Synopses of Regulations received from 10/2/2020 through 10/15/2020**

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/Proposed Regulations

DLS Control No. 20-128

Board of Elections:

Early Voting:

Early Voting Activities: COMAR 33.17.06.05

According to the board, this proposed change removes the prohibition of receiving an absentee ballot at an early voting center. This provision is currently in conflict with COMAR 33.11.03.06E, which allows for the return of voted absentee ballots at early voting centers. When 33.11.03.06E was adopted earlier this year, this provision should have been amended. Due to the short time period before the general election, emergency status is being requested for this amendment for the 2020 General Election, but is also being submitted under the normal promulgation process.

Emergency Regulation

DLS Control No. 20-129

Board of Elections:

Canvassing:

Definitions; General Provisions: COMAR 33.08.01.02-1

According to the board, this clarifies that counsel does not need to be present at all pre-election day canvasses for the 2020 General Elections but does need to be present at post-election day canvasses if the ballots being canvassed could decide the outcome of a contest or question. Subsection B requires that counsel be present at any decision meetings on the legality or acceptability of a vote on any ballot, an absentee ballot, provisional ballot application, or provisional ballot. This amended regulation aligns with when the members of the local boards of elections are required to be present at the canvass. Due to the short time period before the general election, this amendment is being requested for emergency status.

Natural Resources, Department of

Proposed Regulations

DLS Control No. 20-126

Department of Natural Resources:

Wildlife:

Threatened and Endangered Species: COMAR 08.03.08.01, and .04 through .09

According to the department, the purpose of this action is to add four new species of animals to the lists of endangered, threatened or in need of conservation, and reclassify 56 species by changing the status of 12 species and removing 44 species. One insect is proposed to be added to the list as endangered. One mollusk and one bird species are proposed to be added to the list as

threatened and one mollusk species is proposed to be added to the list as in need of conservation. The classifications for several plant species are also changed.

Environment, Department of the

Proposed Regulation

DLS Control No. 20-127

Department of the Environment:

Water Management:

Construction on Nontidal Waters and Floodplains: COMAR 26.17.04.05

According to the department, the purpose of this action is to amend Regulation .05 under COMAR 26.17.04 to authorize an entity designated by the Department of the Environment to approve certain small ponds in accordance with Environment Article, §§ 5-503, and to exempt from a dam safety permit small ponds in Use III watersheds approved by a local Soil Conservation District or the Department's designee. These changes will allow the Maryland Department of the Environment to exempt from obtaining a dam safety permit the construction, reconstruction or repair of certain small low-hazard ponds approved by the local Soil Conservation District or the Department's designee.