



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 V. Lucas, AELR Committee Counsel

Date: July 3, 2024

Re: **Synopses of Regulations received from 4/26/2024 through 7/2/2024**

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.

GC:KPK:KVL/bal

cc: Sally Robb
Jeremy Baker

Commerce, Department of

Proposed Regulations

DLS Control No. 24-043

Department of Commerce: Economic Development:

Maryland E-Innovation Initiative Program: COMAR 24.05.22.01 – .11

According to the department, the purpose of this action is to amend the existing regulations to reflect the operations of the program.

Natural Resources, Department of

Proposed Regulations

DLS Control No. 24-037

Department of Natural Resources: Fisheries Service:

Striped Bass: COMAR 08.02.15.08 – .09 and .12

Gear: COMAR 08.02.25.03

According to the department, these regulations (1) repeal the recreational and charter boat spring (trophy) season for striped bass; (2) repeal the recreational and charter boat early summer and fall season for striped bass in the Susquehanna Flats, Susquehanna River, and Northeast River and consequently prohibit the targeting of striped bass in the Susquehanna Flats, Susquehanna River, and the Northeast River from May 16 through May 31, inclusive; (3) prohibit an individual from possessing more than two fillets per legal fish on board a vessel; and (4) extend the period during which a person is prohibited from targeting striped bass and striped bass hybrids and attempting to catch fish by trolling in the Chesapeake Bay and its tidal tributaries and during which a person is required to use certain hooks.

Proposed Regulation

DLS Control No. 24-041

Department of Natural Resources: Fisheries Service:

Fishing Licenses – Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure: COMAR 08.02.13.05

According to the department, the purpose of this action is to update the recreational penalty schedule by adding a penalty for failing to immediately release diamondback terrapins, modifying the penalty for violating recreational crabbing catch times, adding penalties for using a prohibited species as bait, and making housekeeping changes to update references to COMAR. These actions were recommended by the Sport Fisheries Advisory Commission/Tidal Fisheries Advisory Commission Joint Penalty Workgroup.

Proposed Regulation

DLS Control No. 24-050

Department of Natural Resources:

Deep Creek Lake: Permits: COMAR 08.08.05.03

According to the department, the purpose of this action is to extend the boating season on Deep Creek Lake.

Proposed Regulations

DLS Control No. 24-059

Department of Natural Resources:

Wildlife: Waterfowl: COMAR 08.03.07.04 and .07

According to the department, the purpose of this action is to expand the current Sea Duck Hunting Zone boundary and Offshore Waterfowl Hunting Zone boundary to include the largest extent of both zones (as they are described in current regulation). The expanded zone excludes Kent County Shoreline, lower Chester River, lower Choptank River, and lower Little Choptank River, which will remain open to sea duck (scoters, long-tailed duck, eiders) harvest only by allowing the traditional Sea Duck Zone boundaries and species restrictions to remain in place. This amendment will simplify regulations for hunters and offer more public hunting opportunity.

Proposed Regulation

DLS Control No. 24-060

Department of Natural Resources: Wildlife:

Open Seasons, Bag Limits for Game Birds and Game Animals: COMAR 08.03.03.01

According to the department, the purpose of this action is to add C&D Canal Lands in Cecil County as a designated public property that is open to Sunday hunting. This action will increase opportunity for hunters and assist with managing wildlife populations on and around the property. Sunday hunting opportunities will be available for deer, turkey, small game, and furbearers.

Proposed Regulations

DLS Control No. 24-061

Department of Natural Resources: Wildlife:

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

COMAR 08.03.03.03 – .08

According to the department, the purpose of this action is to establish the season dates and bag limits for the 2024-2025 and 2025-2026 hunting seasons for forest game, upland game, fur-bearing mammals, white-tailed deer and sika deer. Hunting season dates and bag limits for most species are similar to previous hunting seasons with some exceptions. Additional antlerless deer hunting opportunities have been added for Region A in western Maryland to help manage the deer population, and squirrel, fox, and coyote seasons and bag limits have been modified slightly to better manage these populations. The squirrel bag limit has been combined to include,

red, gray, and fox squirrels. The coyote and fox hunting and trapping seasons have been extended two weeks in both zones.

Planning, Department of

Proposed Regulations

DLS Control No. 24-036

Department of Planning: Historical and Cultural Programs:

Maryland Historical Trust Historic Preservation Loan Program:

COMAR 34.04.02.01 – .11 and .13

According to the department, these regulations update application and administrative procedures for transfers to qualified cooperating nonprofit organizations under the Maryland Historic Preservation Loan Fund of the Maryland Historical Trust (MHT) in accordance with statutory changes under Chapters 203 and 204 of 2023.

