Maryland Register

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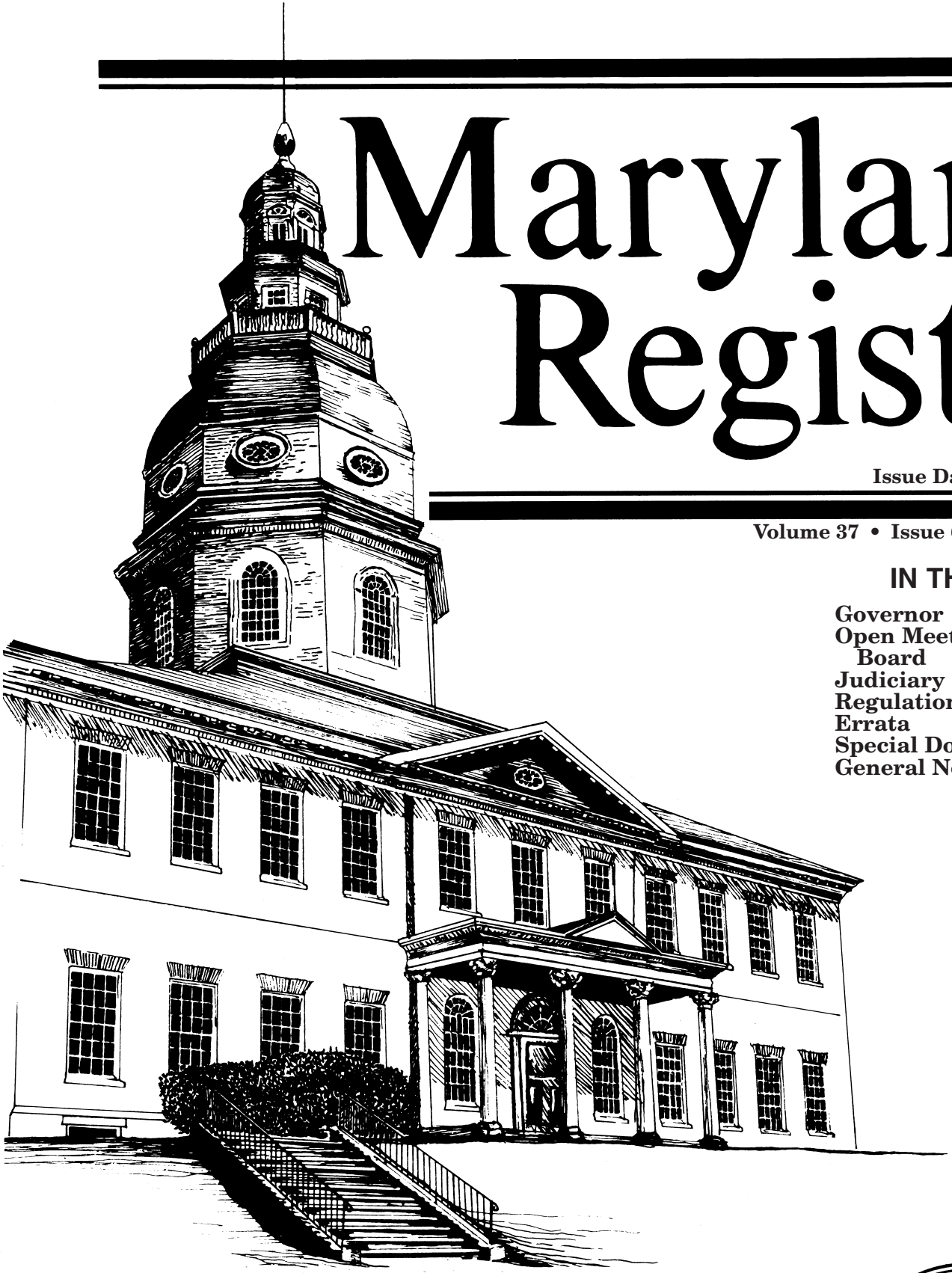

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before February 22, 2010, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of February 22, 2010.

Gail S. Klakring
Acting Administrator, Division of State Documents
Office of the Secretary of State

Information About the Maryland Register and COMAR

MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Governor's Appointments to State Offices
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

- 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

CITATION TO COMAR REGULATIONS

COMAR regulations are cited by title number, subtitle number, chapter number, and regulation number. Example: **COMAR 10.08.01.03** refers to Title 10, Subtitle 08, Chapter 01, Regulation 03.

DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is made part of COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each regulation that proposes to incorporate a document is identified in the *Maryland Register* by an Editor's Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the *Maryland Register* published each year. For further information, call (410) 974-2486.

HOW TO RESEARCH REGULATIONS

Each COMAR title has a Table of Contents and Index. An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at www.dsd.state.md.us/CumulativeIndex.pdf. This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call (410) 974-2486.

SUBSCRIPTION INFORMATION

For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register.

Single issues of the Maryland Register are $5.00 per issue, plus $2.00 for postage and handling.

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined.

Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

- By submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see "Opportunity for Public Comment" at the beginning of all regulations appearing in the Proposed Action on Regulations section of the Maryland Register). (See SG, §10-112)
- By petitioning an agency to adopt, amend, or repeal regulations. The agency must respond to the petition. (See SG §10-123)
- By petitioning an agency to issue a declaratory ruling with respect to how any regulation, order, or statute enforced by the agency applies. (SG, Title 10, Subtitle 3)
- By petitioning the circuit court for a declaratory judgment on the validity of a regulation when it appears that the regulation interferes with or impairs the legal rights or privileges of the petitioner. (SG, §10-125)
- By inspecting a certified copy of any document filed with the Division of State Documents for publication in the Maryland Register. (See SG, §7-213)

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Martin O'Malley, Governor; **John P. McDonough**, Secretary of State; **Gail S. Klakring**, Acting Administrator; **Susan E. Elson**, Deputy Administrator; **Mary D. MacDonald,** Editor, Maryland Register and COMAR; **Elizabeth Ramsey**, Editor, COMAR Online/Marketing Director; **Marcia M. Diamond**, Subscription Manager, COMAR; **Anne deBronkart,** Editor, COMAR Online; **Tami Cathell,** Editor/Help Desk, COMAR and Maryland Register Online.

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CLOSING DATES and ISSUE DATES through JULY 30, 2010

ISSUE DATE	Emergency and Proposed Regulations* 5:00 p.m.	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
March 26	March 8	March 17	March 15
April 9	March 22	March 31	March 29
April 23	April 5	April 14	April 12
May 7	April 19	April 28	April 26
May 21	May 3	May 12	May 10
June 4**	May 17	May 25	May 21
June 18**	May 27	June 9	June 7
July 2	June 14	June 23	June 21
July 16**	June 28	July 7	July 2
July 30	July 12	July 21	July 19

*Due date for documents containing 25 to 60 pages—48 hours before date shown

Due date for documents exceeding 60 pages—1 week before date shown

**Note closing date changes

***Note issue date change

The regular closing date for Proposals and Emergencies is Monday.

Availability of Monthly List of Maryland Documents

The Maryland Department of Legislative Services receives copies of all publications issued by State officers and agencies. The Department prepares and distributes, for a fee, a list of these publications under the title "Maryland Documents". This list is published monthly, and contains bibliographic information concerning regular and special reports, bulletins, serials, periodicals, catalogues, and a variety of other State publications. "Maryland Documents" also includes local publications.

Anyone wishing to receive "Maryland Documents" should write to: Legislative Sales, Maryland Department of Legislative Services, 90 State Circle, Annapolis, MD 21401.

COMAR Online

The Code of Maryland Regulations is available at *www.dsd.state.md.us* as a free service of the Office of the Secretary of State, Division of State Documents. The full text of regulations is available and searchable. Note, however, that the printed COMAR continues to be the only official and enforceable version of COMAR.

The Maryland Register is also available at *www.dsd.state.md.us*.

For additional information, visit *www.sos.state.md.us*, Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

REGULATIONS CODIFICATION SYSTEM

Under the COMAR codification system, every regulation is assigned a unique four-part codification number by which it may be identified. All regulations found in COMAR are arranged by title. Each title is divided into numbered subtitles, each subtitle is divided into numbered chapters, and each chapter into numbered regulations.

09.12.01.02D(2)(c)(iii)

Title | Subtitle | Chapter | Regulation | Section | Subsection | Paragraph | Subparagraph

A regulation may be divided into lettered sections, a section divided into numbered subsections, a subsection divided into lettered paragraphs, and a paragraph divided into numbered subparagraphs.

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

This table, previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR). The table is no longer printed here but may be found on the Division of State Documents website at www.dsd.state.md.us.

Table of Pending Proposals

The table below lists proposed changes to COMAR regulations. The proposed changes are listed by their COMAR number, followed by a citation to that issue of the Maryland Register in which the proposal appeared. Errata pertaining to proposed regulations are listed, followed by "(err.)". Regulations referencing a document incorporated by reference are followed by "(ibr)". None of the proposals listed in this table have been adopted. A list of adopted proposals appears in the Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed.

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EXECUTIVE ORDER 01.01.2010.02

Maryland War of 1812 Bicentennial Commission
(Rescinds Executive Order 01.01.2007.17)

WHEREAS, Maryland and the Chesapeake Bay region have been important centers of trade, commerce, and government for centuries;

WHEREAS, The British invasion of Maryland of 1813 and the Chesapeake Campaign of 1814 during the nation's second war for independence were a result of that strategic importance;

WHEREAS, The War of 1812 and the actions of Marylanders during the War have had lasting effects on the nation, including the test of the young democracy and its diverse population of slaves and freemen, the formation of a national identity, a commitment to a strong national military defense, and a new international political framework;

WHEREAS, Maryland saw more military actions during the War of 1812 than any other state;

WHEREAS, Maryland's unique contributions to the defense and heritage of the nation include the pivotal clash that ensured American victory, an iconic flag, and our national anthem, *The Star-Spangled Banner*;

WHEREAS, Maryland possesses an extraordinary collection of historical, cultural, and natural resources that interpret and provide public access to the stories of the War of 1812 in the State and nation; and

WHEREAS, It is in the interest of Marylanders to provide for appropriate activities to commemorate and maximize the understanding of residents and visitors about the meaning of the War of 1812 and the role of Marylanders.

NOW THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.2007.17 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Established. There is a Maryland War of 1812 Bicentennial Commission, hereafter referred to as "the Commission".

B. Tasks. The Commission is charged with the following duties:

(1) Provide coordination among public and private interpretive institutions, sites, museums, and other organizations to plan and implement an appropriate series of events and activities to commemorate the bicentennial for residents and visitors statewide;

(2) Promote the identification and documentation of historic and cultural resources, including landscapes, sites, buildings, structures, objects, and archives related to the War of 1812, and encourage their preservation;

(3) Assist with efforts to protect, improve, and develop existing educational and interpretive institutions, sites, and museums related to the War of 1812 for educational, recreational, and tourism purposes;

(4) Ensure the development of a model social studies curriculum specifically on the War of 1812, its impact on Maryland and the diverse people who fought, supported, and participated in the defense of the State and nation;

(5) Promote Maryland's War of 1812 bicentennial celebration nationally and internationally;

(6) Provide leadership for, and coordinate Maryland's efforts with other states and international entities engaged in activities related to the commemoration of the War of 1812, including but not limited to the federal Star-Spangled Banner and War of 1812 Bicentennial Commission;

(7) Secure support and financial resources to implement the events and activities planned and assisted by the Commission including the formation of an appropriate legal entity, and entering into contracts and making or receiving grants to the extent funds are available in the budget;

(8) Ensure that the activities undertaken or assisted by the Commission result in products that will have lasting value and public benefit beyond the bicentennial, especially leading to the protection of historical and cultural resources associated with the War of 1812; and

(9) Perform other actions necessary to carry out the duties of the Commission.

C. Membership. The Commission shall consist of up to 14 members including:

(1) The President of the Senate;
(2) The Speaker of the House;
(3) The Secretary of Budget and Management;
(4) The Secretary of Natural Resources;
(5) The Secretary of Planning;
(6) The Secretary of Transportation;
(7) The Secretary of Business and Economic Development; and
(8) Up to seven members with relevant interest or expertise appointed by the Governor who serve at the pleasure of the Governor.

D. Chair. The Governor shall designate a Chair from among the members of the Commission.

E. Advisory Committees. The Commission shall be supported by Advisory Committees, to be established by the Chair, as follows:

(1) Development and Sponsor Relations;
(2) Resource Stewardship and Visitor Experience;
(3) Education and Curriculum;
(4) Programs and Events;
(5) Transportation and Capital Infrastructure;
(6) Communications and Marketing;
(7) Operations and Management; and
(8) Additional Advisory Committees may be created, as necessary, to accomplish the Commission Tasks.

F. Advisory Committee Appointments. The Chair of the Commission shall appoint Advisory Committee members who broadly represent public and private interests who can make significant contributions to accomplish the Commission tasks. Advisory Committee members serve at the pleasure of the Chair of the Commission.

G. Diversity. To the extent possible, the Commission and its Advisory Committees shall be representative of the diverse communities and regions within the State.

H. Vacancies. In the event of a Commission vacancy, the Governor shall appoint a successor.

I. Staff Coordination. The Governor shall appoint an Executive Director within the Division of Tourism, Film and the Arts to provide and coordinate staff for the Commission. The Maryland Historical Trust, the Maryland State Archives and other agencies shall assist when requested by the Commission.

J. Procedures.

(1) The Commission shall meet at least semi-annually at times and places to be determined by the Chair and Executive Director.

(2) The Commission shall adopt procedures for the transaction of business.

(3) The Commission may establish a non-profit organization to receive funds for the Commission.

(4) The members of the Commission and Advisory Committees may not receive compensation for their services. The members may be reimbursed for reasonable expenses incurred in the performance of their duties, in accordance with the Standard State Travel Regulations as provided in the State budget.

K. Reporting. By November 1 of each year, the Commission shall submit a report to the Governor and General Assembly including an update on the Plan of Action, implementation timetables and benchmarks, and recommendations for any legislative, administrative, or other action the Commission deems necessary to further its mission.

L. Termination. This Executive Order shall terminate and be of no effect after June 30, 2015.

GIVEN Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 4th day of February, 2010.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN MCDONOUGH
Secretary of State

[10-06-44]

EXECUTIVE ORDER 01.01.2010.03

Declaration of Emergency

WHEREAS, Maryland is subject to a great variety of natural hazards or disasters including but not limited to severe winter storms, high winds and power outages;

WHEREAS, Having been advised and informed by the Maryland Emergency Management Agency that there is the anticipation of severe winter weather, possible flooding and subsequent power outages, that an emergency exists in the State of Maryland and that resources may be requested;

WHEREAS, In order to facilitate the deployment of requisite resources within provisions of Maryland law;

WHEREAS, Use of resources of the Maryland National Guard may be required; and

WHEREAS, In order to implement the emergency powers of the Governor, an Executive Order of the Governor is appropriate.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DECLARE THAT A STATE OF EMERGENCY EXISTS IN MARYLAND. I CALL THE MARYLAND NATIONAL GUARD INTO STATE SERVICE AND HEREBY AUTHORIZE THE MARYLAND EMERGENCY MANAGEMENT AGENCY OR OTHER APPROPRIATE STATE AUTHORITY, DURING THIS EMERGENCY PERIOD, TO ENGAGE, DEPLOY AND COORDINATE AVAILABLE RESOURCES.

A. Pursuant to the Code of Federal Regulations, 49 CFR Part 390.23, carriers and drivers of commercial motor vehicles transporting commodities related to storm relief efforts (e.g. heating oil, propane, gasoline, salt, etc.) and drivers of utility vehicles shall be relieved from the Hours of Service (HOS) requirements of 49 CFR Part 395, as adopted under Section 25-111, of the Maryland Transportation Article. This waiver does not relieve any carrier or operator from the requirements of 49 CFR Part 392.3, relating to operating a commercial motor vehicle while fatigued.

Given Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 5th day of February, 2010.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN MCDONOUGH
Secretary of State

[10-06-45]

EXECUTIVE ORDER 01.01.2010.04

Emergency Snow Relief Efforts — Vehicle Size and Weight Limits

WHEREAS, The State of Maryland has experienced a record amount of snowfall from the storm of February 6, 2010,

WHEREAS, The delivery of supplies and equipment to areas stricken by this storm is vital to the preservation of life and property, and

WHEREAS, The facilitated movement of these supplies and equipment is in the best interest of the citizens of the State of Maryland.

NOW THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HEREBY ORDER THE FOLLOWING RELIEF FROM WEIGHT LIMITATIONS FOR VEHICLES TRANSPORTING EQUIPMENT OR SUPPLIES DIRECTLY RELATED TO SNOW EMERGENCY RELIEF EFFORTS:

1. Vehicles transporting equipment or supplies directly related to snow emergency relief are allowed a 15 % tolerance above any weight limit imposed by statute. Said tolerance shall be the only tolerance applicable to the vehicle. Vehicles exceeding this tolerance and carrying a non-divisible load shall obtain a hauling permit as required. No vehicle shall exceed any tire manufacturer's maximum load capacity rating.

2. The Administrator, Maryland State Highway Administration, or the Administrator's designee may temporarily waive or modify hauling permit restrictions and conditions deemed safe and appropriate to facilitate relief efforts.

3. Carriers and drivers operating under the provisions of this declaration must adhere to all roadway restrictions of the Maryland State Highway Administration, Maryland Transportation Authority and local jurisdictions regarding roadway and bridge size and weight limitations.

4. Nothing in this declaration relieves the carrier or driver of responsibility for the safe operation of the vehicle.

5. The provisions of this Order are not applicable to any part of the Interstate Highway System. Such relief is strictly under the purview of and must be independently declared by the appropriate federal agency. Any declaration so made and receiving concurrence by the Maryland Secretary of Transportation shall become a part of this Order.

6. This Order shall remain in effect until modified or rescinded by the Governor.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 8th Day of February, 2010.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN MCDONOUGH
Secretary of State

[10-06-46]

Open Meetings Compliance Board

OPINIONS

February 16, 2010

Russell P. Butler

The Open Meetings Compliance Board has considered your complaint alleging that the Criminal Injuries Compensation Board ("CICB") may have violated the Open Meetings Act in connection at least two proposed policy changes. For the reasons explained below, we find that the CICB violated the Open Meetings Act during 2008 when it met to discuss proposed regulatory changes and when it met at some point to consider a policy concerning government issued identification without regard to the Open Meetings Act's requirements.

I

Complaint and Response; Supplemental Response

According to the complaint, the Maryland Crime Victims' Resource Center, Inc. believes that the CICB violated the notice provisions, open meetings requirement, and requirements for minutes under the Open Meetings Act in the manner that at least two policy matters were addressed. The policy matters involved the Board's decision to propose changes in its regulations, in advance of publication and opportunity for public comment,[1] and a proposal that claimants be required to provide a copy of government issued identification. The complaint also noted a decision reflected in a memorandum from the CICB's Executive Director to victim service providers to postpone the latter policy "pending comments."

In a timely response on behalf of the CICB, Assistant Attorney General Steven Hildenbrand reviewed the manner by which the regulatory changes were proposed and stated that a notice of final action has not been published in the Maryland Register.[2] The response stated that, prior to publication of the proposed regulations, the CICB's Executive Director, Robin Woolford, met informally in his office with the five Board members, at which time there was a discussion "concerning the CICB's desire to amend [COMAR 12.01.01.04, .06, and .08] and oral agreement by the Board members for Mr. Woolford to have the amendments drafted and submitted to the Office of the Secretary for publication." While no minutes or other records were kept, the CICB believes the discussion occurred some time during 2008.

