

# Maryland Register

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Volume 40 • Issue 11 • Pages 955—1020

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Judiciary  
Regulatory Review and  
Evaluation  
Regulations  
Special Documents  
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before May 13, 2013, 5 p.m.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 May 13, 2013.

Brian Morris  
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
- 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

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](http://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 410-260-3876.

## 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 \$15.00 per issue.

## 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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## PERSONS WITH DISABILITIES

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## COMAR Online

The Code of Maryland Regulations is available at [www.dsd.state.md.us](http://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](http://www.dsd.state.md.us).

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

## 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.

## CLOSING DATES AND ISSUE DATES through JANUARY 24, 2014

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
June 14**	May 23	June 5	June 3
June 28	June 10	June 19	June 17
July 12**	June 24	July 2	June 28
July 26	July 8	July 17	July 15
August 9	July 22	July 31	July 29
August 23	August 5	August 14	August 12
September 6**	August 19	August 26	August 23
September 20**	August 29	September 11	September 9
October 4	September 16	September 25	September 23
October 18	September 30	October 9	October 7
November 1**	October 11	October 23	October 21
November 15	October 28	November 6	November 4
December 2***	November 8	November 18	November 15
December 13	November 25	December 4	December 2
December 27**	December 9	December 16	December 13
January 10**	December 23	December 30	December 27
January 24**	January 6	January 14	January 13

\* Due date for documents containing 8 to 18 pages — 48 hours before date shown; due date for documents exceeding 18 pages — 1 week before date shown

**NOTE: ALL DOCUMENTS MUST BE SUBMITTED IN TIMES NEW ROMAN, 9 POINT, SINGLE-SPACED FORMAT. THE REVISED PAGE COUNT REFLECTS THIS FORMATTING.**

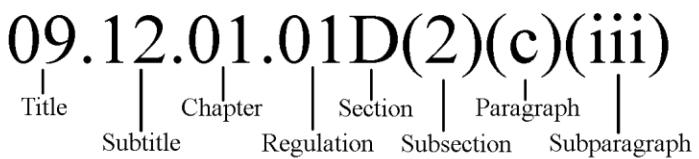
\*\* Note closing date changes

\*\*\* Note issue date and closing date changes

**The regular closing date for Proposals and Emergencies is Monday.**

## 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.



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](http://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.

#### **03 COMPTROLLER OF THE TREASURY**

**03.01.01.04** • 40:3 Md. R. 221 (2-8-13)  
**03.04.01.01** • 40:8 Md. R. 726 (4-19-13)  
**03.04.02.03** • 40:8 Md. R. 726 (4-19-13)  
**03.04.03.06** • 40:8 Md. R. 726 (4-19-13)  
**03.04.09.01—03.05** • 40:8 Md. R. 726 (4-19-13)  
**03.04.12.08** • 40:8 Md. R. 726 (4-19-13)  
**03.06.01.08** • 40:3 Md. R. 222 (2-8-13)  
**03.06.01.09** • 40:3 Md. R. 223 (2-8-13)  
**03.06.01.10** • 40:3 Md. R. 223 (2-8-13)  
**03.06.01.22** • 40:3 Md. R. 224 (2-8-13)  
**03.06.01.28** • 40:2 Md. R. 77 (1-25-13)  
**03.06.01.43** • 40:3 Md. R. 226 (2-8-13)  
**03.06.01.45** • 40:3 Md. R. 227 (2-8-13)  
**03.06.03.02** • 40:3 Md. R. 227 (2-8-13)  
**03.06.03.05** • 40:3 Md. R. 228 (2-8-13)

