

Part K

Natural Resources, Environment, and Agriculture

Natural Resources

Chesapeake Conservation Corps Program

There are several existing programs in the State that seek to engage young adults in service projects in Maryland, including AmeriCorps, the Maryland Conservation Corps, and the Civic Justice Corps. Additionally, the Governor's Office on Service and Volunteerism supports and promotes service and volunteer efforts by, among other things, providing training and technical assistance to volunteer organizations.

Senate Bill 311/House Bill 943 (both passed) establish a Chesapeake Conservation Corps Program within the Chesapeake Bay Trust to, among other purposes, provide young adults with meaningful service opportunities and promote, preserve, protect, and conserve the environment. The purpose of the Corps Program is to:

- mobilize, educate, and train young individuals to work with communities and schools to promote energy conservation and mitigate and prevent threats to the environment;
- provide opportunities to young individuals, especially disadvantaged youth, to be trained for "green collar" careers;
- educate and train people to promote, preserve, protect, and sustain the environment after a corps project is complete;
- coordinate and facilitate efforts to foster public-private partnerships in specified areas; and
- channel available public and private resources to the protection, conservation, and preservation of the State's environment.

In fiscal 2011 through 2015, \$250,000 annually from the Department of Natural Resources' (DNR) Environmental Trust Fund must be allocated to the trust for specified energy conservation projects through the Corps Program. In addition to those funds, the program must be funded with up to \$250,000 in additional funds that may be allocated by the trust through its annual budget process. Further, for long-term funding of the program, the trust and the Corps Board, which is established by the bills to advise the trust in the development and implementation of the program, must seek federal and private funds for the Corps Program.

The trust must provide grants to qualified organizations for the creation or expansion of full- and part-time corps programs that involve citizens of all ages throughout the State. Such programs must engage and develop volunteers and stipend volunteers in environmental and energy projects. A "qualified organization" is a nonprofit organization; a school; a community association; a service, youth, or civic group; an institution of higher education; a county or municipality; or a unit of State government. The trust is also required to develop specified plans related to the recruitment of volunteers, the central administration of volunteer stipend payments, and the establishment of mechanisms to assist in team building and increase the understanding and sense of commitment to the program by volunteer participants.

Forest Conservation

Forest Conservation Fund

Enacted in 1991, the Forest Conservation Act provides a set of minimum standards that developers must follow when designing a new project that affects forest land. DNR administers the State Forest Conservation Fund to facilitate the afforestation or reforestation requirements when an applicant cannot reasonably accomplish these requirements on- or off-site. In addition, a local approval authority may establish and administer a local forest conservation fund to apply in that local jurisdiction instead of the State fund. A State or local forest conservation fund consists of payments made by an applicant in lieu of performance of afforestation or reforestation requirements and penalties collected for noncompliance with specified forestry requirements. If an applicant demonstrates to the satisfaction of the appropriate State or local approval authority that the requirements for planting on- or off-site cannot be reasonably accomplished, the applicant must currently pay to the appropriate fund 30 cents per square foot of the area of required planting.

House Bill 1352 (*passed*) alters the rates for contributions to the State Forest Conservation Fund and local forest conservation funds by establishing higher rates for projects located outside priority funding areas (PFAs). Project applicants paying into the State Forest Conservation Fund must pay (1) 30 cents per square foot of the area of required planting for a project inside a PFA; and (2) 36 cents per square foot of the area of required planting for a project outside a PFA. After September 30, 2014, project applicants paying into the State Forest Conservation Fund must pay (1) at a rate adjusted for inflation for a project inside a PFA; and (2) at a rate that is 20% higher for a project outside a PFA. When applicants are paying into a local forest conservation fund, the rates must be (1) at least the same as the State Forest Conservation Fund for a project inside a PFA; and (2) at a rate that is 20% higher for a project

outside a PFA. Local jurisdictions with contribution rates higher than the minimum State contribution rate may use a rate for projects inside a PFA that is 20% lower than the rate for projects outside a PFA; however, they must still meet at least the State contribution rates. Additionally, local jurisdictions with contribution rates higher than the minimum State contribution rate may use a rate for projects outside a PFA that is 20% higher than the rate for projects inside a PFA.

Generally, after two years or three growing seasons, unused money deposited into local forest conservation funds must be returned to the original contributor for specified tree planting. However, since counties with local forest conservation funds may implement even more stringent criteria, DNR advises that most counties do not return funds. *Senate Bill 361/House Bill 606 (both passed)* repeals the funding return requirement, which will give local programs the flexibility to implement tree planting efforts at the most strategic times.

Forest Product Operators License

Any person engaged in a forest products business, including every type of forest products manufacturing plant (*e.g.*, sawmills, pulpwood and logging contractors, and firewood dealers) must have a license issued by DNR. Other business types, such as mulch suppliers, land clearing and tree removal companies, and lumber brokers, may be licensed by DNR. There were 489 licensed forest product operators in 2009, and DNR estimates that the number of licensees will remain constant or grow minimally over the next few years.

House Bill 356 (passed) establishes an application process within DNR for a forest product operator's license. Forest product operator's license applicants are required to submit applications for a one-year license on DNR-approved forms, demonstrate compliance with specified labor requirements, and pay a license fee. License fee revenue may not exceed the costs of carrying out forest product operator licensing. DNR is authorized to suspend or revoke a forest product operator's license and a license suspension and revocation process is established.

Woodland Incentives Program

The Woodland Incentives Program (WIP) provides cost-share assistance to specified private forestland owners for tree planting, site preparation, and timber stand improvement practices. Cost-share assistance may not exceed (1) 75% of the actual cost incurred by the applicant, (2) \$5,000 per calendar year, except in specified circumstances, and (3) \$15,000 over a three-year period if DNR has approved a three-year plan for woodland resource development. Among other things, WIP applicants must submit a woodland management plan, application, and statement of intent to DNR. The application must provide specified information about the practice to be implemented, the approximate cost of the practice to be implemented, and the land upon which the practice is to be implemented. The statement of intent must affirm that the owner (1) intends to use the cost-share assistance for long-range timber growing and improvement; (2) is not receiving or using federal funds for implementation of an approved practice on the same land described in the application; and (3) has no knowledge of another application that is pending for cost-share assistance to be used on the land described in the application.

Senate Bill 69 (passed) repeals a condition that WIP applicants not receive or use federal funds for implementation of an approved practice on the same land described in the WIP application; however, owners may not receive a total of State and federal cost-share assistance in an amount that exceeds 100% of the actual cost of the approved practice.