The CICB acknowledged that it is a public body as defined under the Open Meetings Act and that it is subject to the Act when it engages in a quasi-legislative function. The response also acknowledged that "the decision to amend the three COMAR regulations occurred without advance notice of an open meeting . . . and no meeting minutes were made or kept. . ." The Board indicated that it will not take final action to adopt the regulations and will only proceed with further consideration of the proposed regulations after conducting a public hearing and only after compliance with the Open Meetings Act.

As to the proposed policy that would require a claimant to submit a copy of a government-issued identification, the response stated that the CICB "has delayed implementing that policy pending receipt of comments from crime victims service providers and further review and consideration . . . in accordance with all applicable law and procedure." The response referenced the October 19, 2009, memo that was attached to the complaint.

Before our review of this matter, we requested that the CICB clarify whether a quorum of the body had met in connection with the policy to require a government-issued identification or the postponement of that policy. In response, Assistant Attorney General Hildenbrand acknowledged that the CICB's executive director met informally with a quorum of the five-member board before announcement of the policy to require a photo copy of a government issued identification and it was during that meeting that the decision was made. According to the response, "[t]he meeting was not conducted as a public meeting and there was no prior public notice of the meeting. No minutes were kept concerning that decision." However, the decision to postpone the policy was made by the executive director and it did not involve a quorum of the CICB. The response reiterated that, "CICB will not further review or consider that proposed policy without complying with all applicable law and procedure."

II

Analysis

Given the CICB's acknowledgments, a detailed analysis in not required. When a public body meets and discusses a matter that constitutes a legislative or quasi-legislative function as defined in the Open Meetings Act, such as proposed changes in its regulations or other policy proposal, it is subject to the Act. §10-502(f) and (j).[3] Unless the meeting is closed in accordance with provisions of the Act, the public has a right to attend. §§10-505 and 10-507(a). Reasonable notice must be given in advance of the meeting. §10-506. Absent advance notice, it cannot be said that a meeting is in reality an "open" meeting since the public would not be aware that a meeting was to occur. 6 OMCB Opinions 47, 49 (2008). And minutes of the meeting must be produced in accordance with §10-509.

Based on the CICB's acknowledgments, we find that the Board violated the Open Meetings Act when it discussed the regulatory changes in the office of the executive director in 2008 and when it discussed at some point the policy to require that claimants' provide a copy of a government issued identification. The decision to delay implementation of the latter policy, however, did not involve a quorum of the CICB, thus, it was not governed by the Open Meetings Act.

III

Conclusion

We find that the CICB violated the Open Meetings Act when the Board met during 2008 when it proposed regulatory changes and when it met at some point to consider a

[1] The proposed changes to the CICB regulations were subsequently published in 36:13 Maryland Register 934 (June 19, 2009).

[2] The Compliance Board had granted the CICB an extension of time to submit a response.

[3] All statutory references are to the Open Meetings Act, Title 10, Subtitle 5 of the State Government Article, Annotated Code of Maryland.

policy concerning government issued identification. Given the CICB's assurances, we trust any future actions in regard to these matters will be handled in accordance with the Act's provisions.

Open Meetings Compliance Board
Elizabeth L. Nilson, Esquire
Courtney J. McKeldin
Julio A. Morales, Esquire

cc: Steven G. Hildenbrand, Esquire
Sandy A. Roberts, Esquire
Robin Woolford

[10-06-27]

ADMINISTRATIVE OFFICE OF THE COURTS

Notice of Funding Availability for FY2011 (July 1, 2010 to June 30, 2011)

The Maryland Judiciary's Mediation and Conflict Resolution Office has funding available to support conflict resolution programs and projects in Maryland. Projects must start on July 1, 2010, or later, and all grant funds must be spent by June 30, 2011. Grant application forms and guidelines can be downloaded from our website at http://mdcourts.gov/macro/grants.html. If your organization is interested in applying for a MACRO Conflict Resolution Grant, and has never applied before, please call us at 410-260-3540 to discuss your proposed project prior to submitting your grant application.

[10-06-35]

COURT OF APPEALS OF MARYLAND

SCHEDULE

Thursday, April 1, 2010
Bar Admissions

AG 40	Attorney Grievance Commission of Maryland v. John Joseph Zodrow
No. 111	Merle Unger v. State of Maryland
No. 112	W.M. Schlosser Co., et al. v. Uninsured Employers' Fund, et al.
No. 102	Thomas Smith v. State of Maryland
No. 105	Clavon Smith v. State of Maryland

Friday, April 2, 2010

AG 43	Attorney Grievance Commission of Maryland v. Garland Howe Stillwell
No. 107	State of Maryland v. Dean Cates, Randy Kucsan, Bill Tran, Dana Way
No. 108	Benoit Tshiwala v. State of Maryland
No. 104	DRD Pool Service, Inc. v. Thomas Freed, et al.
No. 99	Laquarie Donte Harvey v. State of Maryland

Wednesday, April 7 2010

AG 16	Attorney Grievance Commission of Maryland v. John Thanh Hoang
Misc. 3	Board of County Commissioners of St. Mary's County v. Marcas, L.L.C.
No. 100	Jay Anthony Jones v. State of Maryland
No. 103	State of Maryland v. Emanuel Tejada

Thursday, April 8, 2010

AG 27	Attorney Grievance Commission of Maryland v. Lorin Henry Bleecker
No. 109	Ocean Petroleum Co., Inc. v. Estate of Dorothy E. Yanek, et al.
No. 87	Erick Leroy Spencer v. State of Maryland
No. 101	In Re: Elrich S.
No. 106	Leon Steven Calloway v. State of Maryland

On the day of argument, counsel are instructed to register in the Clerk's Office not later than 9:30 a.m. unless otherwise notified.

After April 8, 2010, the Court will recess until May 5, 2010.

BESSIE M. DECKER
Clerk

[10-06-37]

COURT OF SPECIAL APPEALS

Schedule for April 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 2010

Monday, April 5, 2010
Courtroom No. 1

No. 00163/09	Victor Carter vs. State of Maryland
No. 00049/09	Lexington Insurance Company vs. St. Paul Fire & Marine Insurance Company
No. 00226/09	Fire and Police Employees' Retirement System of the City of Baltimore vs. Mark Butcher
No. 01981/09*	In Re: Adoption/Guardianship of Anerra W.

*8-207(a)

Courtroom No. 2

No. 02608/08	David E. Herman vs. Marsha Cooper-Herman
No. 02874/08	Barbara A. Young et al. vs. Advanta Bank Corporation
No. 02753/08	Plaza Apartments, LLC et al. vs. Commission on Landlord-Tenant Affairs for Montgomery County, Maryland et al.
No. 00668/09	Tyrone Armin Carter vs. State of Maryland

Tuesday, April 6, 2010
Courtroom No. 1

No. 00289/09	Mary J. Jelacic vs. Allan J. Jelacic
No. 00143/09	Charles C. Tharp vs. T.A.D. Tharp et al.
No. 00284/09	Sandra D. Campbell vs. Commissioners of Cecil County et al.
No. 00026/09	Horton & Barber Construction Services, LLC vs. Injured Workers' Insurance Fund
No. 02152/08	Leon Jerome Walker vs. State of Maryland

Courtroom No. 2

No. 02176/09*	In Re: Adoption/Guardianship of Shawn M.
No. 02556/08**	The Metropolitan Washington Orthopaedic Association, Chtd., et al. vs. Christina L. Cervieri
No. 00988/09**	Metropolitan Washington Orthopaedic Association, Chtd. et al. vs. Christina L. Cervieri, M. D.

No. 01599/09* Julie Lang f/k/a Julie Levi vs. Zion Levi
No. 02393/08 Renard Jerry Ingram vs. State of Maryland
No. 00206/09 W. Herbert Harkins et ux. vs. George C. Reeves et ux.
*8-207(a)
**Consolidated Cases

Wednesday, April 7, 2010
Courtroom No. 1

No. 00188/09 M.S.I., Inc. vs. John P. Davey et al.
No. 00280/09 Michael Worsham vs. Benjamin J. Mollow et al.
No. 00173/09 Re/Max 100 vs. Andrew Spencer Riddile et al.
No. 01569/09* Cecily Starks Stewart a/k/a Cecily Lorraine Johnson vs. Dwayne Crowder
No. 00134/09 Frederick T. Smith vs. Sandra T. Smith
*8-207(a)

Courtroom No. 2

No. 02672/08 Uninsured Employers' Fund vs. William H. Blake, III
No. 02507/08 Charles A. Maslin, III vs. Maryland Division of Corrections
No. 02394/08 Department of Human Resources, Baltimore City Dept. of Social Services vs. Antoine Travers, Sr.
No. 02734/08 Dowvikeo Melton vs. State of Maryland

Thursday, April 8, 2010
Courtroom No. 1

No. 00350/09 Monica Hooks-Jones vs. Maryland State Department of Education
No. 00079/09 Tim S. Meese vs. Megan S. Meese
No. 02200/09* In Re: Adoption/Guardianship of Brianna A.
No. 00276/09 Linda Kim et al. vs. Tina Marie Friia t/a Chesterfield Fine Wine & Spirits, LLC
No. 00176/09 Consumer Protection Division, Office of the Attorney General vs. John Seisman et al.
*8-207(a)

Courtroom No. 2

No. 02117/09 Omar Parker vs. State of Maryland
No. 02795/08 CSX Transportation, Inc. vs. Clifton Eubanks
No. 02590/08 Mark Smith vs. Jennifer Smith
No. 00086/09 Fredy Madrid vs. Brand Scoffolding Builders, Inc. et al.
No. 02665/08 1930 Greenspring Drive, LLC vs. A&A Global Industries, Inc. et al.

Friday, April 9, 2010
Courtroom No. 1

No. 01393/08 Darrell Maurice Clark, Jr. vs. State of Maryland
No. 02467/08 Michael P. Chelf vs. North East Plaza Associates L.P. et al.
No. 00181/09 Ronald L. Powell et al. vs. R. Jeffrey Breslin et al.
No. 00012/09 Nancy Lee Kathryn Thompson et al. vs. Gordon Witherspoon et al.
No. 02663/08 Alan E. Harris vs. Preston L. Henderson

Courtroom No. 2

No. 00085/09 Hovnanian Land Investment Group, LLC et al. vs. Annapolis Towne Centre at Parole, LLC
No. 00288/09 Emma J. Robinson vs. Montgomery Ward and Company et al.
No. 00349/09 Thomas Johnson Professional Center Condominium, Inc. et al. vs. Rajan Properties, LLC et al.
No. 02952/08 Ainsley Davidson et al. vs. LNT&A Master, LLC et al.
No. 00208/09** United Sports Management, LLC et al. vs. Xtreme Acceleration of North America, LLC et al.
No. 01234/09** Xtreme Acceleration North America, LLC et al. vs. United Sports Management, LLC
**Consolidated Cases

Monday, April 12, 2010
Courtroom No. 1

No. 00299/09 Steven Rosensweig et al. vs. Mayor and City Council of Baltimore
No. 01287/09 Darryl Brantley vs. Latasha Brantley
No. 00031/09 Dan Austin et ux. vs. Enterprise Associates
No. 00306/09 Universal Engineering & Construction, Inc. vs. Congregation Shomrei Emunah, Inc.
No. 00070/09 Rafael Ameller vs. Marianne Parraud de Ameller
No. 00072/09** Diane Willkens et al. vs. Arthur G. House et ux.
No. 01985/09** Diane Willkens et al. vs. Arthur G. House et ux.
**Consolidated Cases

Courtroom No. 2

No. 02738/08 Tavon Dixon a/k/a Tayon Dixon vs. State of Maryland
No. 01228/09* Robert Lenahan vs. Jennifer Lenahan
No. 00064/09 Three Cee Investors, LLC vs. Ira C. Wolpert
No. 02747/08 Lorenzo Vaides a/k/a Julio Valdes, Will Rivers vs. State of Maryland
No. 00837/08 Judith Jackson-Pringle vs. Maryland Transit Administration
No. 00305/09 Linda Astwood et al. vs. Mass Transit Administration et al.
*8-207(a)

Tuesday, April 13, 2010
Courtroom No. 1

No. 00172/09 Stephanie R. Speaks vs. Richard L. Speaks, Jr.
No. 02971/08 Rachel Catherine Carr vs. Linden H. Welch, Sr. a/k/a Peter Welch
No. 00286/09 Steven Galasso et al. vs. Baltimore County, Maryland
No. 00178/09 Catherine H. Rehkemper et al. vs. Christopher R. Dwyer et al.

Wednesday, April 14, 2010

Courtroom No. 1 — University of Maryland School of Law

No. 02733/08 Brandon Michael Grimes vs. State of Maryland
No. 02423/08 Kendall Irin Northam vs. State of Maryland
No. 00149/09 Badr Oweis vs. Afaf Desouki
No. 02933/08 Dominic Richard Canale vs. State of Maryland
No. 00245/09 Len Stoler, Inc. vs. Warren Wheeler et al.
No. 02729/08 Christopher Doran Whisman vs. State of Maryland

Thursday, April 15, 2010

All cases submitted on brief

Courtroom No. 1

No. 00712/09 Lorenzo D. Hall, Sr. vs. State of Maryland
No. 01101/09 Orvel Winston Lloyd vs. Maryland Parole Commission
No. 02190/08 Warren Lee Ballard vs. State of Maryland
No. 02359/08 Perry Pernell Brown vs. State of Maryland
No. 02420/08 Hakim Akram, II vs. State of Maryland
No. 02484/08 Kenneth Billow Jenkins, III vs. State of Maryland
No. 02932/08 Jermaine Stelwagen Wright vs. State of Maryland
No. 02977/08 Lorenzo Green, Sr. vs. State of Maryland
No. 02996/08 Alfanzo Mendez Moreno vs. State of Maryland

Courtroom No. 2

No. 00207/09 Levern McElveen vs. State Retirement and Pension System of Maryland
No. 00191/09 Alfred James Grove et ux. vs. Ronald George
No. 01804/08** James Riffin vs. Raymond S. Wisnom, Jr. et al.
No. 00147/09** James Riffin vs. Baltimore County, Maryland
No. 03043/07 Raymond Carroll Handy vs. State of Maryland
No. 00291/08 Cesilia Z. Cardona vs. State of Maryland
No. 02342/09* In Re: Damien F., Jr. and Terrell F., Jr.
No. 00672/08 Kevon D. Gant vs. State of Maryland
No. 01908/09* In Re: Brandi G.
No. 02739/08 Deltavia Cure vs. State of Maryland
*8-207(a)
**Consolidated Cases

Friday, April 16, 2010

All cases submitted on brief

Courtroom No. 1

No. 02380/08 Elizabeth Anne Reeves vs. LaSalle Bank, N.A.
No. 00185/09 Mariela Valderrama f/k/a Mariela Rotella vs. Michael Rotella
No. 00231/09 Edward C. McReady vs. University System of Maryland et al.
No. 02544/08 Robert Washington Francis vs. State of Maryland
No. 02485/08 In Re: Rommel S.
No. 02626/08 Kimber Veasey vs. State of Maryland

Courtroom No. 2

No. 00298/09 Andrew Weima vs. Kadijatu Kamara
No. 00304/09 George McDermott, Sr. vs. Jeffrey Fisher et al., Substitute Trustees
No. 00205/09 John J. Nealon vs. George H. Cupp
No. 00693/08 Anthony Monroe vs. State of Maryland
No. 01397/08 James Francis Swann vs. State of Maryland
No. 02883/08 Leco Harrell vs. State of Maryland
No. 01939/08 Darnell Anthony Cunningham vs. State of Maryland
No. 02625/08 Joseph Ray Swift vs. State of Maryland
No. 02057/08 Matthew David a/k/a Matthew Davis vs. State of Maryland
No. 00699/08 Octavius Savage vs. State of Maryland
No. 02899/08 Kenneth J. Kamara vs. State of Maryland
No. 02931/08 Isaac E. Fields vs. State of Maryland

Monday, April 19, 2010

All cases submitted on brief

Courtroom No. 1

No. 02685/08 Roger B. Hargrave vs. David J. Schretlin
No. 02785/08 James Riffin vs. Baltimore County, Maryland et al.
No. 00200/09 Nathaniel Baccus, III vs. Nationwide Mutual Insurance Company et al.
No. 02568/08 Donald Dwayne Rice vs. State of Maryland
No. 02612/08 Robert William Hoffman vs. State of Maryland
No. 02613/08 Anthony Nigel Jackson vs. State of Maryland
No. 02850/08 Tonia Hunt vs. Tony Obriant vs. State of Maryland
No. 02851/08 Carl Johnson vs. State of Maryland
No. 02856/08 Adonis Dunaway vs. State of Maryland

Courtroom No. 2

No. 00351/09 Ella Denise Grandison vs. Art Interiors, Inc. et al.
No. 00203/09 Samuel Arthur Walker vs. Department of Human Resources, Prince George's County Office of Child Support Enforcement ex rel. Rosemary Hodge-Adams
No. 00211/09 Christopher David McKeon vs. Charing Cross Townhouse Condominium, Inc. et al.
No. 01758/08 Skylar Anthony Sanders vs. State of Maryland
No. 02053/08 Jamal Wayne Allen vs. State of Maryland
No. 02137/08 Antonio Moore vs. State of Maryland
No. 00111/09 Jim Allen Owens a/k/a James A. Owens vs. State of Maryland
No. 02742/08 Jermaine Southern vs. State of Maryland
No. 02748/08 Joseph Coates vs. State of Maryland
No. 02828/08 Dominic J. Betourney vs. State of Maryland

On the day of argument, counsel are instructed to register in the Office of the Clerk **not later than 9:00 a.m.** The Court is located at 361 Rowe Boulevard, in the Robert C. Murphy Courts of Appeals Building. After April, 2010, the Court will recess until May, 2010.

LESLIE D. GRADET
Clerk

ADMINISTRATIVE ORDER

Pursuant to Maryland Rule 8-522(a), I hereby direct that oral argument in the month of April be limited to 20 minutes per side, subject to the discretion of the hearing panel to allow additional argument, not exceeding a total of 30 minutes per side.

This directive applies only to cases scheduled in April, 2010.

Chief Judge's signature appears on original
Administrative Order

Dated: February 23, 2010

[10-06-40]

Emergency Action On Regulations

Symbol Key

- Roman type indicates text existing before emergency status was granted.
- *Italic type* indicates new text.
- [Single brackets] indicate deleted text.

Emergency Regulations

Under State Government Article, §10-111(b), Annotated Code of Maryland, an agency may petition the Joint Committee on Administrative, Executive, and Legislative Review (AELR), asking that the usual procedures for adopting regulations be set aside because emergency conditions exist. If the Committee approves the request, the regulations are given emergency status. Emergency status means that the regulations become effective immediately, or at a later time specified by the Committee. After the Committee has granted emergency status, the regulations are published in the next available issue of the Maryland Register. The approval of emergency status may be subject to one or more conditions, including a time limit. During the time the emergency status is in effect, the agency may adopt the regulations through the usual promulgation process. If the agency chooses not to adopt the regulations, the emergency status expires when the time limit on the emergency regulations ends. When emergency status expires, the text of the regulations reverts to its original language.

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.80 Community-Based Substance Abuse Services

Authority: Health-General Article, §§8-204(c)(1) and 15-103(a)(1), Annotated Code of Maryland

Notice of Emergency Action

[10-011-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulations **.01 — .09** under a new chapter, **COMAR 10.09.80 Community-Based Substance Abuse Services**.

Emergency status began: January 1, 2010.
Emergency status expires: June 29, 2010.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 37:2 Md. R. 94 — 98 (January 15, 2010), referenced as [10-011-P].

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 14 CANCER CONTROL

10.14.02 Reimbursement for Breast and Cervical Cancer Diagnosis and Treatment

Authority: Health-General Article, §§2-102, 2-104, and 2-105, Annotated Code of Maryland

Notice of Emergency Action

[10-040-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations **.01 — .07** and **.09 — .16**, new Regulations **.21** and **.22**, and the recodification of Regulation **.21** to be Regulation **.23** under **COMAR 10.14.02 Reimbursement for Breast and Cervical Cancer Diagnosis and Treatment**.

