



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: Georgeanne Carter, AELR Committee Counsel
Kathleen P. Kennedy, AELR Committee Counsel
Kelvin Lucas, AELR Committee Counsel

Date: April 29, 2022

Re: **Synopses of Regulations received from 4/15/2022 through 4/28/2022**

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. 22-297

Department of Natural Resources:

Wildlife:

Forest Wildlife: COMAR 08.03.04.05

According to the department, the purpose of this action is to make a name change correction for a boundary demarcation pertaining to a referenced portion of public property. The actual geographic location being cited in regulation should be Isle of White Bay, not Assawoman Bay.

Proposed Regulations

DLS Control No. 22-298

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 2022-2023 and 2023-2024 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. An additional day of black bear hunting has been added to the established black bear hunting season. One additional day has been added to the Region A antlerless deer firearms season. Ruffed grouse season has been shortened and will now close on December 31. The northern bobwhite quail season in the Eastern Zone will now close on January 15 and hunting will be closed on lands owned or managed by the Department in the area east of the Susquehanna River. Wolf Den Run State Park will become open to public hunting.

Proposed Regulations

DLS Control No. 22-299

Department of Natural Resources:

Wildlife:

Waterfowl: COMAR 08.03.07.04 and .07

According to the department, the purpose of this action is to amend COMAR 08.03.07.04 and .07 in response to recent changes to the U.S. Fish and Wildlife Service (USFWS) Federal Regulations. The USFWS eliminated the Special Sea Duck Season, however, Maryland will retain the areas previously delineated for the Special Sea Duck Season as the Sea Duck Zone where sea duck hunting will be allowed during regular duck seasons. In order to align with the USFWS Federal Frameworks, the regulations rename the “old-squaw duck” to the “long-tailed duck” and clarify that hunters may only shoot a “crippled” duck while under power in a boat or floating blind, while hunting within the Sea Duck Zone.

Proposed Regulation

DLS Control No. 22-300

Department of Natural Resources:

Fisheries Service:

General: COMAR 08.02.01.10

According to the department, the purpose of this action is to add catfish to the list of species for which the department may conduct a pilot program. Pilot programs are projects which demonstrate and evaluate new approaches to managing fisheries under a fishery management plan. In order for the department to conduct a pilot program, the species must have a fishery management plan, the plan must be incorporated into regulation (COMAR 08.02.01.01), and the species must be listed as pilot program eligible in regulation (COMAR 08.02.01.10). The department adopted the Fishery Management Plan for Tidewater Catfish (December 2021) and is in the process of incorporating it into regulation. This change would give the Department the ability to conduct a pilot program for the commercial catfish fishery.

Proposed Regulation

DLS Control No. 22-301

Department of Natural Resources:

Fisheries Service:

General: COMAR 08.02.01.01

According to the department, the purpose of this action is to incorporate the Fishery Management Plan for Tidewater Catfish (December 2021) into regulation by reference. The Fishery Management Plan provides a framework for managing the catfish fishery in tidal waters, including providing authority to conduct pilot programs. The pilot programs will allow us to investigate and evaluate new methods for managing the fishery with a goal toward expanding harvest, particularly for invasive species.

Transportation, Department of

Proposed Regulation

DLS Control No. 22-296

Department of Transportation:

Transportation Service Human Resources System:

Leave Benefits: COMAR 11.02.03.05

According to the department, the purpose of this action is to The Governor of Maryland issued a proclamation on June 6, 2021, marking Juneteenth a State holiday and the President of the United States signed a federal law on June 17, 2021, making Juneteenth a federal holiday. The purpose of this proposed action is to codify Juneteenth in the Maryland Department of Transportation's Holiday Leave regulations and to match recent updates to the union MOUs which were amended to reflect the wording in the State Personnel and Pensions Article. The regulation

amendments also change the regulation from stating that holidays are no longer only days identified by the Governor but can also be as designated by the President of the United States. There is further clarification included in the amended text that states employees must be in paid status either the day before or after the holiday to receive the holiday leave.

Secretary of State

Proposed Regulations

DLS Control No. 22-305

Executive Department:

Secretary of State:

Charitable Organizations: Procedural Regulations:

COMAR 01.02.03.02 through .05, .07, and .10 through .12

According to the Secretary, the purpose of this action is to update regulations to conform to current procedures and practices followed by the Secretary of State in the administration of the Maryland Solicitations Act. This action clarifies who may request a hearing and the timelines within which a hearing must be held before the Secretary of State. This action also informs the administrative agency hearing process and makes certain technical changes.

Maryland Department of Health

Emergency Regulations

DLS Control No. 22-304

Maryland Department of Health:

Developmental Disabilities:

Fee Payment System for Licensed Residential and Day Programs:

COMAR 10.22.17.02 and .10

According to the department, the purpose of this emergency action is to permit flexibilities in the minimum service hours for meaningful day services provided and billed for, consistent with DDA's Appendix K, temporarily amending requirements in DDA's Medicaid Waiver programs during the public health emergency. In addition this action amends the minimum service hours requirements to accommodate the new 15-minute service units to be implemented under DDA's LTSS Maryland electronic software system under its new rates and fee-for-service model.

Labor, Maryland Department of

Emergency/Proposed Regulations

DLS Control No. 22-302

Maryland Department of Labor:

Racing Commission:

Harness Racing: COMAR 09.10.02.08

Harness Racing: COMAR 09.10.02.25

According to the department, ocean Downs Raceway begins their race Meeting on May 29, 2022 and has asked that these amendments be in place to coincide with their operations.

Proposed Regulations

DLS Control No. 22-303

Maryland Department of Labor:

Racing Commission:

Thoroughbred Rules: COMAR 09.10.01.84

Thoroughbred Rules: COMAR 09.10.01.88

According to the department, the purpose of this action is to allow an individual to select an alternate wagering selection in the event their primary selection has been scratched.

Institute for Emergency Medical Services Systems, Maryland

Proposed Regulations

DLS Control No. 22-306

Maryland Institute for Emergency Medical Services Systems:

Designation of Trauma and Specialty Referral Centers:

General Provisions: COMAR 30.08.01.02

Perinatal and Neonatal Referral Center Standards:

COMAR 30.08.12.01, and .03 through .15

According to the institute, the purpose of this action is to align the standards for designation of Level III and IV perinatal centers with the current Maryland Perinatal System Standards.

Public Service Commission

Proposed Regulation

DLS Control No. 22-295

Public Service Commission:

CYBERSECURITY:

General: COMAR 20.06.01.01 through .05

According to the commission, the purpose of this action is to propose regulations that are applicable to all Maryland utilities under Commission jurisdiction that:

- establish certain cybersecurity definitions;
- establish a standard for “good cybersecurity practice”;
- establish requirements for periodic cybersecurity reporting for utilities with over 30,000 customers; and
- establish requirements for utility cybersecurity breach reporting.