State Boat Act

In calendar 2009, there were approximately 200 significant boating accidents reported statewide; 16 of these accidents caused 17 fatalities. DNR advises that the prosecution of impaired vessel operators is currently difficult, as operators have the right to refuse a breath or blood test to determine alcohol or drug concentration.

Senate Bill 475 (passed) alters the substantive and procedural provisions related to testing vessel operators to determine alcohol concentration or drug or controlled substance content. Specifically, the bill establishes that a person who operates or attempts to operate a vessel on State waters is deemed to have consented to take a test to determine alcohol concentration or drug or controlled substance content if the person is detained by a police officer who has reasonable grounds to believe that the person has been operating or attempting to operate a vessel while under the influence of or impaired by alcohol, drugs, or a controlled dangerous substance. A court is authorized to prohibit a person convicted of a specified violation from operating a vessel on State waters for up to one year if the person refused to take a test when requested by a police officer or was tested and the result indicated an alcohol concentration of 0.08 or more. The bill also requires a vessel operator who is involved in an accident resulting in death or life-threatening injury to another person, and is detained by a police officer, who has reasonable grounds to believe that the person has been operating or attempting to operate a vessel while under the influence of alcohol or drugs, to submit to breath and/or blood tests to determine whether the operator is under the influence or impaired by alcohol or drugs. Medical personnel who administer authorized tests are not liable for civil damages, as long as the acts or omissions do not rise to the level of gross negligence.

Senate Bill 92 (Ch. 35) requires individuals younger than age 16 who operate a vessel to (1) possess a certificate of boating safety education; (2) be under the supervision of a person who was born before July 1, 1972, and is aboard the vessel; or (3) be under the supervision of a person who has obtained a certificate of boating safety education and is aboard the vessel – if the vessel is 11 feet or longer, the person who is supervising has to be at least 18 years old. New requirements are established related to the use of personal flotation devices (PFDs) by children on recreational vessels. Specifically, the Act deletes weight requirements and modifies the definition of “child” from individuals younger than age 7 to individuals younger than age 13, effectively requiring individuals younger than age 13 to wear a PFD on vessels shorter than 21 feet.

DNR’s Abandoned Boat and Debris Removal Program supports the removal of abandoned boats and debris that are hazardous to the general boating public or pose a health or environmental hazard. Once a vessel is abandoned, it may be disposed of or removed by the property owner, DNR, or a local jurisdiction authorized by DNR. *House Bill 527 (passed)*

reduces the length of time, from 90 days to 30 days, that a vessel must remain at a private dock or at or near waters' edge on private property without consent in order to be declared abandoned.

Puritan Tiger Beetle

The majority of the world's population of the puritan tiger beetle occurs in Maryland. Of the estimated 5,000 puritan tiger beetles in the world, approximately 3,000 to 4,000 of them are in Maryland. They are found on eroding, unvegetated cliffs along the Chesapeake Bay in Calvert County and along the Sassafras River between Kent and Cecil counties. Many of the cliffs are held in private ownership.

Senate Bill 1020/House Bill 295 (Chs. 116 and 117) require the Secretary of Natural Resources to issue a permit for the "incidental taking" of the endangered puritan tiger beetle under specified conditions. "Incidental taking" is the taking of listed species that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Permit applicants must submit a conservation plan that, among other things, specifies any measures the Secretary requires as being reasonably necessary or appropriate for the purposes of the plan. The Secretary must adopt implementation and enforcement regulations.

Natural Resources Law Enforcement

DNR's Natural Resources Police (NRP) serves as a public safety agency with statewide authority to enforce all conservation, boating, and criminal laws, as well as to provide primary law enforcement services for State parks, State forests, and public lands owned by DNR. NRP is also responsible for maritime and rural search and rescue and is designated as the State's lead agency for homeland security on State waters.

Senate Bill 987 (passed) clarifies and expands DNR's law enforcement responsibilities and authority, establishes a new commemorative lifetime hunting license, requires a report on specified funding policies, and establishes other provisions related to promoting public recognition of and appreciation for NRP and studying ways to improve NRP's effectiveness. Specifically, the bill establishes that NRP has statewide authority to enforce conservation, boating, and criminal laws and (1) provides maritime and rural search and rescue services; (2) provides public education in hunting, boating, and water safety; (3) provides primary law enforcement services for State parks, State forests, wildlife management areas, and public lands owned and managed by DNR; and (4) serves as the lead agency for maritime homeland security on State waterways. DNR is required to issue a limited number of new commemorative lifetime hunting licenses to nonprofit organizations until December 31, 2011. Nonprofit organizations may, in cooperation with DNR, market and sell the licenses, and any proceeds must be allocated to NRP for conservation law enforcement.

Senate Bill 660/House Bill 989 (both passed) authorize the Secretary of Natural Resources to appoint without examination a (1) DNR law enforcement officer (LEO) who holds a commissioned rank to the rank of major; and (2) a DNR LEO who holds a commissioned rank of not less than captain to the rank of lieutenant colonel. These appointed LEOs must continue

to serve at the pleasure of the Secretary of Natural Resources. Upon termination of an appointment, the Secretary may return the LEO to a vacant LEO position or promote the LEO to a higher rank to which the LEO became eligible for promotion during the appointment.

Regulation of For-hire Water Carriers

The Public Service Commission (PSC) currently regulates 12 for-hire water carrier companies that have a total of 35 vessels. *House Bill 988 (passed)* transfers authority for regulating for-hire water carriers from PSC to DNR. A “for-hire water carrier” is a vessel used to accept or solicit passengers for (1) transportation between points along State waters in exchange for remuneration; and (2) sightseeing and touring in State waters in exchange for remuneration. Prior to registering a vessel, for-hire water carriers must show, to DNR’s satisfaction, that they hold an insurance policy or a bond in an amount that is required of a motor vehicle carrying the same number of passengers in accordance with specified PSC regulations. DNR is authorized to adopt implementing regulations and encouraged to make these regulations apply the same insurance and bonding rates that are currently applied under specified PSC regulations.

Hunting and Fishing

Fishing

Oysters

The Department of Natural Resources (DNR) has recently strengthened its efforts to protect and enhance Maryland’s native oyster population. To further this goal, *Senate Bill 342/House Bill 1191 (both failed)* would have required DNR, under specified circumstances, to revoke a tidal fish license for commercial oyster harvesting for the offenses of (1) taking oysters located more than 200 feet within a closed or prohibited area; (2) taking oysters with gear prohibited in a specific area; (3) taking oysters by more than one hour outside of a time restriction; (4) taking oysters during closed seasons; and (5) taking oysters from a leased area by a person other than the leaseholder or the leaseholder’s designee. If a tidal fish licensee receives a citation for one of these offenses, the bills would have required DNR to hold a hearing, in accordance with the Administrative Procedure Act, within 60 days after issuing the citation. If the presiding officer at the hearing finds that the licensee knowingly committed the offense, the bills would have required DNR to revoke the licensee’s tidal fish license for commercial oyster harvesting. The bills also would have prohibited a person whose tidal fish license is revoked, under the bills, from using or receiving a transfer of another tidal fish license to catch oysters. Additionally, *Senate Bill 342*, as passed by the Senate, would have prohibited DNR from establishing any new oyster sanctuaries until April 1, 2011.