Emergency status began: January 1, 2010.
Emergency status expires: June 29, 2010.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 37:3 Md. R. 201 — 207 (January 29, 2010), referenced as [10-040-P].

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 27 BOARD OF NURSING

10.27.05 Practice of Nurse Midwifery

Authority: Health Occupations Article, §§8-205 (a)(1) — (5) and 8-602, Annotated Code of Maryland

Notice of Emergency Action

[10-037-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation **.01**, the repeal of existing Regulation **.02**, new Regulations **.02 — .05** and **.11**, amendments to and the recodification of existing Regulations **.05 — .07**, **.09**, and **.10** to be Regulations **.06 — .08**, **.10**, and **.12**, and the recodification of existing Regulations **.08** and **.11** to be Regulations **.09** and **.13** under **COMAR 10.27.05 Practice of Nurse Midwifery**.

Emergency status began: January 1, 2010.
Emergency status expires: June 29, 2010.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 37:3 Md. R. 212 — 214 (January 29, 2010), referenced as [10-037-P].

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Title 20
PUBLIC SERVICE COMMISSION

Subtitle 31 TERMINATIONS OF SERVICE

Notice of Emergency Action

[10-107-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to:

(1) Amendments to Regulation **.02** under **COMAR 20.31.01 General Regulations**; and

(2) Amendments to Regulation **.03**, new Regulations **.04** and **.05** and the recodification of existing Regulation **.04** to be Regulation **.06** under **COMAR 20.31.03 Restrictions on Terminations**.

This action was considered at a scheduled rule-making meeting on January 15, 2010, notice of which was given under State Government Article, §10-506, Annotated Code of Maryland.

Emergency status began: February 18, 2010.
Emergency status expires: July 31, 2010.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Economic Impact on Small Businesses

The emergency action has minimal or no economic impact on small businesses.

20.31.01 General Regulations

Authority: Public Utility Companies Article, §§2-113, 2-121, 5-101, and 7-307,
Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (7) (text unchanged)

(8) "Extreme weather period" means a period of 72 hours beginning at 6 a.m. on any given day comprised of three consecutive 24-hour segments during any one of which the temperature, as forecast, is not expected to exceed 32 degrees Fahrenheit or is expected to be 95 degrees Fahrenheit or above during the segments. Determination of the possible existence of an extreme weather period must be repeated every 24 hours at 6 a.m.

[(8)**]** *(9)* — **[**(19)**]** *(20)* (text unchanged)

20.31.03 Restrictions on Terminations

Authority: Public Utility Companies Article, §§2-113, 2-121, 5-101, and 7-307,
Annotated Code of Maryland

.03 Winter Restrictions.

A. — D. (text unchanged)

E. Temporary Restriction.

[(1)**]** In addition to the provisions of §A of this regulation, a utility may not terminate service *because of nonpayment* to any customer **[**within**]** *in* a utility's designated weather station area *for that customer* in which the forecast temperature made at 6 a.m. is **[**not expected to exceed**]** 32 degrees Fahrenheit **[**for the next 24 hours**]** *or below in that weather station area during an extreme weather period*.

[(2) Each utility shall designate and file with the Commission weather station areas within its service territory by August 1 of each year.**]**

.04 Temporary Residential Summer Restriction.

A utility may not terminate, either gas service that is used for cooling if the customer has notified the gas utility of that usage, or electric service, because of nonpayment, for any customer occupying a residential building, for which the temperature forecast made for the utility's weather station area for that customer at 6 a.m. is 95 degrees Fahrenheit or above in that weather station area during an extreme weather period.

.05 Designations and Approval of Weather Station Areas.

A utility shall designate and file with the Commission for approval, not later than August 1 of each year, a list of one or more weather station areas within its service territory which specifies the portion of the utility's service territory covered by each weather station area for the purpose of complying with Regulations .03 and .04 of this chapter.

TERRY J. ROMINE
Executive Secretary
Public Service Commission

Final Action On Regulations

Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- *Single underline, italic* indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- [[Double brackets]] indicate text deleted at the time of final action.

Title 05
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 17 COMMUNITY LEGACY

05.17.01 Community Legacy Program

Authority: Housing and Community Development Article, Title 6, Subtitle 2, Annotated Code of Maryland Ch. 567, Acts of 2001

Notice of Final Action

[09-404-F]

On February 26, 2010, the Secretary of Housing and Community Development adopted amendments to Regulations **.02 — .08** and new Regulation **.13** under **COMAR 05.17.01 Community Legacy Program**. This action, which was proposed for adoption in 36:26 Md. R. 2000 — 2003 (December 18, 2009), has been adopted as proposed.

Effective Date: March 22, 2010.

RAYMOND A. SKINNER
Secretary of Housing and Community Development

Title 07
DEPARTMENT OF HUMAN RESOURCES

Subtitle 02 SOCIAL SERVICES ADMINISTRATION

Notice of Final Action

[10-002-F]

On February 25, 2010, the Secretary of Human Resources adopted:

(1) Amendments to Regulation **.04** under **COMAR 07.02.01 In-Home Family Services**; and

(2) New Regulations **.01 — .06** under a new chapter, **COMAR 07.02.28 Birth Match**.

This action, which was proposed for adoption in 37:1 Md. R. 18 — 19 (January 4, 2010), has been adopted as proposed.

Effe

IMPORTANT
The Secretary of Human Resources has withdrawn these regulations effective March 17, 2010.

DA DONALD
an Resources

Subtitle 02 SOCIAL SERVICES ADMINISTRATION

07.02.12 Adoption

Authority: *Education Article §15-106.1;* Family Law Article, *Title 5, Subtitle 3, Subtitle 3A, and Subtitle 3B*; Annotated Code of Maryland

Notice of Final Action

[10-003-F]

On February 26, 2010, the Secretary of Human Resources adopted amendments to Regulation **.21** under **COMAR 07.02.12 Adoption**. This action, which was proposed for adoption in 37:1 Md. R. 19 — 20 (January 4, 2010), has been adopted as proposed.

Effective Date: March 22, 2010.

BRENDA DONALD
Secretary of Human Resources

Title 08
DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

Notice of Final Action

[10-008-F]

On February 19, 2010, the Secretary of Natural Resources adopted amendments to:

(1) Regulation **.02** under **COMAR 08.02.05 Fish**; and

(2) Regulation **.03** under **COMAR 08.02.15 Striped Bass**.

This action, which was proposed for adoption in 37:1 Md. R. 21 — 22 (January 4, 2010), has been adopted with the nonsubstantive changes shown below.

Effective Date: March 22, 2010.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

COMAR 08.02.05.02A(26): The term "from" is substituted for the term "behind". The change is for clarification and does not need to be reproposed.

08.02.05 Fish

Authority: Natural Resources Article, §§4-215 *and 4-2A-03*, Annotated Code of Maryland

.02 Definitions and General Fishing Prohibitions.

A. Definitions. In this subtitle, the following terms have the meanings indicated:

(1) — *(25)* (proposed text unchanged)

(26) "Trolling" means the method of angling in which fish are attracted to a lure or bait being trailed **[[***behind***]]** *from a boat which is being moved by mechanical power.*

B. (proposed text unchanged)

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

08.18.21 Potomac River

Authority: Natural Resources Article, §8-704, Annotated Code of Maryland

Notice of Final Action

[10-009-F]

On March 2, 2010, the Secretary of Natural Resources adopted amendments to Regulations **.03** and **.04** under **COMAR 08.18.21 Potomac River**. This action, which was proposed for adoption in 37:1 Md. R. 22 (January 4, 2010), has been adopted as proposed.

Effective Date: March 22, 2010.

JOHN R. GRIFFIN
Secretary of Natural Resources

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 27 BOARD OF DOCKING MASTERS

Notice of Final Action

[09-379-F]

On February 24, 2010, the Secretary of Labor, Licensing, and Regulation adopted the repeal of:

(1) Existing Regulations **.01 — .08** under **COMAR 09.27.01 General Regulations**;

(2) Existing Regulations **.01 — .05** under **COMAR 09.27.02 Trainees**; and

(3) Existing Regulations **.01** and **.02** under **COMAR 09.27.03 Code of Ethics**.

This action, which was proposed for adoption in 36:24 Md. R. 1864 — 1865 (November 20, 2009), has been adopted as proposed.

Effective Date: March 22, 2010.

ALEXANDER M. SANCHEZ
Secretary of Labor, Licensing, and Regulation

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.20 Personal Care Services

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

Notice of Final Action

[09-414-F]

On March 2, 2010, the Secretary of Health and Mental Hygiene adopted amendments to Regulations **.02**, **.03**, and **.07** under **COMAR 10.09.20 Personal Care Services**. This action, which was proposed for adoption in 36:26 Md. R. 2031 — 2032 (December 18, 2009), has been adopted as proposed.

Effective Date: March 22, 2010.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

Notice of Final Action

[09-397-F]

On March 2, 2010, the Secretary of Health and Mental Hygiene adopted:

(1) The repeal in their entirety of existing Regulations **.01 — .13**, and new Regulations **.01 — .12** under **COMAR 10.09.23 Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Services**; and

(2) The repeal in their entirety of existing Regulations **.01 — .11** under **COMAR 10.09.37 Expanded Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Referred Services**.

This action, which was proposed for adoption in 36:26 Md. R. 2032 — 2037 (December 18, 2009), has been adopted as proposed.

Effective Date: March 22, 2010.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.53 Early and Periodic Screening, Diagnosis, and Treatment: Private Duty Nursing

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

Notice of Final Action

[09-415-F]

On March 2, 2010, the Secretary of Health and Mental Hygiene adopted amendments to Regulation **.07** under **COMAR 10.09.53 Early and Periodic Screening, Diagnosis, and Treatment: Private Duty Nursing**. This ac-

tion, which was proposed for adoption in 36:26 Md. R. 2037 (December 18, 2009), has been adopted as proposed.

Effective Date: March 22, 2010.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 14 CANCER CONTROL

10.14.01 Cancer Registry

Authority: Health-General Article, §§*2-104, 18-104,* 18-203, and 18-204, Annotated Code of Maryland;
42 U.S.C. §280e

Notice of Final Action
[09-408-F]

On March 3, 2010, the Secretary of Health and Mental Hygiene adopted amendments to Regulations **.01** and **.02**, new Regulations **.03** and **.04**, and amendments to and the recodification of existing Regulations **.03 — .06** to be Regulations **.05 — .08** under **COMAR 10.14.01 Cancer Registry**. This action, which was proposed for adoption in 36:26 Md. R. 2037 — 2040 (December 18, 2009), has been adopted as proposed.

Effective Date: March 22, 2010.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 39 BOARD OF NURSING — CERTIFIED NURSING ASSISTANTS

10.39.01 Certification of Nursing Assistants

Authority: Health Occupations Article, §§8-205(a)(1) and (2) and 8-6A-05(a)(1), (3), and (5), Annotated Code of Maryland

Notice of Final Action
[10-010-F]

On March 3, 2010, the Secretary of Health and Mental Hygiene adopted amendments to Regulation **.08** under **COMAR 10.39.01 Certification of Nursing Assistants**. This action, which was proposed for adoption in 37:2 Md. R. 100 — 101 (January 15, 2010), has been adopted as proposed.

Effective Date: March 22, 2010.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 40 BOARD OF PODIATRIC MEDICAL EXAMINERS

Notice of Final Action
[10-023-F]

On March 1, 2010, the Secretary of Health and Mental Hygiene adopted amendments to:

(1) Regulations **.03** and **.05** under **COMAR 10.40.02 Licensing and Continuing Education Requirements**; and

(2) Regulation **.02** under **COMAR 10.40.03 Collection of Fees**.

This action, which was proposed for adoption in 37:2 Md. R. 101 — 102 (January 15, 2010), has been adopted as proposed.

Effective Date: March 22, 2010.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

10.42.06 Continuing Education Requirements

Authority: Health Occupations Article, §§19-205 and 19-308, Annotated Code of Maryland

Notice of Final Action
[10-006-F]

On March 2, 2010, the Secretary of Health and Mental Hygiene adopted the repeal of existing Regulations **.01 — .11** and new Regulations **.01 — .11** under **COMAR 10.42.06 Continuing Education Requirements**. This action, which was proposed for adoption in 37:1 Md. R. 30 — 33 (January 4, 2010), has been adopted as proposed.

Effective Date: March 22, 2010.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 04 STATE HIGHWAY ADMINISTRATION

11.04.01 Permits for Oversize and Overweight Vehicles

Authority: Transportation Article, §§2-103(b), 4-204, 4-205(f), 8-204(b)-(d) and (i), 24-112, *24-113, 24.113.2*, Annotated Code of Maryland

Notice of Final Action
[09-374-F]

On February 2, 2010, the Administrator of the State Highway Administration adopted amendments to Regulations **.01 — .11** and adopted new Regulations **.01-1** and **.12** under **COMAR 11.04.01 Permits for Oversize and Overweight Vehicles**. This action, which was proposed for adoption in 36:24 Md. R. 1869 — 1873 (November 20, 2009), has been adopted as proposed.

Effective Date: March 22, 2010.

NEIL J. PEDERSEN
Administrator
State Highway Administration

Subtitle 04 STATE HIGHWAY ADMINISTRATION

11.04.02 General Conditions for Movement of Oversize and Overweight Vehicles

Authority: Transportation Article, §§2-103(b), 4-204, 4-205(f), 8-204(b) — (d) and (i), 24-112, and 24-113, Annotated Code of Maryland

Notice of Final Action

[09-375-F]

On February 2, 2010, the Administrator of the State Highway Administration adopted amendments to Regulations **.01-1 — .08** under **COMAR 11.04.02 General Conditions for Movement of Oversize and Overweight Vehicles**. This action, which was proposed for adoption in 36:24 Md. R. 1873 — 1876 (November 20, 2009), has been adopted as proposed.

Effective Date: March 22, 2010.

NEIL J. PEDERSEN
Administrator
State Highway Administration

Subtitle 04 STATE HIGHWAY ADMINISTRATION

11.04.03 Specific Conditions for Movement of Certain Oversize and Overweight Vehicles

Authority: Transportation Article, §§2-103(b), 4-204, 4-205(f), 8-204(b) — (d), (i), 24-112, 24-113, Annotated Code of Maryland

Notice of Final Action

[09-376-F]

On February 2, 2010, the Administrator of the State Highway Administration adopted amendments to Regulations **.01** and **.02** under **COMAR 11.04.03 Specific Conditions for Movement of Certain Oversize and Overweight Vehicles**. This action, which was proposed for adoption in 36:24 Md. R. 1876 (November 20, 2009), has been adopted as proposed.

Effective Date: March 22, 2010.

NEIL J. PEDERSEN
Administrator
State Highway Administration

Subtitle 04 STATE HIGHWAY ADMINISTRATION

11.04.04 Oversize and Overweight Vehicles — Escort Vehicles, Signing, and Lighting

Authority: Transportation Article, §§2-103(b), 4-204, 4-205(f), 8-204(b) — (d), (i), 24-112, 24-113, Annotated Code of Maryland

Notice of Final Action

[09-377-F]

On February 2, 2010, the Administrator of the State Highway Administration adopted amendments to Regulations **.01**, **.02**, and **.04 — .06** under **COMAR 11.04.04 Oversize and Overweight Vehicles — Escort Vehicles, Signing, and Lighting**. This action, which was proposed for adoption in 36:24 Md. R. 1876 — 1877 (November 20, 2009), has been adopted as proposed.

Effective Date: March 22, 2010.

NEIL J. PEDERSEN
Administrator
State Highway Administration

Subtitle 04 STATE HIGHWAY ADMINISTRATION

11.04.11 Overweight Vehicle Permits for Certain Containerized Cargo Hauling

Authority: Transportation Article, §§*2-103(b), 4-204, 4-205(f), 8-204(b) — (d) and (i), 24-112, 24-113, and* 24.113.1, Annotated Code of Maryland

Notice of Final Action

[09-378-F]

On February 2, 2010, the Administrator of the State Highway Administration adopted amendments to Regulations **.01**, **.03**, **.04**, and **.06 — .11** under **COMAR 11.04.11 Overweight Vehicle Permits for Certain Containerized Cargo Hauling**. This action, which was proposed for adoption in 36:24 Md. R. 1878 — 1879 (November 20, 2009), has been adopted as proposed.

Effective Date: March 22, 2010.

NEIL J. PEDERSEN
Administrator
State Highway Administration

Title 13A
STATE BOARD OF EDUCATION

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

13A.03.02 Graduation Requirements for Public High Schools in Maryland

Authority: Education Article, §§2-205, 4-110, 4-111, 7-205, 7-205.1, 7-206, and 8-404, Annotated Code of Maryland

Notice of Final Action

[09-400-F]

On February 23, 2010, the Maryland State Board of Education adopted amendments to Regulation **.04** under **COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland**. This action, which was proposed for adoption in 36:26 Md. R. 2052 — 2053 (December 18, 2009), has been adopted as proposed.

Effective Date: March 22, 2010.

NANCY S. GRASMICK
State Superintendent of Schools

Subtitle 12 CERTIFICATION

13A.12.02 Teachers

Authority: Education Article, §§2-205, 2-303(g), and 6-701 — 6-705, Annotated Code of Maryland

Notice of Final Action

[09-368-F]

On February 4, 2010, the Professional Standards and Teacher Education Board adopted new Regulation **.24** under **COMAR 13A.12.02 Teachers**. This action, which was proposed for adoption in 36:24 Md. R. 1892 (November 20, 2009), has been adopted as proposed.

Effective Date: March 22, 2010.

NANCY S. GRASMICK
State Superintendent of Schools

Title 14
INDEPENDENT AGENCIES

Subtitle 30 STATE HIGHER EDUCATION LABOR RELATIONS BOARD

14.30.12 Procedures Governing Employee Information

Authority: State Personnel and Pensions Article, §3-2A-08, Annotated Code of Maryland

Notice of Final Action

[09-401-F]

On February 19, 2010, the State Higher Education Labor Relations Board adopted new Regulation **.01** under a new chapter, **COMAR 14.30.12 Procedures Governing Employee Information**. This action, which was proposed for adoption in 36:26 Md. R. 2053 — 2054 (December 18, 2009), has been adopted as proposed.

Effective Date: March 22, 2010.

ERICA L. SNIPES
Executive Director
State Higher Education Labor Relations Board

Title 23
BOARD OF PUBLIC WORKS

Subtitle 03 PUBLIC SCHOOL CONSTRUCTION

23.03.02 Administration of the Public School Construction Program

Authority: Education Article, §5-301, Annotated Code of Maryland

Notice of Final Action

[09-409-F]

On February 24, 2010, the Board of Public Works adopted amendments to Regulation **.06** under **COMAR 23.03.02 Administration of the Public School Construction Program**. This action, which was proposed for adoption in 36:26 Md. R. 2054 — 2056 (December 18, 2009), has been adopted as proposed.

Effective Date: March 22, 2010.

SHEILA McDONALD
Executive Secretary
Department of Public Works

Title 28
OFFICE OF ADMINISTRATIVE HEARINGS

Subtitle 02 RULES OF PROCEDURE

28.02.01 Rules of Procedure

Authority: State Government Article, §§9-1604(a)(8) and (b)(i)(v) and 10-206(a), Annotated Code of Maryland

Notice of Final Action

[10-001-F]

On March 2, 2010, the Office of Administrative Hearings adopted the repeal of existing Regulations **.01 — .28** and new Regulations **.01 — .27** under **COMAR 28.02.01 Rules of Procedure**. This action, which was proposed for adoption in 37:1 Md. R. 34 — 41 (January 4, 2010), has been adopted as proposed.