Public Safety and Correctional Services, Department of

Proposed Regulation

DLS Control No. 24-042

Department of Public Safety and Correctional Services:

Police Training Commission:

Police Accountability Boards and Administrative Charging Committees:

COMAR 12.04.09.02

According to the department, the purpose of this action is to adopt a more appropriate definition for “Local governing body” that includes charter forms of government. The current COMAR definition of “Local governing body” references Public Safety Article, §14-401, Annotated Code of Maryland. This definition does not recognize a charter form of government. The assistant attorney general for the Police Training and Standards Commission has recommended the definition of “Governing body” cited in Local Government Article, §1-101, which includes Baltimore City, commission counties, and charter governments. The change will bring clarity for local governments.

Proposed Regulations

DLS Control No. 24-046

Department of Public Safety and Correctional Services:

Correctional Training Commission:

General Regulations: COMAR 12.10.01.21 and .22

According to the department, these regulations alter existing requirements that an individual applying for certification as a correctional officer from the Correctional Training

Commission is not prohibited from certification or employment due to the individual's use of cannabis, a narcotic, or a controlled dangerous substance that is legal under Maryland law.

State Police, Department of

Proposed Regulations

DLS Control No. 24-056

Department of State Police: Crime Laboratory:

Testing Blood and Breath for Alcohol: COMAR 29.05.03.01 – .09

According to the department, the purpose of this action is to align regulatory language with statute by adding new regulations under the Maryland State Police that were formerly regulated by the Maryland Department of Health. This is to satisfy Courts and Judicial Proceedings 10-304 passed in 2022.

Transportation, Department of

Proposed Regulations

DLS Control No. 24-045

Department of Transportation:

Motor Vehicle Administration – Administrative Procedures:

Motor Vehicle Fees: COMAR 11.11.05.02 – .06

According to the department, the purpose of this action is to adjust the fees charged for certain transactions for vehicle titling, driver's license and identification cards, vehicle registration, regulatory business license, and miscellaneous services in order to reflect the cost of providing the services and products covered by these fees in compliance with Transportation Article, § 12- 120, Annotated Code of Maryland and to remove an obsolete fee for the sale of law books.

Veterans Affairs, Department of

Proposed Regulations

DLS Control No. 24-040

Department of Veterans Affairs: General:

Definitions: COMAR 35.01.01.02

Restoration of Benefits Application Procedures: COMAR 35.01.01.05

According to the department, these regulations define “honorable discharge” for the purpose of determining State program benefits, rights, or privileges to include certain instances of discharge that are less than honorable based on sexual orientation or gender identity in accordance with Chapter 422 of 2022, and requires a veteran to submit related documentation

requested by the Maryland Department of Veterans Affairs (renamed by Chapters 11 and 12 of 2024 to be the Department of Veterans and Military Families effective July 1, 2024) to the Secretary of Veterans Affairs (renamed by Chapters 11 and 12 to be the Secretary of Veterans and Military Families effective July 1, 2024).

Civil Rights, Commission on

Proposed Regulations

DLS Control No. 24-039

Independent Agencies: Maryland Longitudinal Data System Center:

Inspection and Copying of Records: COMAR 14.36.01.01 – .03, .09, .11, and .13 – .16

Corrections of Public Records: COMAR 14.36.02.02 and .05 – .11

Meetings: COMAR 14.36.03.01 – .03

Longitudinal Data Requests: COMAR 14.36.04.02 – .03 and .06 – .07

Data Collection: COMAR 14.36.05.01 – .06

Center Staff: COMAR 14.36.06.01 and .03

According to the board, the purpose of this action is to (1) conduct a full regulatory review of the MLDS Center regulations under COMAR 14.36.01 – .06 Maryland Longitudinal Data System (2) provide a definition for “medical and health records” and clarify that medical and health records are prohibited from being included in the Maryland Longitudinal Data System consistent with Education Article § 24-701(1)(3), Annotated Code of Maryland.

Proposed Regulations

DLS Control No. 24-044

Independent Agencies: Maryland Energy Administration:

Maryland Energy Efficiency Standards: COMAR 14.26.03.01 – .13

According to the administration, the purpose of this action is to implement the Maryland Efficiency Standards Act by establishing minimum efficiency standards for certain new products sold or installed in the State and to establish testing, certification, inspection, and enforcement procedures for ensuring compliance with established standards.