DNR regulates oyster harvesting in State waters. Any person who owns or is responsible for operating any dredge boat must have a license to catch oysters by dredge boat. There are a variety of approaches that use various tools to gather oysters. *House Bill 218 (passed)* repeals a

prohibition against possessing or using a devil catcher, devil diver, or similar device on a dredge boat.

Clams

State law specifies certain areas in which a person may not catch or attempt to catch soft-shell clams with a hydraulic clam dredge or any other gear except hand-held tools. *Senate Bill 422/House Bill 1059 (both passed)* increase the time period during which soft-shell clam harvesting is authorized in part of Dorchester County's portion of the Choptank River.

Fishery Management

DNR is required to prepare a fishery management plan for a number of specified species, including blue crabs, yellow perch, striped bass, menhaden, and oysters. A "fisheries management plan" is a document or report that contains a systematic description of a given fishery and the objectives and conservation and management measures for the fishery. Conservation and management measures adopted under a fisheries management plan seek to prevent overfishing while attempting to achieve the best and most efficient utilization of the State's fishery resources. *Senate Bill 29 (passed)* authorizes DNR to prepare fishery management plans for any species of fish if, after consultation with the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, the management plans are determined to be necessary based on an assessment of the species' population, distribution, or habitat needs or other biological, ecological, or socioeconomic factors concerning the species. The bill also requires DNR to include information related to overfishing and sustainable harvesting in a fishery management plan if DNR determines that a fishery has been or is currently overfished; however, DNR may waive these requirements under specified conditions.

Licenses and Fees

DNR may suspend or revoke a tidal fish license under specified circumstances. *House Bill 98 (passed)* alters the grounds for suspension or revocation of a tidal fish license to include a serious violation of a State or federal commercial fisheries law that results in a conviction or an accepted plea of *nolo contendere*. The bill prohibits an individual who is convicted of or receives an accepted plea of *nolo contendere* for a violation of federal or State fisheries law that results in a license suspension from using or receiving temporarily transferred tidal fish licenses during the period of suspension.

A variety of fishing licenses authorize fishing during different time periods, for specific species, and within specific geographic areas. *House Bill 1345 (passed)* expands the requirement to obtain specified recreational tidal fishing licenses to State waters of the Atlantic Ocean and the Atlantic coastal bays and tributaries. The bill modifies the duration, fees, and other terms of existing tidal and nontidal recreational fishing licenses and provides for a new special commercial fishing pier license. The bill further requires specified individuals who fish recreationally in tidal waters and who are not required to obtain a license, to register with DNR and provide DNR with specified information. Finally, the bill repeals the termination date for specified fishing license fee increases that were enacted in 2007 and scheduled to terminate

July 1, 2010. DNR's special fund revenues are estimated to increase by \$3.0 million in fiscal 2011 as a result of the bill; much of this expected increase is due to the repeal of the termination date for the 2007 fishing license fee increases.

Aquaculture

Aquaculture means the commercial rearing of fish or aquatic plants for sale, trade, barter, or shipment. An individual may not engage in aquaculture unless the individual obtains a permit from DNR. Certain aquaculture activities may also trigger the requirement to obtain a tidal wetlands license from the Board of Public Works (BPW) or a wetlands permit from the Maryland Department of the Environment (MDE). *Senate Bill 3/House Bill 89 (both passed)* exempt aquaculture activities for which a DNR permit has been obtained from the requirement to pay application fees when applying to MDE for wetlands and waterways permits or to BPW for a wetlands license. For further discussion of this legislation, see the subpart "Environment" within this part of this *90 Day Report*.

Aquaculture operations sometimes require improved access to navigable waters and the development of working marinas. To develop a marina on State wetlands, a person must obtain a tidal wetlands license from BPW. *Senate Bill 1128/House Bill 1568 (both passed)* authorize BPW to issue a tidal wetlands license for a specified development project to expand a marina that may not meet MDE's marina siting requirements under specified conditions. For further discussion of this legislation, see the subpart "Environment" within this part of this *90 Day Report*.

Hunting

Licenses

A person generally may not hunt or attempt to hunt during open season any game birds or mammals in the State without obtaining a hunting license. *Senate Bill 847 (passed)* authorizes any person serving in the U.S. armed forces who has a service-connected disability and possesses valid military identification while hunting on private property to hunt without a hunting license, bow and arrow deer stamp, black powder deer stamp, or bonus antlered deer stamp.

Deer and Turkey Hunting on Sundays

There are three seasons to hunt deer in Maryland: deer bow hunting season; deer firearms season; and deer muzzle loader season. With specified exceptions, hunting game birds or mammals on Sundays is prohibited. Among the exceptions, in Dorchester, Frederick, St. Mary's, Somerset, Washington, Wicomico, and Worcester counties, a person may hunt deer on private property with a bow and arrow during open season on the last three Sundays in October and the second Sunday in November. *House Bill 246 (Ch. 139)* authorizes deer hunting on private property with a bow and arrow during open season on the above-noted Sundays in Allegany and Garrett counties. *Senate Bill 978/House Bill 851 (both passed)* authorize deer hunting on private property with a bow and arrow on the above-noted Sundays in Talbot County. *House Bill 301 (passed)* authorizes deer hunting on private property with a bow and arrow

during open season on the above-noted Sundays in Calvert and Charles counties, and allows the use of a crossbow in all authorized counties on these Sundays. The bill also authorizes a person in Calvert, Charles, and St. Mary's counties to hunt deer on private property on the first Sunday of the bow hunting season in November and each Sunday in the deer firearms season. *Senate Bill 289/House Bill 245 (both passed)* authorize a person to hunt turkey in Allegany and Garrett counties on the last Sunday in April and the first Sunday in May, except if either day is Easter Sunday.

House Bill 1518 (failed) would have authorized DNR to allow deer hunting on private property in all local jurisdictions, except Baltimore, Carroll, Howard, and Prince George's counties and Baltimore City, during open season on Sundays from the first Sunday in October through the second Sunday in January of the following year.