Effective Date: March 22, 2010.

THOMAS E. DEWBERRY
Chief Administrative Law Judge

Title 31
MARYLAND INSURANCE ADMINISTRATION

Subtitle 08 PROPERTY AND CASUALTY INSURANCE

31.08.12 Temporary Moratoriums and Weather Events

Authority: Insurance Article, §§2-108, 2-109, 19-107, and 27-501, Annotated Code of Maryland

Notice of Final Action

[09-266-F]

On February 22, 2010, the Acting Insurance Commissioner adopted new Regulations **.01 — .06** under new chapter, **COMAR 31.08.12 Temporary Moratoriums and Weather Events**. This action, which was proposed for adoption in 36:18 Md. R. 1406 — 1407 (August 28, 2010) and reproposed in 37:1 Md. R. 41 — 42 (January 4, 2010), has been adopted as reproposed.

Effective Date: March 22, 2010.

ELIZABETH SAMMIS
Acting Insurance Commissioner

Subtitle 14 LONG-TERM CARE

31.14.03 Long-Term Care Partnership

Authority: Insurance Article, §§18-102, 18-106 — 18-107; Health-General Article, §15-407;
Annotated Code of Maryland

Notice of Final Action
[09-416-F]

On February 2, 2010, the Insurance Commissioner and the Secretary of Health and Mental Hygiene adopted amendments to Regulations **.04**, **.05**, and **.09** and the repeal of existing Regulation **.07** under **COMAR 31.14.03 Long-Term Care Partnership**. This action, which was proposed for adoption in 36:26 Md. R. 2083 (December 18, 2009), has been adopted as proposed.

Effective Date: March 22, 2010.

ELIZABETH SAMMIS
Acting Insurance Commissioner

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Title 32
MARYLAND DEPARTMENT OF AGING

Subtitle 02 PROVIDER REGULATIONS

32.02.01 Certificate of Registration for Continuing Care Facilities and Providers

Authority: Human Service Article, §10-403(a)(4),
Annotated Code of Maryland

Notice of Final Action
[10-004-F]

On February 18, 2010, the Maryland Department of Aging adopted amendments to Regulations **.05**, **.07**, **.13**, **.14**, and **.28** under **COMAR 32.02.01 Certificate of Registration for Continuing Care Facilities and Providers**. This action, which was proposed for adoption in 37:1 Md. R. 42 — 44 (January 4, 2010), has been adopted as proposed.

Effective Date: March 22, 2010.

GLORIA G. LAWLAH
Secretary of Aging

Withdrawal Of Regulations

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 44 BOARD OF DENTAL EXAMINERS

10.44.29 Nominations and Balloting for Appointments to Board of Dental Examiners

Authority: Health Occupations Article, §4-202,
Annotated Code of Maryland

Notice of Withdrawal
[08-379-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the adoption of new Regulations **.01 — .19** under a new chapter, **COMAR 10.44.29 Nominations and Balloting for Appointments for Board of Dental Examiners**, which appeared in 36:1 Md. R. 53 — 59 (January 25, 2009) have been withdrawn by operation of law.

GAIL S. KLAKRING
Acting Administrator
Division of State Documents

Proposed Action On Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- **[**Single brackets**]** indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 13B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 02 ACADEMIC REGULATIONS

Notice of Proposed Action

[10-106-P]

The Maryland Higher Education Commission proposes to:

(1) Amend Regulations **.03** and **.16** under **COMAR 13B.02.02 Minimum Requirements for In-State Degree-Granting Institutions**;

(2) Amend Regulation **.02** under **COMAR 13B.02.03 Academic Programs — Degree-Granting Institutions**; and

(3) Repeal existing Regulation **.05**, adopt new Regulations **.01** and **.05**, and amend and recodify existing Regulations **.01 — .03** to be Regulations **.02 — .04** under **COMAR 13B.02.04 Exemption Procedures for Religious Degree-Granting Institutions and Religious Institutions**.

This action was considered by the Maryland Higher Education Commission at an open meeting held on January 27, 2010, notice of which was given pursuant to State Government Article, §10-506, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify procedures by which the Commission determines certain exemptions from the requirement that an institution of postsecondary education have a certificate of approval from the Commission; to provide for a post-master's certificate award by institutions of higher education; and to conform provisions relating to certificates awarded by institutions of higher education.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to George Reid, Assistant Secretary for Planning and Academic Affairs, Maryland Higher Education Commission, 839 Bestgate Road, Suite 400, Annapolis, MD 21401 or call 410-260-4552, or email to greid@mhec.state.md.us, or fax to 410-260-3200. Comments will be accepted through April 12, 2010. A public hearing has not been scheduled.

13B.02.02 Minimum Requirements for In-State Degree-Granting Institutions

Authority: Education Article, §§11-105(u), 11-201, and 11-202, Annotated Code of Maryland

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (2) (text unchanged)

(3) "Certificate of advanced study" means a certificate awarded for successful completion of at least 30 semester credit hours of graduate study beyond the master's degree.

[(3)**]** *(4)* — **[**(13)**]** *(14)* (text unchanged)

(15) "Lower division certificate" means a certificate awarded for successful completion of at least 12 semester credit hours at the freshman or sophomore levels, or both.

[(14)**]** *(16)* — **[**(19)**]** *(21)* (text unchanged)

(22) "Post-baccalaureate certificate" means a certificate awarded for successful completion of at least 12 semester credit hours at the graduate or upper divisional level, the majority of which are at the master's or specialized post-graduate level.

(23) "Post-master's certificate" means a certificate awarded for successful completion of at least 12 semester credit hours of graduate study beyond the master's degree.

[(20)] *(24)* — [(25)] *(29)* (text unchanged)

(30) "Upper division certificate" means a certificate awarded for successful completion of at least 12 semester credit hours at the junior or senior levels, or both.

.16 Graduation Requirements.

A. — H. (text unchanged)

I. An in-State institution shall require satisfactory completion of the requirements of a program of studies representing a planned sequence of learning experiences that consists of:

(1) At least 12 semester *credit* hours [of credit of college-level work] at the freshman or sophomore levels, or both, to confer a lower division certificate;

(2) At least 12 semester *credit* hours [of college-level work] at the junior or senior levels, or both, to confer an upper division certificate;

(3) At least 12 semester *credit* hours [of courses] at the graduate or upper divisional level, the majority of which are at the master's or specialized postgraduate level, to confer a post-baccalaureate certificate;

(4) At least 30 semester *credit* hours or the equivalent of graduate-level courses to confer a master's degree;

(5) At least 12 semester credit hours of graduate study or the equivalent beyond the master's degree, to confer a post-master's certificate;

[(5)] *(6)* At least 30 semester *credit* hours of graduate study or the equivalent beyond the master's degree, to confer a certificate of advanced study;

[(6)] *(7)* — [(7)] *(8)* (text unchanged)

J. — O. (text unchanged)

13B.02.03 Academic Programs — Degree-Granting Institutions

Authority: Education Article, §§11-105(u), 11-201, and 11-202, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (8) (text unchanged)

(9) "Certificate" includes:

(a) Certificate of advanced study;

(b) Lower division certificate;

(c) Post-baccalaureate certificate;

(d) Post-master's certificate;

(e) Professional certificate; and

(f) Upper division certificate.

[(9)] *(10)* "Certificate of advanced study" means a certificate awarded for successful completion of at least 30 semester credit hours of graduate study [or the equivalent] beyond the master's degree.

[(10)] *(11)* — [(18)] *(19)* (text unchanged)

[(19)] *(20)* "[Lower-division certificate] *Lower division certificate"* means a certificate awarded for successful completion of [a minimum of] *at least* 12 semester *credit* hours at the freshman or sophomore levels, or both.

[(20)] *(21)* — [(22)] *(23)* (text unchanged)

[(23)] *(24)* "Post-baccalaureate certificate" means a certificate awarded for successful completion of at least 12 semester credit hours [of college-level work] *at the graduate or upper divisional level*, the majority of which [is] *are* at the master's *or specialized postgraduate* level.

(25) "Post-master's certificate" means a certificate awarded for successful completion of at least 12 semester credit hours of graduate study beyond the master's degree.

[(24)] *(26)* — [(30)] *(32)* (text unchanged)

[(31)] *(33)* "[Upper-division certificate] *Upper division certificate"* means a certificate awarded for successful completion of at least 12 semester credit hours at the junior or senior levels, or both.

13B.02.04 [Certification] *Exemption* Procedures for Religious Degree-Granting Institutions *and Religious Institutions*

Authority: Education Article, §§11-105(u), 11-201, and 11-202, Annotated Code of Maryland

.01 Purpose.

The purpose of this chapter is to establish the procedures by which the Commission determines the status of an institution as a religious degree-granting institution or a religious institution eligible for exemption from the approval authority of the Commission.

[.01] *.02* [Authority and Purpose] *Scope of Exemption*.

A. [The Education Article, Title 11, Annotated Code of Maryland, provides that religious degree-granting institutions] *If determined to be exempt under this chapter, an institution* may operate without a certificate of approval from the Maryland Higher Education Commission *under this chapter* so long as [the institution]*:*

(1) A religious degree-granting institution certifies, in accordance with procedures established by the Commission, that it:

[(1)] *(a)* — [(2)] *(b)* (text unchanged)

[(3)] *(c)* States on the diploma or degree the religious nature of the degree; or

(2) A church or other religious institution offers a post-secondary instructional program leading to a diploma or certificate, only if the program is designed for and aimed at persons who hold or seek to learn the particular religious faith or beliefs of that church or religious organization and provides only educational programs for religious purposes.

[B. Each religious degree-granting institution authorized to operate without a certificate of approval shall submit every 2 years to the Maryland Higher Education Commission a financial statement compiled by an independent accountant, indicating that the institution possesses adequate financial resources to support its educational program.

C. It is the purpose of these regulations to establish the procedures by which the Commission shall certify the status of an institution as a religious degree-granting institution eligible for exemption from the approval authority of the Commission.]

B. An institution that applies for exemption and that, at the time of application, does not hold a certificate of approval from the Commission may not operate, do business, or offer instruction unless and until the Commission grants the institution an exemption under this chapter.

[.02] *.03* [Certification] *Exemption* Procedures.

A. [A religious degree-granting] *An* institution [that wishes to be exempt] *seeking an exemption* from the approval authority of the Commission [shall establish its eligibility for exemption by submitting] *shall submit* the following items to the Commission:

(1) [Maryland Higher Education Commission Form MHEC 86 IAE/C 22, entitled "Certification of Status as a Religious Degree-Granting Institution"] *An application in the form required by the Commission*, and the *accompanying* documentation required by the [form] *Commission*; and

(2) [Maryland Higher Education Commission Form MHEC 86 IAE/C 23, entitled "Financial Statement for Religious Degree-Granting Institution"] *A financial statement in the form required by the Commission*, and the *accompanying* documentation required by the [form] *Commission*.

B. An institution seeking an exemption from the approval authority of the Commission shall demonstrate, at a minimum, that:

(1) It holds $250,000 of assets or more within Maryland; and

(2) Its total liabilities do not exceed its total assets.

[B.] *C.* If the [Commission] *Secretary* is satisfied on the basis of the materials submitted that the institution qualifies for exemption from the approval authority of the Commission, the [Commission] *Secretary* shall *grant* the [institution's status as an exempt] institution *an exemption*.

[C. An institution that applies for exemption and that, at the time of application, does not hold a certificate of approval from the Commission may not operate, do business, or offer instruction unless and until the Commission certifies the institution as an exempt institution.]

[.03] *.04* Denial of Exemption.

A. Hearing.

(1) An institution denied [certification of eligibility for] *an* exemption *under this chapter* may [appeal the Commission's action under the provisions of Education Article, § 11-202(e), (f), and (g), Annotated Code of Maryland] *request a hearing before the Commission*.

(2) The hearing before the Commission shall be conducted in accordance with the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 13B.04.01.

(3) If the institution requests a hearing, the Commission may refer the hearing to the Office of Administrative Hearings.

(4) After the hearing provided for in §A(3) of this regulation, the Commission may take the following action:

(a) Grant the exemption;

(b) Deny the exemption; or

(c) Remand the case to the Secretary for further action as directed by the Commission.

(5) If the institution does not file a timely request for a hearing, the Secretary's decision becomes the final action of the Commission.

B. Judicial Review.

(1) An institution that is denied an exemption by the Commission after a hearing under §A of this regulation has the right to judicial review provided by State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

(2) The decision of the Commission is considered correct and the institution has the burden of proving otherwise.

(3) The Commission shall be a party to the proceeding.

.05 Financial Resources.

Each institution authorized to operate without a certificate of approval shall submit every 2 years to the Maryland Higher Education Commission a financial statement compiled by an independent accountant, indicating that the institution possesses adequate financial resources to support its educational program.

JAMES E. LYONS, Sr.
Secretary of Higher Education

Title 33
STATE BOARD OF ELECTIONS

Subtitle 01 DEFINITIONS; GENERAL PROVISIONS

33.01.01 Definitions

Authority: Election Law Article, §§1-101 and 2-102(b)(4), Annotated Code of Maryland; 42 U.S.C. 15483(a)(5)(A)-(B)

Notice of Proposed Action

[10-103-P]

The State Board of Elections proposes to amend Regulation **.01** under **COMAR 33.01.01 Definitions**. This action was considered at an open meeting held on January 28, 2010, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update terms to reflect the use of a Statewide voter registration system, include terms defined in the Election Law Article, and codify previously issued advice.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Nikki Baines Trella, Election Reform Director, State Board of Elections, P. O. Box 6486, Annapolis MD 21401, or call 410-269-2843, or email to ntrella@elections.state.md.us, or fax to 410-974-2019. Comments will be accepted through April 12, 2010. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (13) (text unchanged)

(14) "Election register" has the meaning stated in Election Law Article, §1-101, Annotated Code of Maryland.

[(14)] *(15)* — [(17)] *(18)*

[(18)] *(19) Personal Identification Information.*

(a) "Personal identification information" means:

[(a)] *(i)* — [(b)] *(ii)* (text unchanged)

(b) For the purposes of this definition, "current" means within the last 3 months.

[(19)] *(20)* — [20] *(21)* (text unchanged)

[(21) "Precinct register" has the meaning stated in Election Law Article, §1-101, Annotated Code of Maryland.]

(22) — (24) (text unchanged)

(25) "Statewide voter registration list" has the meaning stated in Election Law Article, §3-101, Annotated Code of Maryland.

(26) "Statewide voter registration system" means the database used to maintain the Statewide voter registration list.

[(25)] *(27)* — [(29)] *(31)* (text unchanged)

LINDA H. LAMONE
State Administrator of Elections

Subtitle 04 INSPECTION AND COPYING OF PUBLIC RECORDS

33.04.03 Requests from Correctional Facilities

Authority: Election Law Article, §§2-102(b)(4), State Government Article §§10-613(b) and 10-615(2)(i); Annotated Code of Maryland

Notice of Proposed Action

[10-102-P]

The State Board of Elections proposes to amend Regulation **.01** under **COMAR 33.04.03 Requests from Correctional Facilities**. This action was considered at an open meeting held on January 28, 2010, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to include an additional document on which information may be kept confidential.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Nikki Baines Trella, Election Reform Director, State Board of Elections, P.O. Box 6486, Annapolis MD 21401, or call 410-269-2843, or email to ntrella@elections.state.md.us, or fax to 410-974-2019. Comments will be accepted through April 12, 2010. A public hearing has not been scheduled.

.01 Purpose.

An inmate of a correctional facility has the same right of access to public information as any other individual. In some cases, however, revealing to an inmate the home address or telephone number contained on a voter registration application, [or] certificate of candidacy, *or statement of organization to form a campaign finance entity* could pose a threat to the safety of the registered voter or candidate. Accordingly, special scrutiny must be given to any request that originates from a correctional facility. This chapter sets out the procedures to be followed in these cases.

LINDA H. LAMONE
Administrator
State Board of Elections

Subtitle 05 VOTER REGISTRATION

Notice of Proposed Action

[10-105-P]

The State Board of Elections proposes to:

(1) Amend Regulation **.02** under **COMAR 33.05.01 Definitions; General Provisions**;

(2) Amend Regulations **.01 — .02** and **.05** under **COMAR 33.05.02 Forms**;

(3) Amend Regulations **.01 — .03**, repeal existing Regulation **.06**, and adopt new Regulation **.06** under **COMAR 33.05.03 Dissemination of VRA Forms**;

(4) Amend Regulations **.01 — .05** under **COMAR 33.05.04 Processing VRAs and Other Requests**;

(5) Amend Regulations **.03 — .06** under **COMAR 33.05.05 Notification**;

(6) Amend Regulations **.01 — .03**, **.05**, and **.06** under **COMAR 33.05.06 Changes, Deaths, Convictions**; and

(7) Amend Regulations **.01**, **.03**, and **.04** and repeal existing Regulation **.05** under **COMAR 33.05.07 List Maintenance and Inactive Voters**.

This action was considered by the State Board of Elections at an open meeting held on January 28, 2010, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to add new definitions and remove terms no longer used, update the requirements of the voter registration application, update voter registration procedures to reflect the use of a Statewide voter registration system, specify procedures for receiving and distributing electronic requests for election-related forms, remove certain provisions relating to declining to register to vote, alter name and qualifications for individuals who distribute and collect voter registration applications, remove certain requirements when receiving completed voter registration applications, and generally make clarifying changes.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. If a local board of elections charges voters to receive a duplicate voter notification card, the proposed regulations prohibiting this would result in a decrease in revenue.

II. Types of Economic Impact.	Revenue (R+/R−) Expenditure (E+/E−)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	(R−)	Minimal
	Benefit (+) Cost (−)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

C. See I. Summary of Economic Impact, above.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Nikki Baines Trella, Election Reform Director, State Board of Elections, P.O. Box 6486, Annapolis MD 21401, or call 410-269-2843, or email to ntrella@elections.state.md.us, or fax to 410-974-2019. Comments will be accepted through April 12, 2010. A public hearing has not been scheduled.

33.05.01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 3-101, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Confirmation notice" means the notice by which an applicant or registered voter may **[**verify**]** *confirm* or correct address information.

(2) (text unchanged)

[(3) "Denial notice" means the form used to notify an applicant that the application for registration has been denied.**]**

(3) "Electronic transmission" means transmission by:

(a) Email; or

(b) Facsimile.

(4) "Federal voter registration application (FVRA)" means an application form for voter registration that is produced by the:

(a) **[**Federal Election Commission**]** *U.S. Election Assistance Commission*, in the case of a **[**National Voter Registration Application**]** *national form to register to vote*; or

(b) (text unchanged)

(5) — (10) (text unchanged)

33.05.02 Forms

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-101, and 3-202, Annotated Code of Maryland

.01 State Board to Prescribe or Approve.

A. Board-Prescribed Forms. The following may be used for voter registration only in the form prescribed by the State Board:

(1) — (2) (text unchanged)

(3) **[**Denial notice**]** *Potential felony notice*; and

(4) (text unchanged)

B. (text unchanged)

.02 Statewide VRA — Contents.

A. Required Contents. Every Statewide VRA shall:

(1) — (3) (text unchanged)

[(4) Provide the applicant with the opportunity to cancel a current registration;**]**

[(5)**]** *(4)* Include the following questions, with boxes for the applicant to check yes or no, and the following statement:

(a) (text unchanged)

(b) Will you be 18 years old on or **[**by**]** *before* the next General Election?; and

(c) (text unchanged)

[(6)**]** *(5)* (text unchanged)

[(7)**]** *(6)* Contain a space for the applicant's personal identification number, which is:

(a) If the applicant has a current and valid Maryland driver's license or MVA identification card, the MVA identification number; **[**and**]** *or*

(b) (text unchanged)

[(8)**]** *(7)* (text unchanged)

B. — C. (text unchanged)

.05 Disposition of VRAs and Related Information.

