

6. Department of Health and Mental Hygiene: COMAR 10.22.07

Proposed amendments to regulations setting out the Fundamental Rights of the Mentally Retarded, published on May 13, 1983, were held up on the basis of two concerns. First, the introductory paragraph implied that the regulations went further than statutory authority provided. Secondly, the regulations permitted a mentally retarded individual to agree to perform services for a facility of the mentally retarded without provision for consultation or approval by the parent or guardian. Following assurances on May 24 by the Department Regulations Coordinator that both concerns would be addressed before formal adoption of the regulations, the AELR Committee on May 25 withdrew its objections to formal adoption.

7. Department of Health and Mental Hygiene: COMAR 10.17.02

Proposed regulations COMAR 10.17.02, published April 1, 1983, repeal in their entirety current 10.17.02 - "Individual Water Supply and Sewage Disposal Systems for Homes and Other Establishments in the Counties of Maryland where Public Water Supply and Sewage Systems are not Available" and substitute new "Sewage Disposal Systems for Homes and other Establishments in the Counties of Maryland Where a Public Sewerage System its not Available". The new regulations permit the Eastern Shore Counties to penetrate groundwaters and to use alternative methods of on-site disposal. Hearing was held June 7, 1983; AELR Committee approval is pending, but probably forthcoming.

8. Department of Natural Resources: COMAR 08.02.03

The referenced regulation, published December 23, 1982, repealed effective February 18, 1983, existing restrictions on possessing, transporting, packing, or catching egg-bearing female crabs. At the request of the AELR Committee, DNR held additional hearings June 1 and June 2, and reported back to the AELR Committee on those hearings on June 7, 1983.

DNR reported that there is difficulty in enforcing the regulations at the main processing plant in Crisfield because there is no reciprocal restrictions on the catching of egg-bearing female crabs in Virginia waters. DNR further told the Committee that there is no particular crab shortage in the Bay at this time.

DNR intends not to rescind the repeal of the regulations, but will present the question of sponge crab preservation to the interstate Chesapeake Bay Commission in the near future. The AELR Committee agreed to this approach on June 7, 1983.

9. Department of Health and Mental Hygiene: COMAR 10.43.02