Proposed Regulation

DLS Control No. 24-051

Independent Agencies: Maryland Center for School Safety: COMAR 14.40.06.06

According to the agency, the purpose of this action is to provide specific dates and timing for mandated actions required by local education agencies (LEAs) and local law enforcement agencies under the Safe to Learn Act (2018) to:

- Submit an annual summary report of certain threats, drills, emergency responses to a public school and details about the effectiveness of emergency plans during those events (Ed. Art. §7-1501(f)).

- Submit annual reports on the number of incidents where a school resource officer or school security employee used force on a student in carrying out their duties (Ed. Art. §7-1508(h)).
- Conduct regular safety evaluations of each public school (Ed. Art. §7-1510(f)).
- Regularly update school emergency plans for every public school (Ed. Art. §7-1501(i)).
- Submit annual reports on the number of schools with assigned SROs or adequate law enforcement coverage (Ed. Art. §7-1508(c) & (e)).

Labor, Maryland Department of

Proposed Regulations

DLS Control No. 24-048

Maryland Department of Labor: Commissioner of Financial Regulation:

General Regulations: COMAR 09.03.02.01, .04, and .09 – .13

Mortgage Lenders: COMAR 09.03.06.04

According to the department, the purpose of this action is modernizing Maryland's non-depository licensing system as a result of the Legislature's adoption of Ch. 567 (H.B. 686), Acts of 2023, which amended Maryland's branch licensing, assessment, and bond laws (Business Regulation Article §§ 7-101, 7-206, 7-301(c), 7-302(b), (d), and (e), 7-302.1(b), 7-302.2(a), 7-304(c)(1), 7-305, 7-306.1(a) and (c), and 7-308(c), 7-302.2(c) and 7-304(j), Commercial Law Article, § 14-1216(d) and (e), Financial Institutions Article, §§ 2-120, 2-121, 11-203.1(b), 11-203.3(c), 11-206(d), 11-208, 11-211, 11-402.1(c), 11-408, 11-411, 11-501(f-1) and (f-2), 11-503.2(c), 11-508(c), 12-104.1(c), 12-110, 12-113, 12-401(k) and (l), 12-404(c), 12-407(b)(1), 12-415(a), 12-905(c), and 12-914(f), 11-201, 11-203.3(a), 11-204(a) and (c)(2), 11-206(a)(2) and (c)(3)(i), 11-210(b)(1) and (c), 11-401, 11-402.1(a), 11-403(b), 11-404(a)(2), 11-406(a), 11-410(b)(1) and (c), 11-414, 11-503.1(b), 11-503.2(a), 11-505, 11-506.1(b) through (e), 11-507, 11-508(a) and (e) through (g), 11-511(a), (c), and (d), 11-512, 11-512.1(a) and (c), 11-513, 11-601(f), 11-602(c), 11-612.1, 12-101, 12-104.1(a), 12-105(b), 12-106, 12-108(a)(2), 12-112(b)(1) and (c), 12-114(c), 12-118, 12-401(c) and (k-1), 12-404(a), 12-406(a)(3), 12-407(b)(2), 12-410, 12-412(a) and (d), 12-424, 12-901, 12-904, 12-905(a), 12-906(b), 12-908(b)(1) and (2), 12-911, 12-914(b)(2)(i), 12-915, 12-923(b)(1), 12-924(a), (c), and (d), and 12-1007(a), Annotated Code of Maryland) and eliminated the requirement for certain non-depository financial institutions to maintain separate licenses for branch locations and authorizing them to conduct business at multiple licensed locations under a single license.

This action enhances the Office of Financial Regulation's (OFR's) licensing regulations by adding: (1) definitions for certain undefined terms used in licensing and assessing non-depository businesses; (2) a description of the information required to be maintained by regulated persons; (3) a description of the process to add, change, or delete a trade name; (4) procedures for the assessment of regulated entities; (5) provisions for locations including mobile units for a check casher; (6) procedures for locations including kiosks for a money transmitter; (7) a requirement

for the Commissioner to provide a list of licensed locations upon request; and (8) procedures for licensing of mortgage lenders mortgage lenders.