A. In General. All VRAs *and all voter registration related documents, including duplicate applications,* received by a local board shall be **[**retained and filed as follows:**]** *scanned into the Statewide voter registration system.*

[(1) Applications approved and accepted shall be retained, and information for successful applicants shall be incorporated into the registry;

(2) Applications in process of verification shall be retained in a suspense file pending final disposition;

(3) Rejected applications, together with documentation of notification of rejected applications, shall be retained in a special file; and

(4) The local board shall maintain a record of the signature of each new Maryland applicant whose information is added to the registry.**]**

B. Personal Identification Information. If a copy of any personal identification information is submitted under COMAR 33.07.06 or 33.11.02.07, the copy shall be **[**retained**]** *scanned into the Statewide voter registration system.*

C. **[**Duplicate Applications. To comply with Federal Election Commission reporting requirements, duplicate applications shall be reported in categories according to the agency or means that generated the duplicate.**]** *Document Retention. All documents scanned into the Statewide voter registration system shall be retained in accordance with the State Board's Record Retention and Disposal Schedule.*

D. Ensuring Accuracy. To help ensure the accuracy and currency of the *Statewide* voter **[**rolls**]** *registration system*, a local board shall **[**maintain the following information**]**:

(1) [Lists of the names and addresses of all individuals to whom confirmation notices have been mailed under Election Law Article, §3-504(c), Annotated Code of Maryland, and current information concerning whether each individual responded to the mailing] *Perform quality assurance audits and reviews as directed by the State Administrator*;

(2) [Conviction] *Maintain conviction* and sentencing information received with respect to disqualifying crimes committed by registered voters or voter registration applicants; and

(3) [Information] *Maintain information* received directly or indirectly from official death records.

33.05.03 Dissemination of VRA Forms

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-101, 3-203, and 3-204,
Annotated Code of Maryland

.01 Responsibilities of Election Officials.

A. (text unchanged)

B. Services to Be Provided.

(1) Each local board office shall:

(a) — (b) (text unchanged)

(c) Accept requests for a Statewide VRA or FVRA sent by mail or electronic transmission;

[(c)] *(d) Do one of the following:*

(i) [Mail] *Send, by the individual's preferred method of transmission,* a Statewide VRA or FVRA promptly on individual request; *or*

(ii) If the individual did not specify how the individual would like to receive the form, promptly mail and transmit by any other available means the appropriate form to the individual; and

[(d)] *(e)* (text unchanged)

(2) For peak periods, local boards are encouraged to:

(a) Use an automatically answered telephone service that provides 24-hour access, notifies callers that VRAs are available on-line, and allows an individual to leave a name and *mailing* address, *email address, or facsimile number* to which a VRA shall be [mailed on request] *sent*; and

(b) (text unchanged)

(3) Designated Means of Electronic Communications for Certain Voters.

(a) As required by federal law, the State Board designates the agency's general email address, website, and facsimile number as the means of electronic communication for voters authorized to vote under the Uniformed and Overseas Citizens Absentee Voting Act.

(b) The designated means of electronic communication shall be used to:

(i) Request a VRA or FVRA;

(ii) Send or obtain a VRA or FVRA; and

(iii) Provide other voter registration-related information.

C. (text unchanged)

.02 Voter Registration Agencies.

A. — B. (text unchanged)

C. Receipt and Forwarding of VRAs.

(1) When a Statewide VRA is completed and returned to a voter registration agency, the agency shall stamp the Statewide VRA with the date [and time] received.

(2) Within 5 days after receiving the Statewide VRA, the agency shall forward the VRA to the appropriate local board *or the State Board.*

.03 MVA Registration.

A. (text unchanged)

B. Receipt and Forwarding of VRAs.

(1) When an MVRA is completed and returned to the MVA, the MVA shall stamp the MVRA with the date [and time] received.

(2) (text unchanged)

C. Declining to Apply. An individual may decline to apply to register to vote or to update the individual's voter registration record by:

(1) Affirmatively checking the box next to the statement, "I do not wish to register to vote at this time."; *or*

(2) Affirmatively selecting the appropriate box on an MVA customer service touch screen[; or

(3) Failing to sign the MVRA].

.06 Voter Registration Activities.

A. Definition. In this regulation, "VRA distributor" means an individual who conducts the following voter registration activities:

(1) Offering Statewide VRAs to individuals interested in registering to vote or updating an existing registration;

(2) Assisting people with filling out Statewide VRAs; and

(3) Returning completed Statewide VRAs to the appropriate local board office.

B. Qualifications. Any individual is qualified to be a VRA distributor if the individual is 18 years old on or before the next General Election.

C. Instructing Authorities. The State Administrator and each election director shall provide instruction as described in §E of this regulation to VRA distributors.

D. Instruction Sessions. The State Administrator and each election director:

(1) Shall treat individual and groups of VRA distributors seeking instruction fairly and equitably and afford equal access to instruction;

(2) Shall provide instruction during both election years and nonelection years:

(a) In accordance with a fixed schedule of instruction sessions, which shall be publicized in advance throughout the community that the local board serves; or

(b) Upon request;

(3) May not discontinue providing instruction during the period beginning 70 days prior to an election through one week before the deadline for voter registration; and

(4) Shall, at the completion of an instruction session, issue a certificate to each VRA distributor attending the session.

E. Scope of Instruction. The instruction shall include the following:

(1) How to fill out the Statewide VRA;

(2) How to ensure, to the extent possible, that the Statewide VRA is filled out completely and accurately; and

(3) The personal identification requirements for new applicants.

F. Requirements. A VRA distributor shall:

(1) Advise each applicant that the applicant may:

(a) Personally return the Statewide VRA to the appropriate local board office; or

(b) Permit the individual performing the voter registration activities to return the completed VRA to the local board; and

(2) Deliver completed VRAs to the appropriate local board within five days of receipt or by the next voter registration deadline, whichever occurs first.

G. Forms to be Provided.

(1) Except as specified in §G(2) of this regulation, the State Administrator or a local board shall provide Statewide VRAs to VRA distributors as follows:

(a) For a VRA distributor who presents a Certificate of Instruction described in §D(4) of this regulation, a sufficient number of Statewide VRAs to meet the individual's needs; or

(b) For a VRA distributor who does not present a Certification of Instruction described in §D(4) of this regulation, no more than 25 Statewide VRAs per day.

(2) The State Administrator or an election director may limit the number of Statewide VRAs if the State Administrator or election director:

(a) Does not have a sufficient number of Statewide VRAs to accommodate the request and still have a sufficient supply of Statewide VRAs for official office business; or

(b) Determines that the individual is not following all of the requirements of this regulation.

H. Compensation for Performing Voter Registration Activities. A VRA distributor may not receive compensation on a per registrant basis for voter registration activity.

33.05.04 Processing VRAs and Other Requests

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-101, and 3-301 — 3-304,
Annotated Code of Maryland

.01 Receipt of Completed VRAs.

A. (text unchanged)

B. Date [and Time] Stamp. [Except for VRAs forwarded from a voter registration agency or the MVA, when] *When* a completed VRA is received by the State Board office or a local board office, the board staff shall stamp the VRA with the date [and time] received.

C. When VRA Is Timely.

(1) A VRA received by a voter registration agency or the MVA is timely for purposes of the next election if it is received by the voter registration agency or MVA *on or* before the registration deadline.

(2) Any other VRA is timely for purposes of the next election if:

(a) It is received by the State Board office or a local board office *on or* before the registration deadline; or

(b) The State Administrator or election director, as the case may be, finds acceptable evidence, as specified in §D of this regulation, that the VRA was mailed to the board office:

(i) [Before] *On or before* the registration deadline; or

(ii) (text unchanged)

D. Evidence of Mailing Date.

(1) For purposes of §C(2) of this regulation, the only acceptable evidence of when a VRA was mailed is:

(a) A legible postmark by the United States Postal Service or the postal service of any other country; [or]

(b) Evidence from a private mail service showing when the VRA was mailed; or

[(b)] *(c)* The [applicant's affidavit that the VRA was completed and mailed before the registration deadline,] *date the applicant signed the VRA* if:

(i) (text unchanged)

(ii) [Either the] *The* postal service of the place from which the VRA was mailed does not provide a postmark [or the application is received from a private mail service].

(2) For purposes of [§D(1)(b)] *§D(1)(c)* of this regulation, "United States":

(a) — (b) (text unchanged)

E. Untimely VRAs. A VRA that is not timely received as provided in §C of this regulation will be accepted, but the registration [does] *will* not [become effective] *be processed* until [the] registration [records are next opened] *reopens.*

.02 Initial Processing and Acceptance of VRAs.

A. — B. (text unchanged)

C. When Received by Appropriate Local Board Office.

(1) (text unchanged)

(2) Relocation of Individual; Duties of Local Board.

(a) If a [VRA is received] *local board receives a VRA* from an individual who is currently registered in another Maryland county but has moved to the county served by that board, the local board shall process the change of address under COMAR 33.05.06.02 [and send a removal notice to the local board in the county where the individual was previously registered].

(b) If a [VRA is received] *local board receives a VRA* from an individual who is currently registered in the county served by that board but has moved to a new Maryland county, the local board shall [process the change of address under COMAR 33.05.06.02 and] forward the original VRA to the local board in the county where the individual currently resides.

(3) (text unchanged)

D. (text unchanged)

.03 Required Information.

A. (text unchanged)

B. Signatures.

(1) (text unchanged)

(2) In either of the situations described in §B(1) of this regulation, the individual who assisted the applicant in filling out the VRA shall sign a statement, [on the reverse side of the office-record portion of the VRA or] on a separate document, that the applicant states that:

(a) — (c) (text unchanged)

(3) (text unchanged)

C. [Additional,] Optional Information.

(1) The following items on a VRA are [additional or] optional information:

(a) — (c) (text unchanged)

(d) Full Social Security number; [and]

(e) Prior registration information[.]*; and*

(f) Email address.

(2) The prior registration portion of the VRA shall provide the applicant with space to[:

(a) Provide] *provide* the applicant's last registration information[; or

(b) Indicate that the applicant has never before been a registered voter].

D. Party Affiliation. An applicant who fails to designate party affiliation on a VRA shall be registered as "unaffiliated", and the election director shall so notify the applicant *by sending the applicant a VNC.*

.04 Verification Inquiries.

A. — B. (text unchanged)

C. The election director is not responsible for any failure to complete an inquiry in time for the applicant to vote in, or effect a change before, an election *but the election director*

shall follow the procedures and timeframes for verification established by the State Administrator.

.05 Deadlines for and Periods of Registration or Changes.

A. (text unchanged)

B. When Timely.

(1) In applying the provisions of law that prohibit registration or changes of name, address, or party affiliation during certain periods, the VRA or other appropriate form or notice is considered to have been timely received, and processing shall be completed during the otherwise closed period, if the application, notice, or form:

(a) (text unchanged)

(b) Was received by or mailed to the local board office **[**by**]** *on or before* the appropriate deadline, in the same manner and under the same conditions as provided in Regulation .01C and D of this chapter for VRAs.

(2) (text unchanged)

C. — D. (text unchanged)

33.05.05 Notification

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-101, and 3-301(c), Annotated Code of Maryland

.03 Voter Notification Card — Issuance on New Registration.

A. VNC to Be Sent. Whenever a local board office receives a VRA, completes any needed inquiry, and determines that the applicant is not currently registered in Maryland but is qualified to register and resides in the county served by that board, the election director shall *promptly* send the applicant a VNC by nonforwardable mail.

B. When New Maryland Registration Is Complete.

(1) Registration in Maryland is not considered completed until **[**the applicant receives**]** the VNC *is issued.*

(2) If the VNC is returned as undeliverable, the applicant should not have been registered and the election director shall remove the applicant's name from the *Statewide* voter **[**registry**]** *registration list.*

.04 Duplicate or Changed VNC.

A. (text unchanged)

B. New VNC to Be Issued. When a local board office receives the request, the election director shall:

(1) (text unchanged)

(2) If the election director determines that the request is in order, *issue at no charge to the voter and* send the applicant a new VNC by nonforwardable mail.

C. (text unchanged)

.05 Rejection of Registration.

[A. In General. Except as provided in §B of this regulation, when**]** *When* an election director rejects an application for new registration in Maryland, the election director shall promptly send the applicant a **[**denial notice**]** *letter* that informs the applicant of the rejection and the specific reason for the rejection.

[B. In-Person Application. This regulation does not apply to an application that is made in person with the local board office and rejected while the applicant is still present.**]**

.06 Other Notifications.

A. Duplicates.

(1) If a VRA appears to duplicate a registration already on file, the election director:

(a) **[**May attempt to verify this by telephone or in writing to the applicant**]** *Shall record the VRA as a duplicate in the Statewide voter registration system*; and

(b) (text unchanged)

(2) (text unchanged)

B. VRA with Changed Name, etc.

[(1) Except as provided in §B(2) of this regulation, if**]** *If* a VRA **[**appears to duplicate a registration already on file**]** *is from a voter already listed in the Statewide voter registration list* but **[**indicates**]** *includes* a change of name, party affiliation, or address within the same county, or more than one of these, the election director shall:

[(a)**]** *(1)* — **[**(b)**]** *(2)* (text unchanged)

[(2) If the VRA is received during a period when changes are prohibited, the election director shall send a notice to the applicant explaining:

(a) Why the change could not be made; and

(b) That processing of the change will be deferred until the end of the period during which changes are prohibited.**]**

C. Notice to Another State. Whenever the previous registration portion of a VRA indicates that the applicant formerly resided and was registered in another state**[**:

(1) The election director shall promptly forward all relevant information to the State Board office; and

(2) The**]** *the* State Administrator shall forward the relevant information to the appropriate election official in the state of previous registration, unless that state has directed the State Board not to do so.

33.05.06 Changes, Deaths, and Convictions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-101, 3-301(c), 3-504, and 3-505; Courts and Judicial Proceedings Article, §8-212; Annotated Code of Maryland

.01 Requested Change of Name, Party, or Address Within Same County.

A. Election Director to **[**Verify Signature**]** *Process Request.* If a registered voter**[**, either in person or in writing,**]** requests, *in writing,* a change of name, party affiliation, or address within the same county, the election director shall **[**attempt to verify the signature of the voter.

B. When Signature Is Verified. If the election director is satisfied that the request is from the registered voter, the election director shall**]**:

(1) Make the change; and

(2) Send the registered voter, by nonforwardable mail, a VNC that reflects the change.

[C.**]** *B.* When **[**Signature Is Not Verified**]** *Request Is Not Processed.* If the election director is not satisfied that the request is from the registered voter, the election director shall mail notice to the applicant, directing the applicant to **[**appear at the office of the local board to answer, under oath,**]** *respond to* any questions that the election director considers necessary *and provide any documents requested by the election director.* If the applicant fails to **[**appear**]** *respond* as directed, the election director may not make the change requested.

.02 Requested Change of Address to or from Another Maryland County.

A. Change Request from Voter Who Now Resides in County. When an election director receives a request for a change of address from a voter who is currently registered in another Maryland county but currently resides in the county served by the election director's local board, the election director shall:

(1) [Conduct any needed inquiry; and

(2) If the election director determines that the request is in order:

(a) Add] *In the Statewide voter registration list, transfer* the [voter to the voter registry] *voter's record into the county served by that local board*; *and*

[(b)] *(2)* Send the voter, by nonforwardable mail, a VNC that informs the voter where the voter is registered to vote[; and

(c) Notify the county where the voter was previously registered that the voter should be removed from that county's voter registry].

B. Change Request from Voter Who Has Moved from County. When an election director receives a request for a change of address from a voter who is currently registered in the county served by that local board but currently resides in a new Maryland county, the election director shall[:

(1) Forward] *forward* to the election director in the new county [all available information] *the request* so that the voter may be [registered in] *transferred into* that county[; and

(2) Upon notification that the voter is registered in the new county, remove the voter from the voter registry].

[C. Confirmation Not Needed. When an election director removes a voter from the voter registry under this regulation, the election director is not required to send a confirmation to the voter.]

.03 Requested Change of Address to Jurisdiction Outside Maryland.

A. In General. If a registered voter[, either in person or in writing,] requests *in writing* a change of address to a jurisdiction outside Maryland, the election director shall[:

(1) Conduct any needed inquiry; and

(2) If the election director determines that the request is in order:

(a) Remove] *remove* the voter from the *Statewide* voter [registry] *registration list*[; and

(b) Send the voter written notice of the removal].

B. (text unchanged)

.05 Notices of Death or Conviction.

A. Report of Death from Official Source.

(1) When a local board office receives a report, through the State Board, from the Department of Health and Mental Hygiene or the official vital statistics agency of another state or territory of the United States of the death of a registered voter, as provided in Election Law Article, [§3-505] *§3-504*, Annotated Code of Maryland, the election director shall remove from the *Statewide* voter [registry] *registration list* the registered voter to whom the notice applies.

(2) — (3) (text unchanged)

B. Report of Death from Other Reliable Source.

(1) When a local board office receives a report of the death of a registered voter in the form of an obituary or other reliable report, other than a report covered by §A of this regulation, the election director shall mail a notice to the address shown on the *Statewide* voter [registry] *registration list*[,] to verify whether the voter is in fact deceased.

(2) The election director may not remove the voter from the [registry] *Statewide voter registration list* until the voter's death has been verified.

C. Report of Conviction.

(1) (text unchanged)

(2) The election director shall mail to the registered voter, by regular U.S. mail, a notice that:

(a) (text unchanged)

(b) Notifies the registered voter that the registered voter will be removed from the *Statewide* voter [registry] *registration list* unless, within 2 weeks after the date of the letter, the registered voter:

(i) — (ii) (text unchanged)

(3) If the registered voter timely objects and shows cause why the removal should not proceed, the election director may:

(a) Terminate the removal process and retain the registered voter on the *Statewide* voter [registry] *registration list*; or

(b) (text unchanged)

(4) If the registered voter fails to timely object and show cause why the removal should not proceed, the registration shall be cancelled and the registered voter removed from the *Statewide* voter [registry] *registration list.*

(5) (text unchanged)

.06 Notices from Jury Commissioner, etc.

A. — D. (text unchanged)

E. Action by Local Board — Death or Citizenship.

(1) (text unchanged)

(2) The election director shall mail to the address shown on the *Statewide* voter [registry] *registration list*, by regular U.S. mail, a notice that:

(a) (text unchanged)

(b) Notifies the registered voter or anyone attending the affairs of a deceased voter that the voter will be removed from the *Statewide* voter [registry] *registration list* unless, within 2 weeks after the date of the letter, the registered voter or a representative:

(i) — (ii) (text unchanged)

(3) If the registered voter or a representative timely objects and shows cause why the removal should not proceed, the election director may:

(a) Terminate the removal process and retain the registered voter on the *Statewide* voter [registry] *registration list*; or

(b) (text unchanged)

(4) If the registered voter or a representative fails to timely object and show cause why the removal should not proceed, the registration shall be canceled and the registered voter removed from the *Statewide* voter [registry] *registration list.*

33.05.07 List Maintenance and Inactive Voters

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-101, and 3-501 — [3-509] *3-506*, Annotated Code of Maryland

.01 Required List Maintenance.

A. Purpose. The procedures of this chapter are designed to provide a method by which to periodically identify and, when appropriate, remove from the *Statewide* voter [registry] *registration list* individuals who have become ineligible by reason of a change of address to a jurisdiction outside Maryland.