Waterfowl Hunting

By regulation, DNR establishes an offshore waterfowl hunting zone. Within this zone, a person may hunt waterfowl while standing on the natural bottom, from a boat that is drifting or being sculled, or from a boat that is anchored. In most areas, a person must be at least 800 yards from shore. In specified waters, the minimum required distance is 400 yards. *House Bill 686 (passed)* and *Senate Bill 1043/House Bill 1472 (both passed)* add the waters of St. Mary's County to the list of waters with a minimum required distance of 400 yards. *Senate Bill 1043/House Bill 1472* also add the waters of Tangier Sound, Fishing Bay, Monie Bay, Manokin River, Big Annemessex River, Pocomoke Sound, and Kedges Straights in the waters of Dorchester, Somerset, and Wicomico counties to the list of waters with a minimum required distance of 400 yards.

Environment

Water Management

Stormwater Management

State law requires each county and municipality to adopt ordinances necessary to implement a stormwater management program. In general, land may not be developed without submitting, and getting approval of, a stormwater management plan from a county or municipality. The developer must certify that all development will be done according to an approved plan. Every three years, the Maryland Department of the Environment (MDE) is required to review local stormwater management programs and monitor their implementation.

According to MDE, while nitrogen loading to the Chesapeake Bay from agricultural and wastewater sources in Maryland has been decreasing since 1985, stormwater loading from developed areas during that same timeframe has been increasing. In order to address this issue, the Stormwater Management Act of 2007 (Chapters 121 and 122) required MDE to adopt regulations and a model ordinance that require *environmental site design* (ESD). ESD involves small-scale practices, nonstructural techniques, and better site planning to mimic natural

hydrologic runoff characteristics and minimize the impact of impervious surfaces from land development. On May 4, 2009, MDE adopted regulations requiring the use of ESD to the maximum extent practicable. The new ESD regulations were to apply to new projects that do not have certain final plans approved by May 4, 2010.

After the regulations were adopted, however, numerous concerns regarding the 2009 ESD regulations were raised by local jurisdictions, developers, and others. In general, the concerns related to the need for grandfathering of certain projects that have reached an advanced stage in the development process, the cost and feasibility of ESD, potential conflicts between the regulations' more stringent requirements for redevelopment projects and the State's ongoing Smart Growth efforts, and the enforcement and long-term maintenance for ESD practices.

To address some of these concerns, in March 2010 MDE submitted emergency regulations to the General Assembly's Administrative, Executive, and Legislative Review (AELR) Committee. On the grandfathering issue, the emergency regulations allow local governments to incorporate waiver provisions into their ordinances for projects that have completed part of the development review process but have not received final approval by May 4, 2010. A grandfathered project that receives an administrative waiver may proceed with the development under the stormwater regulations in effect as of May 4, 2009. The emergency regulations also provide local governments with greater flexibility in addressing the new requirements for redevelopment projects by providing for alternative stormwater management measures under specified conditions. In response to concerns that the emergency regulations may have been substantially delayed, *House Bill 1125 (failed)*, as amended in the House, would have generally codified the provisions of the emergency regulations. However, the AELR Committee approved the emergency regulations on April 6, 2010, and the bill's hearing in the Senate Education, Health, and Environmental Affairs Committee was subsequently cancelled.

While the grandfathering date provided in the emergency regulations is anticipated to allow an indeterminate number of development projects to proceed under the older stormwater regulations, the new emergency regulations are still significantly more stringent than the provisions contained in several bills introduced during the 2010 session. For example, *House Bill 964 (failed)* would have delayed the implementation of the 2009 ESD regulations until May 4, 2020. Similarly, *House Bill 1408 (failed)* would have delayed ESD regulations May 4, 2012, and also would have required MDE to repeal and replace ESD regulations with new regulations developed in consultation with certain stakeholder groups.

Senate Bill 686/House Bill 999 (both failed) addressed a different matter related to stormwater management and would have required each county and municipality to establish annual stormwater remediation fees and local watershed protection and restoration funds by July 1, 2011, to help finance the implementation of local stormwater management plans. The fee would have been the same for all residential property owners, but based on the amount of impervious surface for nonresidential properties.

Water Quality

The General Assembly passed several bills addressing water quality through financial incentives and inducements and reorganization of special funds.

Consolidation and Administration of Environmental Funds: A study completed by MDE in 2009 recommended merging the Sewage Sludge Utilization Fund and penalties collected under the sediment and erosion control statute into the Maryland Clean Water Fund. The Maryland Clean Water Fund must be used for various activities, including identifying, monitoring, and regulating the proper discharge of effluent into State waters and the management, conservation, protection, and preservation of the State's groundwater and surface water. In determining the use of the fund, MDE is required to give priority to activities relating to the water quality of the Chesapeake Bay and its tributaries.

House Bill 1425 (passed) effectuates the recommended consolidation. The bill eliminates the Sewage Sludge Utilization Fund, transfers its outstanding fund balance, and redirects money from the fund's various sources to the Maryland Clean Water Fund. In addition, the bill redirects penalties collected as a result of violations of the erosion and sediment control laws to the Maryland Clean Water Fund. The bill expands the required uses of the Maryland Clean Water Fund to reflect the sewage sludge utilization and the erosion and sediment control activities covered by existing funds repealed by the bill.

The General Assembly also passed legislation that will allow Maryland to qualify for additional federal funding for water quality activities. ***House Bill 73 (passed)*** expands the authorized uses of the Maryland Water Quality Revolving Loan Fund (MWQRLF) to include providing assistance authorized or required under various federal laws. MWQRLF created in 1988 to provide low-interest loans to public entities for wastewater and other water quality capital projects. Chapter 168 of 2009 expanded the authorized use of the fund to include grants, negative interest loans, forgiveness of principal, subsidized interest rates, and other forms of assistance as authorized or required by the American Recovery and Reinvestment Act of 2009. Enactment of ***House Bill 73*** will allow MDE to qualify for additional federal funding of an estimated \$49 million in fiscal 2012 and \$47 million in fiscal 2013.

Septic System Upgrades: In 2009, legislation was enacted that requires new or replacement onsite sewage disposal (septic) systems located in the Chesapeake and Atlantic Coastal Bays Critical Area (Critical Area) to utilize best available technology for nitrogen removal. ***House Bill 62 (passed)*** requires MDE, in for calendar 2010 through 2012, to provide funding for the entire cost difference between a conventional septic system and one utilizing best available technology (BAT) for nitrogen removal. This assistance, from the Bay Restoration Fund, will be provided to a homeowner that is required under current law to replace a failing system on property in the Critical Area. The bill also states that it is the General Assembly's intent to authorize the use of an economic means test to determine the financial assistance awarded to a homeowner for the cost difference between a conventional septic system and one utilizing BAT. The bill is consistent with MDE's current practices.