Proposed Regulations

DLS Control No. 24-049

Maryland Department of Labor: Commissioner of Financial Regulation:

Shared Appreciation Agreements: COMAR 09.03.15.02 – .05

According to the department, the purpose of this action is to modernize Maryland's consumer lending laws as a result of the Legislature's adoption of Ch. 568 (H.B. 1150), Acts of 2023, which confirmed shared appreciation agreements are subject to the Maryland Mortgage Lender Law (Commercial Law Article, §§ 12-901(a) and 12-1001(a), 12-901(g) and (g-1) through (l), 12-913.1, 12-922, 12-1001(j) and (k-1) through (m), and 12-1013, 12-901(n), 12-926, 12-1001(o), and 12-1030, Financial Institutions Article, §§ 11-501(a), 11-501(h-1) through (q) and 11-501(r), Annotated Code of Maryland) and aligning Maryland with other states already regulating shared appreciation agreements.

This action enhances the Office of Financial Regulation's (OFR's) licensing regulations by adding: (1) definitions for certain undefined terms used in shared appreciation agreements; (2) a description of the required disclosures in shared appreciation agreements; (3) procedures for the calculation of a property value; and (4) a description of the ability to repay standard.

Proposed Regulation

DLS Control No. 24-057

Maryland Department of Labor: Real Estate Commission:

Fees: COMAR 09.11.09.02

According to the department, the purpose of this action is to amend the list of Maryland Real Estate Commission fees.

Proposed Regulations

DLS Control No. 24-058

Maryland Department of Labor: Division of Labor and Industry:

Heat Stress Standards: COMAR 09.12.32.01 – .10

According to the department, the purpose of this action is to establish minimum requirements for employers to protect employees from heat stress-related illness caused by heat stress as required by Ch. 308, Laws of 2020 (House Bill 722).

Higher Education Commission, Maryland

Proposed Regulations

DLS Control No. 24-062

Maryland Higher Education Commission: Financial Aid:

Student Loan Debt Relief Tax Credit: COMAR 13B.08.17.02 – .05

According to the commission, the purpose of this action is to change the eligibility categories for the Tax Credit pursuant to Chapter 738 of the 2023 Acts of Maryland and to clarify some existing language.

Treasurer, Office of the State

Proposed Regulations

DLS Control No. 24-055

Office of the State Treasurer: Maryland 529 Program:

Maryland Prepaid College Trust Claim Procedures: COMAR 25.04.01.00 – 10

According to the office, the purpose of this action is to Add Maryland 529 Program under the authority of the State Treasurer and add chapter 01 to regulate the Maryland Prepaid College Trust Claim Procedures.

Public Service Commission

Proposed Regulations

DLS Control No. 24-052

Public Service Commission: Service Supplied by Electric Companies:

Net Metering: COMAR 20.50.10.04 – .05

According to the commission, these regulations address the calculation and handling of net excess generation for electricity customers who are on a time of use rate.

Proposed Regulation

DLS Control No. 24-053

Public Service Commission: Service Supplied by Electric Companies:

General: COMAR 20.50.01.03

According to the commission, this regulation establishes a definition for “time varying rate” for the purposes of calculating on and off peak consumption and generation for net energy metering customers.

Education, State Board of

Proposed Regulation

DLS Control No. 24-033

State Board of Education: Students:

General Regulations: COMAR 13A.08.01.17

According to the board, the purpose of this action is to align COMAR 13A.08.01.17 with the statutory language of Education Article, §§7-303 and 7-305, Annotated Code of Maryland, to provide a definition of “reportable offenses” and to clarify necessary school and local school system actions related to educational programs and safety when there is a student facing community-based charges.

Proposed Regulation

DLS Control No. 24-035

State Board of Education: School Personnel:

Terms of Employment: COMAR 13A.07.02.01

According to the board, the purpose of this action is to remove references to “certificate” and “certificated” and replace them with references to “license” and “licensed” in accordance with the amendments to 13A.12 Educator Licensure.

Proposed Regulation

DLS Control No. 24-054

State Board of Education: General Instruction Programs:

Graduation Requirements for Public High Schools in Maryland:

COMAR 13A.03.02.12

According to the board, the purpose of this action is to align regulations with §7-205 of the Education Article, Annotate Code of Maryland, regarding application of locally established graduation requirements to homeless students.

Procurement Regulations, State

Proposed Regulation

DLS Control No. 24-047

State Procurement Regulations: Socioeconomics Policies:

American-Manufactured Goods and Services – Preferences: COMAR 21.11.14.01

According to the department, this regulation increases the Veteran-Owned Small Business Enterprise (VSBE) participation goal from 1% to 3%.