B. (text unchanged)

C. Post-Election Confirmation. As soon as reasonably practicable after the general election, the election directors shall begin the confirmation mailing process prescribed in Election Law Article, [§3-504] *§3-502*, Annotated Code of Maryland. The confirmation mailing and the removal of voters from the [registry] *Statewide voter registration list* or their placement on the inactive list, as appropriate, shall be completed at least 90 days before the next election.

.03 Inactive Voters and Petitions.

A. (text unchanged)

B. When Petition Address Is Same as Record Address. If an individual on an inactive list signs a petition and provides the same address as the address on file at the local board office:

(1) (text unchanged)

(2) The election director shall remove the individual's name from the inactive list and **[**restore**]** *update* the **[**individual to**]** *individual's record in* the *Statewide* voter **[**registry**]** *registration list.*

C. (text unchanged)

.04 Prompt Updating Required.

An election director shall update the **[**appropriate board records**]** *Statewide voter registration list* as soon as reasonably practicable after receiving any VRA or other appropriate notice or form for registration, cancellation of registration, or change of name, address, or political affiliation

LINDA H. LAMONE
Administrator
State Board of Elections

Subtitle 10 VOTING SYSTEMS — SYSTEM REQUIREMENTS AND PROCEDURES

33.10.02 AccuVote-TS

Authority: Election Law Article, §§2-101(b)(4), 2-202(b), 9-102**[**(a)**]***(b)* and **[**(e)**]***(i)*,
Annotated Code of Maryland

Notice of Proposed Action

[10-100-P]

The State Board of Elections proposes to amend Regulations **.14** and **.16** under **COMAR 33.10.02 AccuVote-TS**. This action was considered at an open meeting held on January 28, 2010, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend the schedule for pre-election testing and public demonstration to reflect early voting.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Nikki Baines Trella, Election Reform Director, State Board of Elections, P.O. Box 6486, Annapolis MD 21401, or call 410-269-2843, or email to ntrella@elections.state.md.us, or fax to 410-974-2019. Comments will be accepted through April 12, 2010. A public hearing has not been scheduled.

.14 Pre-Election Testing — In General.

A. Testing Required.

(1) **[**At least 10 days before an election,**]** *To ensure that all voting equipment will accurately count the votes cast in all contests, a local board shall test* the Election Management System and all voting units and accessible voting equipment **[**shall be completely tested to ensure that they will accurately count the votes cast in all contests**]**.

(2) The testing shall be completed:

(a) For the voting units and accessible voting equipment being used for early voting, at least 14 days before election day; and

(b) For the Election Management System, voting units and accessible voting equipment being used for voting on election day and for absentee and provisional voting, at least 10 days before an election.

B. — C. (text unchanged)

.16 Pre-Election Testing — Public Demonstration.

A. — C. (text unchanged)

D. The public demonstration and parallel testing shall be completed before any voting units are delivered to **[**a precinct**]** *an early voting center*.

LINDA H. LAMONE
Administrator
State Board of Elections

Subtitle 11 ABSENTEE BALLOTS

Notice of Proposed Action

[10-104-P]

The State Board of Elections proposes to:

(1) Amend Regulation **.01** and adopt new Regulation **.03** under **COMAR 33.11.01 Definitions; General Provisions**;

(2) Amend Regulations **.01 — .07** under **COMAR 33.11.02 Applications**;

(3) Amend Regulations **.02 — .06** under **COMAR 33.11.03 Issuance and Return**;

(4) Amend Regulations **.01** and **.03**, repeal existing Regulations **.04**, **.06**, **.08**, **.10**, and **.15**, amend and recodify existing Regulations **.05**, **.07**, **.09**, **.11, .12**, and **.14** to be Regulations **.04, .05, .06, .07, .08**, and **.10**, respectively, and recodify existing Regulations **.13** and **.16** to be Regulations **.09** and **.11**, respectively under **COMAR 33.11.04 Canvass of Ballots — Procedures**;

(5) Amend Regulations **.01 — .06**, amend and recodify existing Regulation **.07** to be Regulation **.08**, and adopt new Regulation **.07** under **COMAR 33.11.05 Canvass of Ballots — Rejecting Ballots**; and

(6) Adopt new Regulations **.01 — .03** under a new chapter, **COMAR 33.11.06 Post-Election Procedures**.

This action was considered at an open meeting held on January 28, 2010, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to add new definitions, incorporate recently enacted federal law and existing guidelines into regulations, establish requirements and considerations for certain individuals or organizations that collect completed forms, alter the deadline for certain forms, establish requirements for the local boards of elections for posting

certain forms, establish procedures to reflect the use of a Statewide voter registration system and electronic pollbooks, update to reflect the current process for canvassing voting absentee ballots, incorporate criteria for rejecting certain ballots, and generally clarify the language in this subtitle.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed regulations remove the requirement that local boards of elections automatically mail absentee ballots to certain voters. With the adoption of these proposed regulations, the personnel time and postage costs associated with preparing and mailing unvoted absentee ballots to certain voters and processing the returned mail will be eliminated.

II. Types of Economic Impact.	Revenue (R+/R−) Expenditure (E+/E−)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:		
(1) Personnel Costs	(E−)	Minimal
(2) Postage	(E−)	Minimal
	Benefit (+) Cost (−)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

C(1). Local boards of elections mail absentee ballots to voters who, under federal law, were automatically entitled to receive the ballots. Federal law has been repealed. Local boards will no longer have to prepare these mailings and process any returned mail.

C(2). Local boards of elections mail absentee ballots to voters who, under federal law, were automatically entitled to receive the ballots. Federal law has been repealed. Local boards of elections will no longer have to pay postage to mail these ballots, many of which are overseas voters.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Nikki Baines Trella, Election Reform Director, State Board of Elections, P.O. Box 6486, Annapolis MD 21401, or call 410-269-2843, or email to ntrella@elections.state.md.us, or fax to 410-974-2019. Comments will be accepted through April 12, 2010. A public hearing has not been scheduled.

33.11.01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-303, 11-301, 11-302, and 11-304,
Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. **[**Term**]** *Terms* Defined.

(1) "Absent uniformed services voter" has the meaning stated in 42 U.S.C. §1973ff-6.

(2) "Authorized agent" means an individual who:

[(1)**]** *(a)* (text unchanged)

[(2)**]** *(b)* Is not a candidate on the *voter's* ballot; and

[(3)**]** *(c)* (text unchanged)

(3) "Electronic transmission" means transmission by:

(a) Email; or

(b) Facsimile.

(4) "Federal Write-in Absentee Ballot" means a write-in absentee ballot for use in elections conducted under Election Law Article, Annotated Code of Maryland by an absent uniformed services voter or an overseas voter who submits a timely request for an absentee ballot but has not received the absentee ballot.

(5) "Overseas voter" has the meaning stated in 42 U.S.C. §1973ff-6.

(6) "Return envelope" means the envelope used by the voter to return a voted absentee ballot.

(7) "Uniformed services" has the meaning stated in 42 U.S.C. §1973ff-6.

.03 Designated Means of Electronic Communications for Certain Voters.

A. As required by federal law, the State Board designates the agency's general email address, website, and facsimile number as the means of electronic communication for voters authorized to vote under the Uniformed and Overseas Citizens Absentee Voting Act.

B. The designated means of electronic communication shall be used to:

(1) Request a formal application;

(2) Send or obtain the appropriate formal application; and

(3) Provide voting, balloting, and election information.

33.11.02 Applications

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-303, 11-301, and 11-302,
Annotated Code of Maryland

.01 In General.

A. — B. (text unchanged)

C. Requests for Application. A local board shall accept requests for a formal application sent by mail or electronic transmission.

D. Third-Party Submission. An individual or organization receiving a completed absentee ballot application from a voter shall submit the application to the appropriate local board within two business days of receiving the application or by the deadline to submit an absentee ballot application established in Regulations .02 and .03 of this chapter, whichever occurs first.

E. Early Submission. An election director may not reject an otherwise valid absentee ballot application submitted by a voter solely because the application was submitted before the Statewide voter registration system is ready to accept an absentee ballot application for that election.

F. Duration of Absentee Ballot Application.

(1) Except as provided in §F(2) of this regulation, an absentee ballot application shall only apply to the elections specified by the voter but shall be limited to the upcoming primary and general election and any special election within the calendar year in which the primary and general election occurs.

(2) An absentee ballot application submitted for the 2008 elections by an absent uniformed services voter or overseas voter shall be considered an absentee ballot application for the 2010 elections unless:

(a) The voter notifies the local board that the voter no longer wishes to be registered to vote in Maryland;

(b) The local board determines that the voter has registered to vote in another State or is no longer qualified to vote;

(c) The voter requested that an absentee ballot not be sent for the 2010 elections; or

(d) The voter is in inactive status.

.02 Formal Application.

A. In General. A formal application for an absentee ballot may be made to a local board only:

(1) On a form prescribed by the State Board; *or*

(2) On a form provided under federal law**[**; or

(3) Until January 1, 2006, on a form prescribed by a local board and approved by the State Administrator**]**.

B. Dissemination of Forms.

(1) (text unchanged)

(2) Website Posting.

(a) The State Board **[**or a local board may**]** *shall* post the *State* Board-prescribed form on **[**the Internet, as long as the form is posted in a way that precludes altering its language**]** *its website.*

(b) A local board, on its website, shall either:

(i) Post the State Board-prescribed form; or

(ii) Link to the form on the State Board's website.

(c) The State Board-prescribed form shall be posted in a way that precludes altering its content.

(3) Absentee Ballot Application Transmission.

(a) If a voter requests an absentee ballot application, the local board shall send, by the voter's preferred method of transmission, the appropriate form to the voter.

(b) If the voter does not specify how the voter wishes to receive the absentee ballot application, the local board shall mail and transmit by any other available means the appropriate form to the voter.

C. **[**Facsimile**]** *Electronic* Transmissions.

(1) A local board may issue and receive applications by electronic **[**facsimile**]** transmission.

(2) If an application is received by email, the application must be signed by the voter.

D. Deadline for Receipt of Application. An application under this regulation must be received by the local board as follows:

(1) On or before 11:59:59 p.m. of the Tuesday preceding **[**the**]** election *day* for an application submitted by electronic **[**facsimile**]** transmission; and

(2) On or before **[**4:30**]** *8* p.m. of the Tuesday preceding **[**the**]** election *day* for all other applications.

E. (text unchanged)

.03 Informal, Written Request.

A. — B. (text unchanged)

C. Third-Party Forms. An individual or organization creating a form other than a form authorized by Regulation .02 of this chapter shall consider printing the form on non-glossy, white paper to improve the form's readability by the local board.

[C.**]** *D.* **[**Facsimile**]** *Electronic* Transmissions.

(1) The request may be submitted to the local board by electronic **[**facsimile**]** transmission.

(2) If a request is received by email, the request must be signed by the voter.

[D.**]** *E.* Deadline for Receipt of Request. A request under this regulation must be received by the local board as follows:

(1) On or before 11:59:59 p.m. of the Tuesday preceding **[**the**]** election *day* for a request submitted by electronic **[**facsimile**]** transmission; and

(2) On or before **[**4:30**]** *8* p.m. of the Tuesday preceding **[**the**]** election *day* for all other requests.

[E.**]** *F.* (text unchanged)

.04 Late, In-Person Application.

A. (text unchanged)

B. Issuance of Application.

(1) **[**Except as otherwise provided in this section, an election director may issue the late application form only to a registered voter at that voter's request.

(2)**]** If a would-be authorized agent requests an application on a voter's behalf, but the voter has not yet signed a written agent authorization under penalty of perjury, the election director shall:

(a) **[**Enter all necessary information about the voter and agent on a late application form and complete the agent authorization part of the late application form;

(b)**]** Provide *the would-be agent with* the form **[**to the would-be agent, to obtain**]** *for* the **[**voter's signatures**]** *voter to sign*;

[(c)**]** *(b)* On return of the signed **[**form and the agent's verification of the agent's identity**]** *application*, issue the appropriate ballot to the agent; and

[(d)**]** *(c)* (text unchanged)

[(3)**]** *(2)* If an individual presents a signed letter from a voter that contains both the information required by Regulation .03B of this chapter and an agent authorization under penalty of perjury, the election director shall:

(a) **[**Retain**]** *Scan into the Statewide voter registration system* the letter as the authorization document for issuing a ballot;

(b) — (d) (text unchanged)

C. **[**Facsimile**]** *Electronic* Transmissions. **[**An election director may issue a late application by electronic facsimile transmission to:

(1) The voter, after first entering the voter's name and identification number on the application; or

(2) The voter's authorized agent or would-be agent, in accordance with the procedures provided in §B(2) or (3) of this regulation, as the case may be**]** *A local board may issue a late application form by electronic transmission.*

.05 Processing Applications — In General.

A. Date **[**and Time**]** Stamp.

(1) Except as provided in §A(2) of this regulation, whenever an application is received by a local board office, the election director shall stamp it with the date **[**and time**]** received.

(2) An application need not be stamped if:

(a) **[**it**]** *It* is received by electronic **[**facsimile**]** transmission; and

(b) One of the following conditions is met:

(i) If received by fax, [on a machine that] *the receiving fax machine* automatically prints the correct date and time received*; or*

(ii) If received by email, the date and time the email was received is included in the printed version of the email.

B. Review.

(1) The election director shall:

(a) Review each application for an absentee ballot; [and]

(b) If the election director determines that the voter resides in another county, the election director shall send by electronic transmission the application to the appropriate local board; and

[(b)] *(c)* (text unchanged)

(2) If an election director rejects an absentee ballot application, the election director shall:

(a) If the application was submitted by an absent uniformed services voter or overseas voter, provide the voter with the reason for the rejection;

(b) If the applicant is not registered to vote, provide the applicant with access to a voter registration application; and

(c) If the applicant submitted an improper application before the application deadline established in Regulation .03 of this chapter, provide the applicant with access to the formal application defined in Regulation .02 of this chapter.

[(2)] *(3)* (text unchanged)

C. Priority Processing. [After the ballots have been received from the printer, the election director shall process all applications as quickly as possible, but with first priority given to military and overseas citizens' applications.] *Once absentee ballots become available, the election director shall give priority to:*

(1) Applications or requests submitted by absent uniformed voters and overseas voters; and

(2) Issuing and transmitting absentee ballots to absent uniformed voters and overseas voters.

D. (text unchanged)

.06 Processing Applications — Change of Name, Address, or Party Affiliation.

A. In General. Except as provided in §B of this regulation, if a completed application indicates a change of name, address, or party affiliation from that [on file] *in the Statewide voter registration list*, the election director shall:

(1) (text unchanged)

(2) [Notify] *Send, by nonforwardable mail,* the applicant[, by sending the applicant, by nonforwardable mail,] a voter notification card (VNC) that reflects the change; and

(3) If the change is in the applicant's address:

(a) (text unchanged)

(b) Provide that ballot to the [new] address [or otherwise] as requested on the application.

B. During Closed Period. If the application is received during a [closed] period when [changes are not permitted] *voter registration is closed*, the election director shall:

(1) *If the voter moved:*

(a) Before registration closed, [Issue] *issue* the applicant a ballot appropriate to the new address; *or*

(b) After registration closed, issue the applicant a ballot appropriate to the address where the applicant resided when registration closed; and

(2) Provide that ballot to the [new] address [or otherwise] as requested on the application[; and

(3) Provide the applicant with a notice explaining:

(a) Why the change could not be made, and

(b) That processing of the change will be deferred until the end of the closed period, during which changes are not permitted].

.07 Identification Requirements.

A. (text unchanged)

[B. Definition. In this regulation, "personal identification information" means:

(1) A current and valid identification card that bears the photograph of the individual; or

(2) A current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the individual.]

[C.] *B.* — [D.] *C.* (text unchanged)

[E.] *D.* Fail-Safe Provision. If an individual covered by this regulation submits an absentee ballot and has not submitted required personal identification information by the beginning of the absentee ballot canvass, the absentee ballot shall be treated as a provisional ballot properly applied for and shall be canvassed insofar as possible under the procedures in COMAR [33.16.04.06B and C] *33.16.05.05*, [33.16.04.07] *33.16.05.06*, and [33.16.05] *33.16.06.*

33.11.03 Issuance and Return

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-303, 11-301, 11-302, and 11-304,
Annotated Code of Maryland

.02 [Marking Precinct] *Updating Election* Register.

A. [Marking Required] *Update Required.* [When issuing an absentee ballot, the election director shall record the issuance in the appropriate precinct register] *The election register must include information about all absentee ballots issued to voters before the register is created.*

B. (text unchanged)

.03 Ballot Instructions.

A. — B. (text unchanged)

C. Required Information. The State designated means of electronic communication shall be included in the instructions.

.04 Envelopes.

A. (text unchanged)

B. Form and Content. The form and content [of the printing on] *of* the envelopes shall be as the State Board prescribes.

[C. Local Options.

(1) Except as provided in §C(2) of this regulation, a local board shall use three envelopes.

(2) A local board may use two envelopes if the board has received prior approval from the State Administrator.]

C. Request for Personal Identification Information on Return Envelope. If an individual is required to show personal identification information under COMAR 33.11.02.07, the election director shall indicate on the return envelope that personal identification information is required.

.05 Issuance of Ballots.

A. Transmission of Absentee Ballot.

(1) An absentee ballot shall be transmitted, to the extent practicable, by the method requested by the voter.

(2) If the voter does not specify how the voter would like to receive an absentee ballot, the local board shall mail and transmit by any other available means the absentee ballot to the voter.

B. An absentee ballot may be issued only to the voter or the voter's authorized agent.

.06 Return of Ballot.

A. Date [and Time] Stamp Return Envelope. Whenever an absentee ballot is received by a local board office, the election director shall stamp the return envelope with the date [and time] received.

B. Ballots Returned Without Return Envelope. If an absentee ballot is returned in [the ballot] *an* envelope [only] *other than the envelope provided by the local board and the envelope was opened during the normal process of opening mail*, the election director shall immediately:

(1) [Seal it in a return envelope] *Tape the envelope closed*;

(2) [Enter the appropriate information on the return envelope] *Initial the tape and write "Absentee" on the envelope*; and

(3) Stamp the [return] envelope with the date [and time] received.

C. Ballots Returned to Wrong [Board] *Election Office.*

(1) If an absentee ballot is received by the wrong [board] *election* office, that [board's election director] *office* shall immediately:

(a) Stamp the envelope with the [date and time] *date* received; and

(b) Send the ballot to the appropriate local board office, with the ballot envelope unopened and, except for the date[-and-time] stamp, unmarked and unchanged in any way.

(2) The date [and time] stamped on the envelope under §C(1)(a) of this regulation [are] *is* the official date [and time] of receipt of that ballot.

D. Ballots in Return Envelope with Request for Personal Identification Information. A return envelope marked with a request for personal identification information shall be considered a provisional ballot and canvassed under COMAR 33.16.05.

33.11.04 Canvass of Ballots — Procedures

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-303, 11-301, 11-302, and 11-304,
Annotated Code of Maryland

.01 Conduct Generally.

A. (text unchanged)

B. Uniformity for All Absentee Ballots. The canvass procedures in this chapter shall be followed for [both the regular] absentee [canvass] *ballots cast by domestic, civilian voters* and [the] *absentee ballots cast by* [military and overseas citizens absentee canvass] *absent uniformed services voters or overseas voters.*

.03 Start of Canvass.

A. (text unchanged)

B. Opening Ballots.

(1) [Neither the absentee ballots nor their return envelopes] *An envelope with an enclosed absentee ballot* may *not* be opened until the start of the canvass.

(2) If an oath on the return envelope is covered, a local board may remove the paper covering the oath before the start of the canvass.

[.05] *.04* Hold Back of Ballots.

A. Required Hold Back. [To] *Except as provided in §B of this regulation, to* preserve the secrecy of provisional ballots and absentee ballots, the local board shall withhold, from the initial canvass:

(1) — (2) (text unchanged)

B. If, at the start of the initial canvass, a local board has received five or less absentee ballots of a specific ballot style, the local board shall withhold all of the ballots of that ballot style until the final canvass.