Bay Restoration Fee Collection: Chapter 428 of 2004 established a bay restoration fee on users of wastewater facilities, onsite sewage disposal systems, and sewage holding tanks. That Act did not create a statutory lien for unpaid fees. In 2007, the Maryland Office of the Attorney General issued an opinion that an unpaid tax or fee does not constitute a lien on real property unless the lien is expressly provided by law. To enhance enforcement for collection of the bay restoration fee, *Senate Bill 36/House Bill 45 (both passed)* specify that in Dorchester County an unpaid bay restoration fee is a lien against the property served by a wastewater facility, onsite sewage disposal system, or sewage holding tank. A notice of any lien must be recorded in the county's land records. *House Bill 1109 (passed)* applies these same provisions in Caroline County.

Wetlands Protection

Aquaculture: The Wetlands and Waterways Program within MDE administers a program for the management, conservation, and protection of Maryland's tidal wetlands and nontidal wetlands and waterways. Permits granted for work in privately owned wetlands are issued by MDE; licenses granted for work in State-owned wetlands are issued by the Board of Public Works (BPW). In general, a person may not dredge, fill, construct or repair, or conduct certain other activities in State tidal wetlands without a license issued by BPW. MDE is required to forward a report of its recommendations to BPW on each tidal wetlands license application; current MDE regulations describe numerous criteria MDE must use in evaluating tidal wetlands license applications. In addition, an individual may not engage in aquaculture unless permitted by the Department of Natural Resources (DNR).

Senate Bill 3/House Bill 89 (both passed) exempt aquaculture activities permitted by DNR from the requirement to pay application fees when applying to MDE for wetlands and waterways permits or to BPW for a wetlands license. Application fees can range from \$750 to tens of thousands of dollars depending on the size of the project. In addition, *Senate Bill 1128/House Bill 1568 (both passed)* authorize BPW to issue a tidal wetlands license to expand a marina located in an area where it would currently be prohibited if certain project characteristics are met and the project generally furthers State aquaculture policies. Due to the specificity of the bill's provisions, BPW and MDE advise that the bill will likely only apply to one current nonprofit aquaculture organization located in Dorchester County and dedicated to oyster restoration, economic stimulus and recovery, and wetland creation and preservation.

Marine Contractors: According to the Maryland Marine Contractors Association, there are about 200 marine contractor companies in the State. Currently, a person must have a contractor license issued by the Maryland Home Improvement Commission (MHIC) before acting as a contractor in the State. However, some marine contractors have expressed concern about the time it takes MDE to process wetlands and waterways permit applications and also about the substandard work of unqualified marine contractors. *Senate Bill 382 (passed)* establishes licenses specifically for marine contractors to be issued by a new Marine Contractors Licensing Board housed within MDE. All marine contractors will be licensed exclusively by the board and must register with the board by December 31, 2010. Individuals (or the entities they work for) will be required to have a license prior to performing marine contractor services in the

State. “Marine contractor services” means construction, demolition, installation, alteration, repair, or salvage activities located in, on, over, or under State or private tidal wetlands. However, residential and commercial property owners are authorized to perform marine contractor services on their own property, as long as they obtain the necessary local, State, or federal authorization. Marine contractors licensed by the new board are exempt from obtaining a license from MHIC.

Miscellaneous

State Board of Waterworks and Waste Systems Operators: Senate Bill 326/House Bill 487 (both passed) embody the statutory recommendations developed by the Department of Legislative Services (DLS) during the 2009 sunset evaluation of the State Board of Waterworks and Waste Systems Operators. An operator of either waterworks or waste system participates in the control of the flow, treatment, or discharge of water or wastewater. A superintendent is certified as the individual who is in charge at the facility. DLS sunset evaluation found that a significant number of waterworks and waste systems in the State do not employ operators and superintendents as required by law and that the administrative and enforcement databases used to track the employment of operators and superintendents are antiquated and insufficient.

The bills extend the termination date for the State Board of Waterworks and Waste Systems Operators from July 1, 2011, to July 1, 2021, and require an evaluation of the board by July 1, 2020. The bills also require that the board, in conjunction with MDE, report to specified committees of the General Assembly by October 1, 2011, on several matters related to the board, including updating the board’s databases. The board’s composition is altered to replace the representative from DNR with a representative from the Maryland Environmental Service. Finally, the bills eliminate several obsolete provisions and also clarify that it is the duty of MDE, and not the board, to enforce the requirement that facilities employ certified superintendents and operators.

Waste Management/Hazardous Substances

Solid Waste Management

Recycling and Solid Waste Source Reduction: In 1988, the Maryland Recycling Act required each county to submit a recycling plan. Jurisdictions with more than 150,000 residents were required to reduce their solid waste by 20%, and jurisdictions with less than 150,000 residents were required to reduce their solid waste by 15%. According to MDE, by 2000, every county had met or exceeded their percentage requirements under the Maryland Recycling Act. Further legislation enacted in 2000 established a voluntary statewide diversion goal of 40% by 2005. Counties have flexibility to determine the best way to reach the required recycling rates.

House Bill 982 (passed) requires MDE, in consultation with local governments, waste haulers, material resource facilities, and other affected parties, to conduct a study to evaluate solid waste management processes that reduce the solid waste stream through recycling and source reduction, including:

- the expansion of recycling efforts in nonresidential markets;
- the feasibility of commodity-specific targets; and
- long-term funding for solid waste and recycling management in the State

MDE must submit an interim report to the General Assembly by December 15, 2010, and a final report by December 15, 2011, on the results of the study.

House Bill 685 (passed) requires a county's recycling plan to address a strategy for collecting and recycling fluorescent and compact fluorescent lights that contain mercury. A county's recycling plan must be revised to reflect the new requirements by October 1, 2011. A county may utilize recycling, exchange, and take-back programs that have been established by fluorescent and compact fluorescent light manufacturers and vendors in its strategy.

Frederick County introduced legislation to establish a Pay-As-You-Throw (PayT) Pilot Program. ***House Bill 678 (passed)*** authorizes Frederick County to establish a PayT pilot program. Under the pilot program, a solid waste hauler charges a residential customer a fee for the curbside collection of solid waste based on the volume of waste collected.

State Government Materials Procurement: Senate Bill 693/House Bill 1164 (both passed) promote the use of environmentally preferable purchasing throughout State government. Specifically, the bills:

- increase the percentage of paper purchased by the Department of General Services (DGS) that must be recycled from 40% to 90%;
- require each State unit to report to MDE on the unit's procurement of recycled materials;
- require DGS to study and report on the use of compost as a fertilizer on State property; and
- establish a goal for DGS to compost all landscape waste on State property that it operates and, to the extent practicable, to increase the percentage of landscaped property that is fertilized by compost each year.