**08.18.06.01—05** • 40:10 Md. R. 925 (5-17-13)

**08.18.07.01,02** • 40:10 Md. R. 926 (5-17-13)

**08.18.11.01—05** • 40:7 Md. R. 614 (4-5-13)

**08.18.25.01—05** • 40:7 Md. R. 615 (4-5-13)

#### **09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION**

**09.09.02.01—03** • 40:6 Md. R. 478 (3-22-13)

**09.10.01.07** • 40:9 Md. R. 796 (5-3-13)

**09.11.01.05,14** • 40:11 Md. R. 986 (5-31-13)

**09.12.31** • 40:10 Md. R. 929 (5-17-13)

**09.12.81.01** • 40:8 Md. R. 730 (4-19-13) (ibr)

**09.14.04.12** • 40:3 Md. R. 237 (2-8-13)

**09.14.05.01** • 40:3 Md. R. 238 (2-8-13)

**09.14.05.03** • 40:3 Md. R. 239 (2-8-13)

**09.15.05.01—03** • 40:3 Md. R. 240 (2-8-13) (ibr)

**09.17.01.01—03** • 40:7 Md. R. 618 (4-5-13)

**09.20.03.02** • 40:11 Md. R. 987 (5-31-13)

**09.20.04.01,02** • 40:8 Md. R. 730 (4-19-13)

**09.20.04.02** • 40:9 Md. R. 819 (5-3-13) (err)

**09.21.05.01—12** • 40:9 Md. R. 796 (5-3-13)

**09.34.05.01,02** • 39:20 Md. R. 1315 (10-5-12)

**09.34.06.01—13** • 39:20 Md. R. 1315 (10-5-12)

**09.34.07.01—06** • 39:20 Md. R. 1315 (10-5-12)

**09.34.08.01—12** • 39:20 Md. R. 1315 (10-5-12)

**09.34.09.01,02** • 39:20 Md. R. 1315 (10-5-12)

**09.36.08.01—05** • 40:8 Md. R. 732 (4-19-13)

#### **05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**05.19.02.01—04** • 40:9 Md. R. 791 (5-3-13)

#### **07 DEPARTMENT OF HUMAN RESOURCES**

**07.02.11** • 40:10 Md. R. 947 (5-17-13) (err)

**07.02.11.12** • 40:9 Md. R. 792 (5-3-13)

#### **08 DEPARTMENT OF NATURAL RESOURCES**

**08.02.05.12,21** • 40:8 Md. R. 728 (4-19-13)

**08.02.10.01** • 40:9 Md. R. 793 (5-3-13)

**08.02.15.02,04,05,07,12** • 40:11 Md. R. 980 (5-31-13)

**08.02.23.02—04** • 40:9 Md. R. 794 (5-3-13)

**08.03.09.07** • 40:10 Md. R. 918 (5-17-13)

**08.06.01.03** • 40:8 Md. R. 729 (4-19-13)

**08.18.05.01—03** • 40:8 Md. R. 729 (4-19-13)

#### **10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

##### **Subtitles 01 — 08 (1st Volume)**

**10.07.04.02** • 40:11 Md. R. 988 (5-31-13)

**10.05.05.03** • 39:15 Md. R. 976 (7-27-12)

**10.07.05.04** • 39:15 Md. R. 977 (7-27-12)

**10.07.14.07** • 39:15 Md. R. 978 (7-27-12)

**10.07.13.02,.04** • 40:11 Md. R. 988 (5-31-13)  
**10.07.15.01,.03** • 40:11 Md. R. 988 (5-31-13)  
**10.07.20.01—.03** • 40:11 Md. R. 988 (5-31-13)

#### Subtitle 09 (2nd volume)

**10.09.35.01,.04,.05,.07** • 40:6 Md. R. 480 (3-22-13)  
**10.09.47.03** • 40:6 Md. R. 482 (3-22-13)  
**10.09.48.01—18** • 40:8 Md. R. 734 (4-19-13)  
**10.09.83.01—.07** • 39:23 Md. R. 1546 (11-16-12)  
                   40:6 Md. R. 482 (3-22-13)

#### Subtitles 10 — 22 (3rd Volume)

**10.10.04.02** • 39:15 Md. R. 979 (7-27-12)  
**10.12.04.02** • 40:11 Md. R. 988 (5-31-13)  
**10.22.02.01** • 40:2 Md. R. 99 (1-25-13) (ibr)  
**10.22.02.13** • 40:11 Md. R. 989 (5-31-13)