[B.] *C.* (text unchanged)

[.07] *.05* [Opening] Return Envelopes — [Distribution and] Opening, *Reviewing, and Referrals*.

A. Batch Distributions.

(1) (text unchanged)

(2) Each batch shall consist of a controllable number of ballots (for example, 25) [of the same ballot style].

B. Verifying Timeliness.

(1) The team shall first verify timeliness by checking the [date-and-time] *date* stamp on the return envelope.

(2) If the [date-and-time] *date* stamp is missing, the team shall check the postmark on the return envelope [to verify timeliness].

(3) If the postmark is missing or illegible, the team shall [open the return envelope and] check the [signature and] date [on] the [ballot envelope] *voter signed the oath required by Election Law Article, §9-310, Annotated Code of Maryland.*

(4) (text unchanged)

[C. Removing Ballot Envelopes.

(1) The team shall open the return envelope and remove the ballot envelope, keeping both in the same sequence.

(2) An electric letter opener may be used for this purpose.]

C. Signature and Seal.

(1) The team shall verify that:

(a) The oath required by Election Law Article, §9-310, Annotated Code of Maryland, is signed; and

(b) The return envelope is sealed.

(2) If the oath is not signed or the return envelope is unsealed, the team shall refer the envelope to the local board.

D. The team shall:

(1) Open each return envelope by any means that will not damage the contents; and

(2) Place the envelope with the mailing address face down on the table without removing the contents.

E. Removing Ballots. After all the return envelopes in the batch have been opened and placed with the mailing address face down, the team shall remove the ballots from the return envelopes one at a time, taking care that each envelope remains face down.

F. Certificates of Voter Assistance. The team shall remove any certificates of voter assistance and place them in separate stacks.

G. Extra Ballots.

(1) The team shall make sure that not more than one ballot is in any return envelope.

(2) If a return envelope contains more than one ballot, the team shall refer the return envelope with all ballots to the local board.

H. Setting Aside Envelopes. After all ballots have been removed from the envelopes in the batch, the team shall set aside the return envelopes.

[.09] *.06* Opening Return Envelopes — Board Ruling on Referrals.

A. Board to Rule. The *local* board shall rule on all referrals made to it under [Regulations.07 and .08] *Regulation .05* of this chapter.

B. — C. (text unchanged)

[.11] *.07* [Opening Ballot Envelopes] *Ballots* — Inspection and Referrals.

A. (text unchanged)

B. Ballots To Be Referred. The team shall refer to the *local* board any ballot that:

(1) — (3) (text unchanged)

C. (text unchanged)

D. Completion of Batch. When a team has completed a batch, the [Election Director] *election director* shall:

(1) Retrieve the ballots and [ballot] *return* envelopes;

(2) File the [ballot] *return* envelopes away;

(3) — (4) (text unchanged)

[.12] *.08* [Opening Ballot Envelopes] *Ballots* — Board Ruling on Referrals.

A. Board to Rule. The local board shall rule on all referrals made to it under Regulation [.11] *.07* of this chapter.

B. Rejected Ballots. Each ballot that the local board rejects shall be retained by the board at the board table.

C. Accepted Ballots. Each ballot that the *local* board accepts shall be, as appropriate:

(1) — (2) (text unchanged)

D. (text unchanged)

[.14] *.10* Ballot Tabulation.

[A. When Started.] The tabulation of the ballots shall follow their removal from the [ballot] *return* envelopes, without unreasonable delay.

[B. Tabulation Procedures. Each board shall:

(1) Adopt written procedures for the tabulation of absentee ballots; and

(2) Submit these procedures to the State Board before they become effective.]

33.11.05 Canvass of Ballots — Rejecting Ballots

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-303, 11-301, and 11-302,
Annotated Code of Maryland

.01 Vote Required.

Neither an absentee ballot nor any vote on it may be rejected except by unanimous vote of [all members of] the local board.

.02 Voter Intent.

[A. Scope. This regulation applies whenever a ballot is not marked specifically in accordance with the instructions provided to the voter; for example, where the instructions call for marking a choice with an "x" in a box, and the voter uses a "check mark"; or the instructions call for filling in a circle, but the voter marks the choice with an asterisk; or the voter marks a box rather than removing a pre-scored hole.]

[B. Board's Duties. In the situations described in §A of this regulation,] *If a ballot is not marked specifically in accordance with the instructions provided to the voter,* the *local* board shall:

(1) [Attempt to determine the intent of the voter] *Follow the standards established in COMAR 33.08.02*; and

(2) Appropriately mark or duplicate the ballot for tabulating acceptability[, if it is able to do so].

.03 Ballot Rejection — Basic Grounds.

The local board shall reject an absentee ballot if:

A. (text unchanged)

B. [A majority of the board makes a determination under Regulation .01B of this chapter] *Before the ballot is canvassed, the local board determines that the voter died before election day*;

C. The voter failed to sign the oath required by Election Law Article, §9-310, Annotated Code of Maryland;

D. The local board determines that an absentee ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purposes of identifying the ballot;

[C.] *E.* (text unchanged)

[D.] *F.* The voter was required to submit personal identification information under COMAR 33.11.02.07 but failed to submit that information before the absentee ballot canvass began, in which case the absentee ballot shall be treated as a provisional ballot properly applied for and canvassed insofar as possible under the procedures in COMAR [33.16.04.06B and C] *33.16.05.05*, [33.16.04.07] *33.16.05.06*, and [33.16.05] *33.16.06.*

.04 Ballot Rejection — Multiple Ballots from the Same Individual.

The *local* board shall reject multiple absentee ballots as follows:

A. If a single [ballot] *return* envelope contains more than one ballot from the same individual for the same election, all ballots from that individual shall be rejected; and

B. If more than one ballot is received from the same individual in different [ballot] envelopes:

(1) If the signed oaths [on the envelopes] have different dates, only the ballot with the later date shall be counted;

(2) If the signed oath [on one envelope] *associated with one ballot* is dated and the signed oath [on the other envelope] *associated with the other ballot* is either undated or indecipherably dated, the undated or indecipherably dated ballot shall be rejected; [and]

(3) If the signed oaths [on the envelopes] all have the same dates or all have indecipherable dates, all ballots shall be rejected*; and*

(4) If one of the ballots received is a Federal Write-in Absentee Ballot:

(a) If both ballots are timely, only the State ballot shall be counted; but

(b) If only one of the ballots is timely, the timely ballot shall be counted as long as the timely ballot is not rejected for other reasons.

C. If an absentee ballot and provisional ballot are received from the same individual, the local board shall reject both ballots.

.05 Ballot Rejection — Unusual Marking Device.

A. Duplication.

(1) (text unchanged)

(2) Certain types of pencil or ink, however, might not be readable by optical scanning equipment. Accordingly, ballots not marked with the appropriate pencil or ink should be referred by the *local* board to the duplication team.

B. Possible Rejection. In a specific case, the *local* board may consider the particular pencil or ink used to be unusual enough to be considered an attempt to intentionally identify the ballot.

.06 Ballot Rejection — Unsealed [Ballot] Envelope.

The *local* board may not reject a ballot solely because its [ballot] envelope was unsealed unless:

A. — B. (text unchanged)

.07 Ballot Rejection — Federal Write-In Absentee Ballot.

A. The local board shall reject a Federal Write-In Absentee Ballot if:

(1) The Federal Write-In Absentee Ballot was not timely received;

(2) Before the ballot is canvassed, the local board determines that the voter died before election day;

(3) The voter failed to sign the oath accompanying the Federal Write-in Absentee Ballot;

(4) The local board determines that the Federal Write-in Absentee Ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purposes of identifying the ballot;

(5) The voter was required to submit personal identification information under COMAR 33.11.02.07 but failed to submit that information before the absentee ballot canvass began, in which case the ballot shall be treated as a provisional ballot properly applied for and canvassed insofar as possible under the procedures in COMAR 33.16.05.05, 33.16.05.06, and 33.16.06;

(6) The Federal Write-in Absentee Ballot was submitted by an overseas voter who is not an absent uniformed services voter and was submitted from within the United States; or

(7) The local board counted the voter's State absentee ballot.

B. In a general election, the local board may not reject a Federal Write-in Absentee Ballot or a vote on a Federal Write-in Absentee Ballot solely because the absent uniformed services voter or overseas voter wrote in the name of a political party, in which case the ballot or vote on the ballot shall be counted as a vote for the candidate affiliated with political party written by the voter on the ballot.

[.07] *.08* Vote or Contest Rejection.

A. (text unchanged)

B. Damaged or Marked Ballot. If an absentee ballot is damaged or otherwise marked so that the *local* board cannot determine the voter's intent in a specific contest, the *local* board shall reject that contest on the ballot.

C. Erasures or Alterations. If an absentee ballot has erasures or has been altered or repaired:

(1) For all contests where the voter's intent is clear, the *local* board shall process the ballot or, if necessary, have it duplicated and processed; and

(2) For any contest where the *local* board cannot determine the voter's intent, the *local* board shall reject that contest on the ballot.

33.11.06 Post-Election Procedures

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 9-303, Annotated Code of Maryland; 42 U.S.C. §§1973ff-1(h) and 1974

.01 Storage of Materials.

A. Document Retention. A local board shall retain for 22 months after an election:

(1) Absentee ballot applications;

(2) Voted absentee ballots;

(3) Return envelopes; and

(4) Certificates of assistance.

B. Disposal of Unvoted Ballots.

(1) A local board may dispose of any unvoted absentee ballots at least 30 days after State certification of an election or the conclusion of a recount, whichever is later.

(2) A local board is not required to shred unvoted absentee ballots.

.02 Post-Election Correspondence.

After voter registration reopens, the election director shall send:

A. A letter requesting personal identification information from each voter whose absentee ballot was rejected because the voter failed to provide the required personal identification information; and

B. The appropriate letter to each voter whose absentee ballot was rejected because the voter's registration status was "pending" because:

(1) The voter's driver's license or full or partial social security number could not be verified under COMAR 33.05.04.04; or

(2) The voter did not provide personal identification information.

.03 Free Access System for Determining Whether Absentee Ballot Was Accepted.

A. The State Board shall establish a free access system that any voter who submits an absentee ballot application may access to determine whether the local board received and accepted the voter's absentee ballot application and received and counted the voter's absentee ballot.

B. Information for Free Access System.

(1) Each election director shall use the Statewide voter registration system to process all absentee ballot applications and returned ballots.

(2) The State Board shall use the absentee voting information in the Statewide voter registration system for the free access system.

C. The free access system shall be accessible online through the State Board's website and by calling the State Board's toll-free telephone number.

D. An absentee voter shall be required to provide his or her name and date of birth to be able to access information about his or her absentee ballot.

LINDA H. LAMONE

Administrator

State Board of Elections

Subtitle 17 EARLY VOTING

33.17.02 Early Voting Centers

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 10-301.1, Annotated Code of Maryland

Notice of Proposed Action

[10-099-P]

The State Board of Elections proposes to amend Regulation **.02** under **COMAR 33.17.02 Early Voting Centers**. This action was considered at an open meeting held on January 28, 2010, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to require certain information in a local board of elections' disastery recovery plan.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Nikki Baines Trella, Election Reform Director, State Board of Elections, P.O. Box 6486, Annapolis MD 21401, or call 410-269-2843, or email to ntrella@elections.state.md.us, or fax to 410-974-2019. Comments will be accepted through April 12, 2010. A public hearing has not been scheduled.

.02 Selecting Early Voting Centers.

A. — F. (text unchanged)

G. Alternate Early Voting Centers.

(1) — (3) (text unchanged)

(4) A local board shall:

(a) (text unchanged)

(b) Upon approval by the State Administrator of the alternate early voting center:

(i) (text unchanged)

(ii) Include in its disaster recovery plan the name, address, and contact information for **[**an**]** *each* alternate early voting center, *a plan for notifying the public if the alternate center is needed, and a plan for transitioning operations to an alternate center*.

LINDA H. LAMONE
Administrator
State Board of Elections

Errata

COMAR 10.14.02.04

At 37:3 Md. R. 203 (January 29, 2010), col. 1, line 7 from bottom:

For: *in accordance with Medicare or MHIP specifications*; and

Read: *in accordance with Medicare or MHIP billing specifications*; and

[10-06-47]

COMAR 26.09.03.07

At 37:2 Md. R. 108 (January 15, 2010), column 1, line 21 from the bottom:

For: $V_m = (VS_{deg} \times B_0) \times 35.3147$

Read: $V_m = (VS_{deg} \times B_\circ) \times 35.3147$

At 37:2 Md. R. 108 (January 15, 2010), column 1, line 18 from the bottom:

For: (c) B_0 = Manure or organic food waste type-specific

Read: (c) $B_\circ$ = Manure or organic food waste type-specific

At 37:2 Md. R. 108 (January 15, 2010), column 1, line 16 from the bottom:

For: degraded). For dairy cow manure, $B_0 = 0.24\ m^3\ CH_4/kg\ VS$

Read: degraded). For dairy cow manure, $B_\circ = 0.24\ m^3\ CH_4/kg\ VS$

[10-06-32]

COMAR 27.01.01.01

At 36:24 Md. R. 1899 (November 20, 2009), column 1, following line 3 from the top:

Insert: (20-1) (text unchanged)

[10-06-53]

COMAR 27.01.09.01-3

At 37:5 Md. R. 432 (February 26, 2010), column 2, following line 7 from the top:

Insert: (3) (text unchanged)

[10-06-52]

COMAR 33.17

At 37:4 Md. R. 343 (February 12, 2010), column 2, line 19 from the top:

For: (1) New Regulation **.01** under **COMAR 33.17.03 Pub-**

Read: (1) New Regulation **.01** under a new chapter, **COMAR 33.17.03 Pub-**

At 37:4 Md. R. 343 (February 12, 2010), column 2, line 21 from the top:

For: (2) New Regulations **.01 — .05** under **COMAR**

Read: (2) New Regulations **.01 — .05** under a new chapter, **COMAR**

At 37:4 Md. R. 343 (February 12, 2010), column 2, line 24 from the top:

For: (3) New Regulations **.01 — .03** under **COMAR**

Read: (3) New Regulations **.01 — .03** under a new chapter, **COMAR**

[10-06-33]

DEPARTMENT OF BUDGET AND MANAGEMENT

Notice of Amounts of Debt That May Be Issued Pursuant to Executive Order 01.01.1998.07

Pursuant to Executive Order 01.01.1998.07, the Department of Budget and Management is required to publish the amounts of debt that may be issued, net of refunding, by the following entities as set by the Governor. The amounts for fiscal year 2011 are as follows:

Agency	Amount
Maryland Environmental Service	$26,200,000
Maryland Food Center Authority	$0
Maryland Transportation Authority	$560,000,000
Maryland Water Quality Financing Administration	$150,000,000

[10-06-42]

DEPARTMENT OF THE ENVIRONMENT

Informational Public Meeting Announcement: Maryland's Draft 2010 Integrated Report

The Federal Clean Water Act requires that States assess the quality of their waters every 2 years and publish a list of waters not meeting the water quality standards set for them. This list of impaired waters is included in the State's biennial Integrated Report (IR). Waters identified in Category 5 of the IR are impaired and may require the development of Total Maximum Daily Loads (TMDLs). The Maryland Department of the Environment (MDE) is announcing the availability of the Draft 2010 IR for public review and comment. The public review period will run from **February 12 to March 26, 2010**. The Draft IR is being posted on MDE's website at http://www.mde.state.md.us/Programs/WaterPrograms/TMDL/Maryland%20303%20dlist/index.asp. Copies of the document will also be available at selected county library branches Statewide; a list of those libraries will be available on MDE's website or by calling Ms. Danielle Anthony at (410) 537-3906. The Draft IR may also be requested in writing from Ms. Anthony at the address below.

The Department is hosting three informational public meetings. The public is cordially invited to attend a meeting in a region of their choice. Any hearing impaired person may request an interpreter to be present at the meeting by giving five (5) working days notice to Matthew Stover at mstover@mde.state.md.us or by calling (410) 537- 3611. Comments or questions may be directed in writing to Ms. Danielle Anthony MDE, Science Services Administration, 1800 Washington Blvd., Baltimore Maryland 21230, emailed to 303d@mde.state.md.us, or faxed to the attention of Ms. Danielle Anthony at 410-537-3998 on or before **March 26, 2010**. After addressing all comments received during the public review period, a final List will be prepared and submitted to the U.S. Environmental Protection Agency for approval.

Eastern Shore Region
Location: Easton
Date: March 11, 2010
Start Time: 6:00 p.m.
Talbot County Community Center
10028 Ocean Gateway
Easton, MD 21601
1(410) 770-8050

This meeting is co-sponsored by the Lower Eastern Shore Tributary Team.

Western Maryland Region
Location: Williamsport
Date: February 24, 2010
Start Time: 5:00 p.m.
Washington County Department of Water Quality
16232 Elliott Parkway
Williamsport, MD 21795
1(240) 313-2600

This meeting is co-sponsored by the Upper Potomac Tributary Team.

Central Region
Location: Baltimore
Date: March 11, 2010
Start Time: 6:00 p.m.
MDE Headquarters
1800 Washington Blvd.
Baltimore MD, 21230
1(410) 537-3873

This meeting is co-sponsored by the Patapsco/Back River Tributary Team.

[10-06-23]

MARYLAND HEALTH CARE COMMISSION

Nursing Home Licensed Beds Occupancy by Region and Jurisdiction: Maryland, Fiscal Year 2008

Region/Jurisdiction		Percent Occupancy Rate*
Western Maryland		**91.99%**
	Allegany County	94.21%
	Carroll County	88.24%
	Frederick County	91.47%
	Garrett County	92.54%
	Washington County	93.62%
Montgomery County		**88.12%**
Southern Maryland(1)		**88.99%**
	Calvert County	86.28%
	Charles County	90.10%
	Prince Georges County	89.84%
	St Mary's County(1)	82.57%

Region/Jurisdiction		Percent Occupancy Rate*
Central Maryland		**88.16%**
	Anne Arundel County	89.44%
	Baltimore City	88.95%
	Baltimore County	86.30%
	Harford County	92.68%
	Howard County	91.65%
Eastern Shore		**87.81%**
	Caroline County	91.77%
	Cecil County	85.52%
	Dorchester County	84.78%
	Kent County	90.22%
	Queen Anne's County	77.95%
	Somerset County	89.38%
	Talbot County	86.17%
	Wicomico County	91.72%
	Worcester County	86.08%
MD Total[1]		**88.83%**

* Licensed Beds Occupancy Rate is based on a ratio of total patient days to total available licensed nursing home days, which excludes temporarily delicensed beds.

Source: Maryland Health Care Commission, 2008 Long Term Care Survey, 2008 Nursing Home Bed Inventory Records; Maryland Medical Assistance Program, unaudited 2008 cost reports

[1] Excludes Charlotte Hall Veterans Home

Required Maryland Medical Assistance Participation Rates for Nursing Homes by Region and Jurisdiction: Fiscal Year 2008

Region/Jurisdiction		Required Medicaid Participation Rate*
Western Maryland		**45.47%**
	Allegany County	52.59%
	Carroll County	37.07%
	Frederick County	39.55%
	Garrett County	60.73%
	Washington County	47.62%
Montgomery County		**39.07%**
Southern Maryland[1]		**45.87%**
	Calvert County	37.60%
	Charles County	53.31%
	Prince Georges County	45.25%
	St Mary's County[1]	49.17%
Central Maryland		**48.98%**
	Anne Arundel County	42.52%
	Baltimore City	61.00%
	Baltimore County	42.24%
	Harford County	47.59%
	Howard County	43.74%
Eastern Shore		**47.32%**
	Caroline County	53.27%
	Cecil County	42.21%
	Dorchester County	52.30%
	Kent County	30.17%
	Queen Anne's County	44.26%
	Somerset County	62.46%
	Talbot County	37.41%
	Wicomico County	52.73%
	Worcester County	47.40%
MD Total[1]		**46.22%**

* Participation Rates are based on weighted mean Medicaid participation (calculated as total county Medicaid days divided by total county patient days) minus 15.5%.