The bills also establish a Maryland Green Purchasing Committee to provide the State with information and assistance regarding environmentally preferable purchasing. In developing a best practices manual and strategy for environmentally preferable purchasing, the committee is required to consider advanced electricity metering, policies to reduce heating and cooling in State buildings, energy efficient data management systems, and recyclable products for the procurement of food and beverage containers and utensils. The bills establish other requirements for the committee, such as developing green purchasing guidelines and completing specified reports.

Plastic Bags: Americans use an estimated 50 to 80 billion plastic bags annually and, due to concerns about the environmental impact of plastic and paper bags, there is growing interest in discouraging their use. *Senate Bill 462/House Bill 351 (both failed)* would have required stores to charge and collect a fee of 5 cents per disposable carryout bag provided to a customer. A portion of the 5-cent fee could have been retained by the store. The balance of the fee would have been remitted to the Chesapeake Atlantic Coastal Bays 2010 Trust Fund to, among other things, support an intensive public information and outreach campaign regarding the effects of disposable carryout bags on the Chesapeake Bay.

Coal Combustion By-products

Coal combustion by-products (CCBs) are noncombustible materials generated from burning coal, which are generally either disposed of or beneficially used. According to MDE, uses of some CCBs include mine reclamation, structural fill applications, or as a substitute for cement in the production of concrete. Approximately two million tons of CCBs are generated each year in Maryland, primarily from nine power plants. In 2006, about 46% of CCBs were placed in four major disposal sites or used in ten major beneficial use projects in Maryland.

Under certain geologic conditions, some CCBs can produce high concentrations of potentially toxic constituents (such as arsenic, boron, cadmium, iron, lead, manganese, selenium, sulfate, and thallium) in soil that may leach into surface or groundwater. According to a 2007 report by the U.S. Environmental Protection Agency, groundwater contaminated with CCB waste poses a substantial cancer risk. In addition, without proper controls, MDE reports that coal ash released into the air in large quantities can create a public nuisance and/or cause respiratory problems. Therefore, MDE developed new regulations for the handling of CCBs that took effect on December 1, 2008. Under the regulations, disposal facilities need to meet all of the same standards required for industrial solid waste landfills and noncoal mine reclamation sites that use CCBs must meet similar standards. Additionally, MDE recently submitted draft regulations defining beneficial uses for CCBs, which specify certain productive uses that do not create an unreasonable risk to public health or the environment.

Despite these recent regulatory actions, several bills were introduced during the 2010 session to further restrict the disposal and use of CCBs. All but one bill failed. *House Bill 1508 (passed)* prohibits MDE from the issuing a permit to install a new refuse disposal system that accepts CCBs for disposal or a new noncoal mine reclamation site that uses CCBs if the site would be located in the Critical Area. Existing Critical Area Commission regulations state that certain new development activities or facilities because of their intrinsic nature or potential for adversely affecting habitats or water quality, may not be permitted in the Critical Area except under specified conditions. In addition, existing regulations address certain disposal facilities. However, the regulations do not specifically address CCBs.

Natural Gas, Minerals, and Oil

Natural Gas: The Marcellus shale formation is a geologic feature in the Appalachian Range (including some or all of Washington, Allegany, and Garrett counties) which has recently attracted significant attention from the energy industry for its rich natural gas deposits.

Geologists have long known about the natural gas resources contained within the formation but had considered the gas to be not economically recoverable until the recent development of new drilling technology reliant on a process called hydrofracturing. Wells in Pennsylvania, New York, Ohio, and West Virginia are already producing gas from the Marcellus shale and several companies have leased over 100,000 acres of land in Maryland for drilling into the formation.

The U.S. Environmental Protection Agency recently commented on drilling preparations conducted by New York State and stated several concerns regarding the overuse of water supplies from the hydrofracturing process, water quality issues from disposal of extracted well material, potential overburdening of local wastewater treatment facilities, air quality issues, and a lack of management of naturally occurring radioactive materials disturbed during drilling. In order to address these types of health and environmental concerns, MDE advises that additional staff will be necessary to properly review all drilling permit applications and conduct additional regulatory activities. Thus, *House Bill 72 (passed)* establishes an Oil and Gas Fund to support MDE's administration of a regulatory program that oversees the drilling, development, production, and storage of oil and gas wells in the State. As a primary revenue source for the fund, the bill requires MDE to set and collect permit and production fees, the revenues from which are limited to the amount necessary to implement the program.

Minerals: State mining law did not previously contain provisions designed to ensure that unused mineral interests revert to the State, as is common among other states with historically significant mining industries. In order to clear certain legal obstacles for landowners and mining and drilling companies, *Senate Bill 288/House Bill 320 (both passed)* codifies certain provisions of the Uniform Dormant Mineral Interests Act. The bills, modified from a national model mining statute, establish the criteria by which a mineral interest in real estate becomes subject to reversion; authorizes the owner of the surface estate located above a mineral interest to bring an action to terminate the mineral interest; specifies how a mineral interest may be preserved; and governs the disposition of a terminated mineral interest. The bills also authorize a petition to be brought where the owner of a mineral interest is missing or unknown, and allow the appropriate circuit court to then place the interest in trust for a period of five years during which time the trustee may lease the minerals to the owner of the surface estate.

Oil Pollution: Chapter 177 of 2005 required MDE to convene a workgroup to review and assess the long-term funding needs of the State's oil pollution programs. Although that report has not been finalized yet, MDE indicates that *Senate Bill 1117 (passed)* generally implements the workgroup's recommendations. The bill increases the fee assessed on oil transferred into the State until July 1, 2013 (from 3 cents per barrel to 5.75 cents per barrel); authorizes the fiscal 2011 transfer of up to \$500,000 from the Oil Contaminated Site Environmental Cleanup Fund to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund; allows owners of heating oil tanks to continue to apply for assistance from the Reimbursement Fund through June 30, 2013; and expands the authorized uses of the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund to include oil-related activities in water pollution control programs. The bill is anticipated to generate an additional \$2.9 million in special fund revenues in fiscal 2011 due to the fee increase.

Miscellaneous

Brominated Flame Retardants: Polybrominated diphenyl ethers, or PBDEs, are a subcategory of brominated flame retardants. PBDEs have been routinely used in the plastic housing of computers and circuit boards and in the foam and textiles used in furniture. Manufacturers of two types of PBDEs agreed to voluntarily discontinue production at the end of 2004 due to environmental and health concerns. However, one type of PBDE, known as decaBDE, is still used in a wide range of products.