Source: Maryland Health Care Commission, 2008 Long Term Care Survey, 2008 Nursing Home Bed Inventory Records; Maryland Medical Assistance Program, unaudited 2008 cost reports

[1] Excludes Charlotte Hall Veterans Home

[10-06-36]

General Notices

Notice on ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

BOARD OF ARCHITECTS

Subject: Public Meeting
Date and Time: March 24, 2010, 9:30 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6263

[10-06-38]

BOARD OF AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH-LANGUAGE PATHOLOGISTS

Subject: Public Meeting
Date and Time: March 18, 2010, 4 — 6 p.m.
Place: Metro Executive Bldg., 4201 Patterson Ave., Baltimore, MD
Contact: Christopher Kelter (410) 764-4725

[10-06-13]

ADVISORY COUNCIL ON CEMETERY OPERATIONS

Subject: Public Hearing
Date and Time: March 25, 2010, 10 a.m. — 1 p.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl., Baltimore, MD
Contact: Benjamin Foster (410) 230-6229

[10-06-19]

BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS

Subject: Public Meeting
Date and Time: April 9, 2010, 9 — 11 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Kimberly Mayer (410) 764-5911

[10-06-21]

BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS

Subject: Public Meeting
Date and Time: May 14, 2010, 9 — 11 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Kimberly Mayer (410) 764-5911

[10-06-22]

CORRECTIONAL TRAINING COMMISSION

Subject: Public Meeting
Date and Time: April 20, 2010, 10 a.m. — 12 p.m.
Place: Public Safety Education and Training Center, 6852 4th St., Sykesville, MD
Contact: Thomas C. Smith (410) 875-3605

[10-06-30]

BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS

Subject: Public Meeting
Date and Time: March 19, 2010, 11 a.m. — 4 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Aileen Taylor (410) 764-4732

[10-06-09]

PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD

Subject: Public Meeting
Date and Time: April 8, 2010, 9:30 a.m. — 12 p.m.
Place: Nancy S. Grasmick State Education Bldg., 200 W. Baltimore St., Baltimore, MD
Contact: Madeline Koum (410) 767-0385

[10-06-02]

DEPARTMENT OF EDUCATION/DIVISION OF REHABILITATION SERVICES

Subject: Public Meeting
Date and Time: March 25, 2010, 2 — 4 p.m.
Place: Humanim, Inc., 1701 N. Gay St., Baltimore, MD
Add'l. Info: The Maryland State Rehabilitation Council and the Maryland Division of Rehabilitation Services (DORS) invite people with disabilities, parents, educators, advocates, and others to public meetings to comment on the State's public vocational rehabilitation program and the State Plan for Vocational Rehabilitation. The State Plan assures that DORS operates in accordance with the federal Rehabilitation Act. The public can read in advance and comment about updates in the Division's policies and initiatives and the State Plan by visiting www.dors.state.md.us, by calling 410-554-9435, 1-888-554-0334, or TTY 410-554-9411, or by e-mailing dors@dors.state.md.us.

There will also be time for audience members to discuss other topics of concern. After each meeting, DORS staff will be on hand for individualized assistance. For directions or more information, or to arrange accommodations, visit www.dors.state.md.us, call 888-554-0334, or email dors@dors.state.md.us.

Sign language interpreters will attend each meeting. Contact DORS to request a foreign language interpreter.

If local government closes that county's schools for inclement weather, the meeting will be canceled.

Address requests for copies of the State Plan for Vocational Rehabilitation Services as well as other inquiries to Kathi Santora, Staff Specialist, Public Information & Planning, 2301 Argonne Drive, Baltimore, MD 21218, 410-554-9435, 1-888-554-0334, or TTY 410-554-9411, ksantora@dors.state.md.us.

Contact: Kathi Santora (410) 554-9435

[10-06-16]

DEPARTMENT OF EDUCATION/DIVISION OF REHABILITATION SERVICES

Subject: Public Meeting
Date and Time: April 16, 2010, 12 — 3 p.m.; Additional Dates: June 18, August 20, October 15, and December 17, 2010
Place: Workforce & Technology Center, 2301 Argonne Drive, Rm. T-130, Baltimore, MD
Add'l Info: Toll Free Number 866-996-0961
Contact: Tonya Gilchrist, Administrative Officer (410) 554-5412

[10-06-11]

MARYLAND STATE BOARD OF EDUCATION

Subject: Public Meeting
Date and Time: March 23, 2010, 9 a.m. — 5 p.m.; March 24, 2010, 9 a.m. — 12 p.m.
Place: Nancy S. Grasmick State Education Bldg., 200 W. Baltimore St., Baltimore, MD
Contact: Charlene L. Necessary (410) 767-0467

[10-06-06]

BOARD OF MASTER ELECTRICIANS

Subject: Public Meeting
Date and Time: May 25, 2010, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., Baltimore, MD
Contact: Gae Herzberger (410) 230-6163

[10-06-17]

BOARD OF EXAMINING ENGINEERS

Subject: Public Meeting
Date and Time: May 18, 2010, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., Baltimore, MD
Contact: Gae Herzberger (410) 230-6163

[10-06-18]

DEPARTMENT OF GENERAL SERVICES/ARCHITECTURAL/ ENGINEERING/PROCUREMENT/ GPSSB

Subject: Public Meeting
Date and Time: March 30, 2010, 9 a.m.
Place: 201 W. Preston St., Rm. L-1, Baltimore, MD
Add'l. Info: The agenda for the meeting is as follows:

A. The Board, in making its selection recommendation for presentation to the Board of Public Works, shall determine that the negotiations have been conducted in accordance with Regulations and that the Price Proposal is fair, competitive, and reasonable for the following project:

Project No. P-012-070-010
Western Maryland Rail Trail, Phase IV, Department of Natural Resources, Allegany and Washington Counties, MD

Using Agency: Department of Natural Resources

B. The Selection Board will also review other matters which may be presented for its consideration.

Please call William A. Davis at 410-767-4296 (Voice) or, for persons with hearing or speech disabilities, call via the Maryland Relay Service at 1-800-735-2258, to request any reasonable accommodations you may require.

Contact: William A. Davis (410) 767-4296

[10-06-39]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: March 31, 2010, 6 — 8 p.m.
Place: 201 W. Preston St., Lobby Level, Rm. L1, Baltimore, MD
Add'l. Info: For more information, please visit: http://fha.maryland.gov/genetics/newprog.cfm.
Contact: Donna Harris (410) 767-5642

[10-06-51]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/LABORATORIES ADMINISTRATION/FORENSIC LABORATORY ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: March 24, 2010, 10 — 11:30 a.m.
Place: 221 Milford Mill Rd., MSP Forensic Sciences Training Rm., Pikesville, MD
Contact: Michael Wajda (410) 767-6100

[10-06-50]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/MARYLAND BOARD OF PHYSICIANS

Subject: Public Meeting
Date and Time: March 24, 2010, 9 a.m. — 10 p.m.; Open Meetings will be held at 9 a.m. and 3 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Add'l. Info: Appropriate auxiliary aids and services provided for qualified individuals upon request. Call Ellen Smith at (410) 764-2477.
Contact: Tammy Austin (410) 764-4769

[10-06-12]

BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS (HVACR)

Subject: Public Meeting
Date and Time: April 14, 2010, 9:30 a.m. — 12 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Steve Smitson (410) 230-6169

[10-06-10]

HISTORIC ST. MARY'S CITY COMMISSION

Subject: Public Meeting
Date and Time: March 28, 2010, 9:30 a.m. — 12 p.m.
Place: St. Mary's College of Maryland Library Board Rm., St. Mary's City, MD
Contact: Porzia M. Purves (240) 895-4960

[10-06-59]

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subject: Public Hearing
Date and Time: March 29, 2010, 1:30 — 2:30 p.m.
Place: Maryland Dept. of Housing and Community Development, 100 Community Pl., CDA Conf. Rm. #4.402, Crownsville, MD
Add'l. Info: A public hearing will be held to solicit comments on the Federal Program Year Weatherization Assistance Program State Plan Application to be submitted to the U.S. Department of Energy (DOE). The State Plan Application describes the Department's intention to utilize the funding. Copies of the proposed State Plan can be viewed at any of the current Weatherization Assistance Program service providers.

Written comments for the State Plan must be submitted not later than 4:30 p.m., March 31, 2010, to James J. McAteer, Program Manager, at the above address.

Contact: Jim McAteer (410) 514-7489

[10-06-48]

DIVISION OF LABOR AND INDUSTRY/AMUSEMENT RIDE SAFETY ADVISORY BOARD

Subject: Public Meeting
Date and Time: March 31, 2010, 10 a.m.
Place: Laurel College Center, 312 Marshall Ave., 6th Fl., Laurel, MD
Add'l. Info: The Board is scheduled to meet to discuss issues relating to amusement ride safety, rider responsibility, and inflatables.
Contact: Debbie Stone (410) 767-2225

[10-06-60]

DIVISION OF LABOR AND INDUSTRY/MARYLAND OCCUPATIONAL SAFETY AND HEALTH (MOSH)

Subject: Public Meeting
Date and Time: April 7, 2010, 10 a.m.
Place: Laurel College Center, 312 Marshall Ave., 6th Fl., Laurel, MD
Add'l. Info: The Board is scheduled to meet to discuss issues relating to occupational safety and health. Interested persons should call the contact person to confirm the meeting.
Contact: Debbie Stone (410) 767-2225

[10-06-61]

STATE LABOR RELATIONS BOARD

Subject: Public Meeting on Regulations
Date and Time: March 23, 2010, 10 a.m. — 12 p.m.
Place: 839 Bestgate Rd., Ste. 400, MHEC Commission Rm., Annapolis, MD
Contact: Erica Snipes (410) 260-3216

[10-06-24]

MARYLAND STATE LOTTERY COMMISSION

Subject: Public Meeting
Date and Time: March 19, 2010, 10 a.m. — 12 p.m.
Place: Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD
Contact: Marie A. Torosino (410) 230-8790

[10-06-43]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: March 18, 2010, 1 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Add'l. Info: Individuals requiring special accommodations are requested to contact Valerie Wooding at (410) 764-3460, or the Department of Health and Mental Hygiene TTY at (410) 383-7755, not later than 20 working days before the meeting to make arrangements.
Contact: Valerie Wooding (410) 764-3460

[10-06-14]

MARYLAND HEALTH CARE COMMISSION

Subject: Threshold for Reviewability of Health Care Facility Capital Expenditures
Add'l. Info: The Maryland Health Care Commission (MHCC) provides the following notice of a change to the dollar amount that establishes the level of capital expenditure, proposed "by or on behalf of a health care facility" regulated by the Commission, that will require Certificate of Need (CON) review and approval, pursuant to Health-General Article, §19-120(k), Annotated Code of Maryland, and COMAR 10.24.01.02A(5). Effective June 1, 2006, the threshold for CON reviewability of health care facility capital expenditures was established as $10,000,000 for hospitals and $5,000,000 for all other health care facilities. The Commission is required to adjust the health care facility capital expenditure review threshold on an annual basis, using the Consumer Price Index-Urban (CPI-U) for the Baltimore Metropolitan Area, as published by the U.S. Department of Labor, Bureau of Labor Statistics (the Bureau), rounded off to the nearest $50,000. [See COMAR 10.24.01.01B (40).]

The Commission updates the threshold in February of each year based on the published change in CPI-U for January of each year. On February 19, 2010, the Bureau published an index of 141.124 for January 2010, which reflects inflation in consumer prices for a base period of November 1996 (index = 100) through January 2010. For purposes of adjusting the threshold, the Commission is inflating the two original thresholds ($10,000,000 and $5,000,000) from the corresponding July 2006 index of 130.7. The index adjustment for January 2010, rounded to the nearest $50,000, yields a hospital capital expenditure threshold of $10,800,000 and a threshold of $5,400,000 for all nonhospital health care facilities. Effective February 22, 2010, these are the applicable capital expenditure thresholds for purposes of determining the requirement for CON review and approval of health care facility capital projects pursuant to COMAR 10.24.01.02A(5), until further notice. For further information about the CON capital expenditure review threshold, please contact Paul Parker at (410)764-3261.
Contact: Ruby Potter (410) 764-3276

[10-06-41]

MARYLAND HEALTH CARE COMMISSION

Subject: Formal Start of Review
Add'l. Info: Kaiser Permanente Baltimore Surgical Center — Docket No. 10-03-2306 — Establishment of a new freestanding ambulatory surgery facility with 2 operating rooms to be located at 1601 Odensos Lane, Baltimore 21227. The proposed cost of the project is $9,091,490.

NMS Healthcare of Hagerstown, LLC. — Docket No. 10-21-2307 — Construction of a new 78 bed addition to accommodate 43 beds purchased from Homewood at Williamsport and 35 beds being relocated internally through elimination of all 3 and 4 person rooms. The proposed cost of the project is $15,084,498.

Physicians Surgery Center of Frederick — Docket No. 09-10-2302 — Establishment of an ambulatory surgical facility (through addition of a second operating room at an ambulatory surgical center with one sterile operating room) to be located at 81 Thomas Johnson Court in Frederick and closure of an ambulatory surgical facility, Fredericktown Ambulatory Surgical Center, located at 198 Thomas Johnson Drive, Suite 101, Frederick.

Pursuant to COMAR 10.24.01 et seq., on March 12, 2010, the Maryland Health Care Commission hereby gives notice of docketing of the above-referenced applications. Persons desiring to become interested parties in the Commission's review of the above-referenced applications must meet the requirements of COMAR 10.24.01.01B (2) and (20) and must also submit written comments to the Commission not later than close of business April 12, 2010. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F. Questions may be directed to Pamela Barclay, Director, Center for Hospital Services at (410) 764-5982, or send to the MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215.
Contact: Ruby Potter (410) 764-3276

[10-06-55]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: March 17, 2010, 8:30 a.m. — 5 p.m.
Place: Harry R. Hughes Dept. of Transportation Bldg., 7201 Corporate Center Dr., 1st Fl., Richard Trainor Conf. Rm., Hanover, MD
Contact: Catherine Svoboda (410) 865-1357

[10-06-26]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: March 31, 2010, 8:30 a.m. — 5 p.m.
Place: Harry R. Hughes Dept. of Transportation Bldg., 7201 Corporate Center Dr., 1st Fl., Richard Trainor Conf. Rm., Hanover, MD
Contact: Catherine Svoboda (410) 865-1357

[10-06-54]

BOARD OF MORTICIANS AND FUNERAL DIRECTORS

Subject: Public Meeting
Date and Time: April 14, 2010, 10:30 a.m. — 12:30 p.m.
Place: 4201 Patterson Ave., Rms. 108/109, Baltimore, MD
Add'l. Info: Review statutes and regulations and vote as necessary. Sign language interpreter and/or other appropriate accommodations for qualified individuals with disabilities will be provided upon request.
Contact: Louann Cox (410) 764-4792

[10-06-07]

BOARD OF EXAMINERS IN OPTOMETRY

Subject: Public Meeting
Date and Time: March 24, 2010, 9:30 a.m. — 1 p.m.
Place: Metro Executive Building, 4201 Patterson Ave., Baltimore, MD
Add'l. Info: Health Occupations Article, Title 11, Annotated Code of Maryland, and COMAR 10.28, amendments, additions, and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session.
Contact: Patricia G. Bennett (410) 764-4710

[10-06-20]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: April 8, 2010, 1 — 2 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Eva Schwartz (410) 764-4785

[10-06-49]

POLICE TRAINING COMMISSION

Subject: Public Meeting
Date and Time: April 13, 2010, 10 a.m. — 12 p.m.
Place: Public Safety Education and Training Center, 6852 4th St., Sykesville, MD
Contact: Thomas C. Smith (410) 875-3605

[10-06-29]

REAL ESTATE COMMISSION

Subject: Public Meeting
Date and Time: March 17, 2010, 10:30 a.m.
Place: Dept. of Labor, Licensing, Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patricia Hannon (410) 230-6199

[10-06-63]

REAL ESTATE COMMISSION

Subject: Public Hearing
Date and Time: March 17, 2010, 12:30 p.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patricia Hannon (410) 230-6199

[10-06-62]

SUSQUEHANNA RIVER BASIN COMMISSION

Subject: Public Hearing
Date and Time: March 18, 2010, 8:30 a.m. — 12:30 p.m.
Place: Toftrees Golf Resort & Conference Center, 1 Country Club La., State College, PA
Add'l. Info: At the public hearing, the Commission will consider: 1) action on certain water resources projects; 2) action on one project involving a diversion; 3) compliance matters involving three projects; and 4) the rescission of a previous docket approval. Details concerning the matters to be addressed at the public hearing and business meeting are contained in the Supplementary Information section of this notice.
Contact: Richard A. Cairo (717) 238-0423 x306

[10-06-28]

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

Subject: Public Meeting
Date and Time: April 22, 2010, 10 a.m. — 3 p.m.
Place: Little Patuxent Reclamation Plant, 8900 Greenwood Place, Savage, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Pat Kratochvil (410) 537-3167

[10-06-15]

BOARD OF WELL DRILLERS

Subject: Public Meeting
Date and Time: April 28, 2010, 9 a.m. — 4 p.m.
Place: MDE, 1800 Washington Blvd., Terra Conf. Rm., Baltimore, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Kathy Glass (410) 537-3597

[10-06-01]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting
Date and Time: March 25, 2010, 9 — 11 a.m.
Place: 10 E. Baltimore St., Baltimore, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Amy Lackington (410) 864-5300

[10-06-05]

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01 Procedures
02 Division of Reimbursements
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06 Diseases
07 Hospitals
08 Health Facilities Grants

Part 2

09 Medical Care Programs

Part 3

10 Laboratories
11 Maternal and Child Health
12 Adult Health
13 Drugs
14 Cancer Control
15 Food
16 Housing
17 Sanitation
18 Human Immunodeficiency Virus (HIV) Infection and Acquired Immunodeficiency Syndrome (AIDS)
19 Dangerous Devices and Substances
20 Kidney Disease Program
21 Mental Hygiene Regulations
22 Developmental Disabilities

Part 4

23 Advance Directive Registry
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25 Maryland Health Care Commission
26 Board of Acupuncture
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45 Maryland Community Health Resources Commission
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47 Alcohol and Drug Abuse Administration
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51 Vacant
52 Preventive Medicine
53 Board of Nursing—Electrology Practice Committee
54 Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
55 State Board of Spinal Cord Injury Research
56 Board of Dietetic Practice
57 Board for Certification of Residential Child Care Program Administrators
58 Board of Professional Counselors and Therapists
59 Catastrophic Health Emergencies

Title 11

Department of Transportation – Volume & Subtitles

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01 Office of the Secretary
02 Transportation Service Human Resources System
03 Maryland Aviation Administration
04 State Highway Administration
05 Maryland Port Administration
06 Mass Transit Administration
07 Maryland Transportation Authority
08 Vacant
09 Vacant
10 Vacant

Volume 2 and Volume 3

11 Motor Vehicle Administration – Administrative Procedures
12 MVA – Licensing of Businesses and Occupations
13 MVA – Vehicle Equipment
14 MVA – Vehicle Inspections
15 MVA – Vehicle Registration
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Title 26

Department of the Environment – Part & Subtitles

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Part 3

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15 Disposal of Controlled Hazardous Substances — Radioactive Hazardous Substances
16 Lead
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