MDE has advised that, although decaBDE may be minimally toxic, it bioaccumulates in both wildlife and people and that concentrations in U.S. citizens are generally higher than in other countries. Several states, including Maine and Washington, have enacted legislation prohibiting the use of decaBDE in certain products, and the U.S. Environmental Protection Agency has reached agreement with manufacturers and importers to voluntarily phase out decaBDE from most uses by December 31, 2012 (with the exception of transportation and military equipment), and from all uses by December 31, 2013. *Senate Bill 556 (passed)* phases out the manufacture, lease, sale, and distribution of products containing decaBDE in Maryland as follows:

- beginning December 31, 2010, mattresses, upholstered furniture designed for residential use, or electrical or electronic equipment;
- beginning December 31, 2012, any product, except transportation or military equipment or components thereof; and
- beginning December 31, 2013, transportation or military equipment or components thereof.

Environmental Impacts of Road Salt: *Senate Bill 775/House Bill 903 (both passed)* require the State Highway Administration, in consultation with MDE, to develop a road salt management best practices guidance document by for use by local jurisdictions and the State to minimize the adverse environmental impacts of road salt runoff in the State. For a more detailed discussion of this issue, see the subpart “Transportation” within Part G – Motor Vehicles and Transportation of this *90 Day Report*.

Hazardous Substances: The Controlled Hazardous Substance Advisory Council was established by Chapter 618 of 1976 to advise and assist MDE on issues such as the identification of controlled hazardous substances and the development of regulations for their management and disposal. The council previously consisted of 13 members who serve terms of 6 years. Among other things, *Senate Bill 88 (passed)* increases the term length to 10 years and requires the council to meet only at the request of the Secretary of the Environment.

Other Environmental Issues

Environmental Justice: The Commission on Environmental Justice and Sustainable Communities (CEJSC), which was established by executive order in 2001 and codified in 2003,

is tasked with examining issues of environmental justice and sustainable communities for all Marylanders. “Environmental justice” means equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status. *Senate Bill 60 (passed)* expands the membership of CEJSC from 15 to 20 members. The additional members include representatives from the departments of Housing and Community Development, Transportation, and Business and Economic Development, as well as 2 additional members appointed by the Governor. The bill also specifies that at least 2 of the 12 members appointed by the Governor must represent affected communities concerned with environmental justice.

Inclusion of Small and Minority Business Enterprises: The Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund within MDE provides financial assistance for urban and suburban stormwater management practices and stream and wetland restoration. *House Bill 68 (passed)* requires recipients of grants over \$500,000 from the Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund to take steps to include small, minority-owned, and women-owned businesses in the participation of funded projects.

Noise Control: A political subdivision may not adopt a noise control ordinance that is less stringent than the noise standards, sound level limits, and noise control rules and regulations adopted pursuant to Title 3 of the Environment Article. Sound level limits and noise control rules must be enforced by MDE, using the services of appropriate local government agencies to the maximum extent possible. Sheriffs are not local government officials, but rather constitutionally mandated officers of the State. *Senate Bill 152 (passed)* authorizes the Secretary of the Environment to delegate enforcement of specified noise control rules and regulations to the Harford County Sheriff. Similarly, *House Bill 1201 (passed)* provides that the Calvert County Sheriff’s Office may enforce noise controls adopted by the County through ordinance, as authorized under the bill.

Dental Radiation Machines: MDE’s Radiation Machines Division regulates manufactured electronic sources of radiation to minimize the amount of unnecessary radiation exposure received by the general public. State regulations, which derive in part from U.S. Food and Drug Administration statutory requirements, require that all radiation exposures be “As Low As Reasonably Achievable.” Various administrative, civil, and criminal penalties apply to violations of the State’s radiation control laws and regulations. *Senate Bill 664 (passed)* requires a State inspector of dental radiation machines to provide notice to a dental office or facility if there is a violation that does not present a serious and probable danger to patients or employees. The notice must:

- explain the nature of the violation and the required corrective action;
- indicate that the office or facility has 20 days to comply with the corrective action; and
- inform the dental office or facility to let MDE know that the corrective action has been completed.

If the corrective action is completed in the 20-day period, MDE may not impose a fine on the office or facility for the violation.

Water Service Billing: *House Bill 812 (passed)* requires a political subdivision to send a water service bill to the property, the property owner, or the property owner’s designee for each property served. The legislation also authorizes the bill to be sent on a monthly basis.

Agriculture

Nutrient Trading on Agricultural Land

Nutrient trading is a market-based approach for protecting and improving water quality. Nutrient trading involves (1) establishing a total amount of allowable pollution in a specified area and allocating this amount among the participating sources; and (2) allowing sources to trade in ways that meet local and watershed-wide water quality goals. Once pollution allowances are allocated, sources with low-cost pollution reduction options have an incentive to reduce nutrient loadings beyond what is required of them and to sell the excess credits to sources with higher control costs. This framework allows sources facing high pollution reduction costs to purchase less costly reductions from other sources.

House Bill 974 (passed) authorizes the Maryland Department of Agriculture (MDA) to establish requirements for the voluntary certification and registration of nutrient credits on agricultural land. The requirements must include (1) application and eligibility requirements for certification; (2) standards for quantifying nutrient credits resulting from any existing or proposed agronomic, land use, and structural practice; (3) requirements governing the duration and maintenance of credits; and (4) establishment of a credit registry accessible to the public. The Secretary of Agriculture is authorized to suspend or revoke approval or certification of nutrient credits when specified violations occur.

Commercial Feed

Most states rely on the model statutes and regulations adopted by the Association of American Feed Control Officials (AAFCO) to establish legal requirements for the commercial feed industry. To make State law consistent with AAFCO recommendations, among other things, *Senate Bill 82 (Ch. 31)* modifies specified commercial feed-related definitions and prohibits a person from adulterating or misbranding commercial feed, distributing a commercial feed that is not registered with MDA, removing or disposing of a commercial feed in violation of a “stop sale” order, and altering/destroying any required label on commercial feed products.

Pest Control and Farm Quarantine

The Secretary of Agriculture has the authority to control or eliminate mosquitoes, including authority to contract with any county, municipality, or special taxing district to control or eliminate mosquitoes in or adjacent to the jurisdiction and authority to make inspections,

investigations, studies, and determinations to ascertain the effect of mosquitoes and methods for their control or elimination in any part of the State. *House Bill 420 (passed)* authorizes the Secretary to issue an order that a person abate mosquito habitat if, in cooperation with the local health authority, the Secretary finds that a person is causing or allowing mosquitoes to breed or develop on any property in a manner that may pose a threat to public health. After all reasonable attempts of abatement have failed, such orders must be served on the person who is causing or allowing mosquitoes to breed or develop. If that person cannot be found, the order must be served on the owner or occupant of the property where the mosquitoes exist. The Secretary is authorized to bring an action to enjoin a violation of an order. In addition, standards for issuance of an injunction are established and criminal penalties for failing to comply with an order are established.

MDA regulates the sale, distribution, exchange, use, storage, and disposal of pesticides and certifies consultants and applicators in various categories of pest control activities. MDA also issues licenses and permits to pest control and pest control consulting businesses and public agencies that apply pesticides. *Senate Bill 93 (passed)* requires pest control businesses to register annually with MDA each employee, other than a certified applicator, who offers or performs pest control at each business location. The initial application fee and the annual renewal fee are both \$30. A \$30 late fee is established that is applicable to late license, certification, or registration renewals under the Pesticide Applicator's Law. MDA's authority to charge a \$10 fee for pest control exams retaken after the initial exam is also clarified.

In accordance with the State Emergency Operations Plan, MDA coordinates all of its hazard preparedness and response activities with other federal, State, and local agencies and the agricultural industry. However, MDA lacked clear statutory authority to adequately prepare for, respond to, and recover from chemical and radiological emergencies affecting farmland and agricultural products on farms. *Senate Bill 90 (Ch. 34)* authorizes the Secretary of Agriculture to establish a farm quarantine and issue appropriate orders to control or restrict the use of farmland, crops, livestock, poultry, or a farm product existing on a farm that has been exposed to or contaminated by a radiological or chemical toxic material or agent or is infected or infested with a disease or pest. The Act also establishes quarantine notice requirements; provisions to allow landowners, tenants, or animal owners to request an alteration of a quarantine or order; additional powers of the Secretary; and enforcement provisions.

Agricultural Land Preservation

The Maryland Agricultural Land Preservation Foundation (MALPF) purchases agricultural preservation easements that restrict development on prime farmland and woodland in perpetuity. In addition to funding from the State transfer tax, MALPF is funded with agricultural land transfer taxes, general obligation bonds, local matching funds, and federal funds. As of January 2010, MALPF had cumulatively purchased or had a pending contract to purchase conservation easements on 2,079 farms covering 283,169 acres.

Senate Bill 95 (Ch. 36) authorizes MALPF to establish a Farmland Preservation Partnership Program to preserve productive agricultural and forested lands. MALPF may form

partnerships with public and private entities for the purpose of purchasing agricultural preservation easements on qualifying farms; however, the partners must cover the full purchase price, which may include administrative costs in specified circumstances. Farmland Preservation Partnership Program easements are not subject to MALPF's ranking, valuation, or development restrictions, except as determined by MALPF's Board of Trustees.

Chapter 610 of 2008 requires \$4.0 million in agricultural land transfer tax revenue to be allocated to the Maryland Agricultural and Resource-Based Industry Development Corporation (MARBIDCO) for an installment purchase agreement (IPA) program focused on agricultural land preservation. MARBIDCO and MALPF had intended to offer IPAs for periods of 15, 20, 25, or 30 years. However, State constitutional provisions concerning tax-supported debt prohibit the use of IPAs with terms longer than 15 years. Accordingly, MARBIDCO has been limited to offering leveraged IPAs for easement purchases funded from transfer tax revenues with terms of 15 years or less. However, MALPF may implement self-funded IPAs for terms beyond 15 years by providing grants to MARBIDCO for individual easement purchases.

Under current law, after July 1, 2010, agricultural land transfer tax revenue transferred to MARBIDCO must be used to purchase easements with IPAs and may not be transferred to MALPF. *Senate Bill 59 (passed)* repeals provisions requiring \$4.0 million to be dedicated to MARBIDCO's IPA program, expressing the General Assembly's intent that counties be encouraged to establish priority preservation areas (PPAs) for agricultural land preservation and requiring new funds provided to MALPF for easement acquisitions to be used only in PPAs after July 1, 2010.

Agricultural Product Sales

A 2009 statewide public opinion survey covering various policy issues found that 78% of Marylanders are more likely to select fresh fruit, vegetables, or other farm products in their local grocery store if the products are identified as grown by a Maryland farmer. However, advertising, particularly in retail stores, can be unclear. *House Bill 421 (passed)* authorizes the Secretary of Agriculture to adopt standards to regulate the use of the terms "locally grown" and "local" to advertise or identify an agricultural product and prohibits a person from knowingly advertising or identifying any agricultural product in violation of those standards. Before adopting the standards, the Secretary must convene and consult with an advisory group of interested stakeholders to determine the definition of the term "locally grown."

Several bills addressing agricultural product sales at farmers' markets were introduced during the 2010 legislative session. *Senate Bill 199 (passed)* authorizes a county to establish a seasonal farmer's market producer sampling license for a producer to prepare and offer samples of a farm product at a farmer's market. *Senate Bill 198 (passed)* prohibits local jurisdictions from requiring a license for the sale of raw agricultural products in a farmer's market and requires the Department of Health and Mental Hygiene to establish a producer mobile farmer's market license. For a more detailed discussion of these bills, see the subpart "Public Health – Generally" within Part J – Health and Human Services of this *90 Day Report*.

Departmental Boards and Programs

The Maryland Horse Industry Board (MHIB) has licensed and inspected horse stables in the State for more than 40 years. In addition, MHIB has a broad mission related to serving as an information resource about, supporting research on, and promoting the equine industry in Maryland. *Senate Bill 62 (Ch. 19)* requires that all funds collected by MHIB be paid into the Maryland Horse Industry Fund. The inspection and license renewal fees charged by MHIB are increased by \$25 each, to \$50 and \$75, respectively. The \$75 license fee must be paid upon application for a license in addition to being paid when renewing a license. By making these changes, it is anticipated that MHIB will no longer need a general fund appropriation.

The State Board of Veterinary Medical Examiners (SBVME) is responsible for licensing and registering veterinarians, licensing and inspecting veterinary hospitals, licensing animal control facilities, and registering veterinary technicians. There are currently 2,471 licensed and registered veterinarians, 506 licensed veterinary hospitals, and 29 licensed animal control facilities. SBVME regulations establish various violations and associated civil penalties for veterinarians for initial and subsequent violations. *Senate Bill 81 (Ch. 30)* modifies provisions that currently limit to \$5,000 the amount of a monetary penalty that SBVME may impose. In lieu of or in addition to suspension of a license, or in addition to revocation of the license, SBVME may impose a penalty of up to \$5,000 for a first offense. For a second or subsequent offense, in addition to suspension or revocation of the license, SBVME may impose a penalty of up to \$10,000.