#### Subtitles 23 — 36 (4th Volume)

**10.24.01.01** • 39:25 Md. R. 1622 (12-14-12)  
**10.25.02.02** • 40:6 Md. R. 483 (3-22-13)  
**10.25.03.02** • 40:6 Md. R. 484 (3-22-13)  
**10.26.01.03** • 40:10 Md. R. 929 (5-17-13)  
**10.26.02.05** • 40:10 Md. R. 929 (5-17-13)  
**10.29.01.01,.10—13** • 39:20 Md. R. 1326 (10-5-12)  
**10.29.03.04** • 40:10 Md. R. 931 (5-17-13)  
**10.29.16.01,.02** • 39:20 Md. R. 1326 (10-5-12)  
**10.29.17.01—.10** • 39:20 Md. R. 1326 (10-5-12)  
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**10.29.19.01—.12** • 39:20 Md. R. 1326 (10-5-12)  
**10.29.20.01,.02** • 39:20 Md. R. 1326 (10-5-12)  
**10.29.21.01—.11** • 40:11 Md. R. 990 (5-31-13)  
**10.29.22.01** • 40:10 Md. R. 931 (5-17-13)  
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**CH0493** SB0526 (Enrolled). Sens Colburn and Pipkin. Counties and Municipalities - Required Legislation or Regulations - Adoption by Reference.

**CH0494** HB1076 (Amended). Del Eckardt, et al. Counties and Municipalities - Required Legislation or Regulations - Adoption by Reference.

**CH0495** SB0535 (Enrolled). Sen Shank, et al. Washington County - Amusement Devices - Tip Jars.

**CH0496** SB0536 Sens Shank and Zirkin. Department of Juvenile Services - Graduated Responses - Report.

**CH0497** HB0604 Del Hough. Department of Juvenile Services - Graduated Responses - Report.

**CH0498** SB0542 (Enrolled). Sen Young, et al. Election Law - Polling Places - Electioneering.

**CH0499** SB0553 (Amended). Sen Getty. Tipped Employees - Payments or Deduction from Wages - Prohibition.

**CH0500** SB0563 (Amended). Sen Simonaire. Environment and Public Utilities - Notice to Neighboring Jurisdictions of Applications.

**CH0501** HB0554 (Amended). Del Schuh, et al. Environment and Public Utilities - Notice to Neighboring Jurisdictions of Applications.

**CH0502** SB0575 (Amended). Sen Simonaire, et al. Environment - Maryland Clean Water Fund - Annual Report.

**CH0503** SB0587 (Enrolled). Sen Garagiola, et al. Higher Education - Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship.

**CH0504** SB0599 (Enrolled). Sen Conway. Procurement - Subcontractor Equal Access to Bonding Act of 2013.

**CH0505** HB0585 (Amended). Del Reznik, et al. Procurement - Subcontractor Equal Access to Bonding Act of 2013.

**CH0506** SB0613 Sen Klausmeier. Income Tax - Electronic Filing - Designation to Purchase Federal Savings Bonds.

**CH0507** HB0644 (Amended). Del Olszewski, et al. Income Tax - Electronic Filing - Designation to Purchase Federal Savings Bonds.

**CH0508** SB0617 (Amended). Sen Klausmeier. Drug Therapy Management - Physician-Pharmacist Agreements.

**CH0509** HB0716 (Amended). Del Tarrant, et al. Drug Therapy Management - Physician-Pharmacist Agreements.

**CH0510** SB0631 (Amended). Sen King, et al. Hotel Rental Tax - Exemption - Lodging at a Corporate Training Center.

**CH0511** SB0632 (Enrolled). Sen King, et al. State Brain Injury Trust Fund.

**CH0512** SB0633 (Amended). Sen Peters, et al. Libraries - County Library Capital Project Grant - Wealth-Based Cost Share.

**CH0513** SB0639 (Amended). Sen Manno, et al. Civil Rights Tax Relief Act.

**CH0514** SB0642 (Amended). Sen Muse, et al. Residential Property - Prohibition on Nonjudicial Evictions.

**CH0515** HB1308 (Amended). Del Healey, et al. Residential Property - Prohibition on Nonjudicial Evictions.

**CH0516** SB0656 (Amended). Sens Miller and Dyson. Calvert County - Property Tax - Natural Gas Facility.

**CH0517** SB0658 (Amended). Sen King, et al. Estate Tax and Income Tax - Marital Deduction and Subtraction Modification for Health Insurance.

**CH0518** HB1031 (Amended). Del Hixson, et al. Estate Tax and Income Tax - Marital Deduction and Subtraction Modification for Health Insurance.

**CH0519** SB0662 (Amended). Sens Mathias and Colburn. Natural Resources - Commercial Fishing - Licensing.

**CH0520** SB0671 (Enrolled). Sens Conway and Dyson. Land Use - Local Comprehensive Planning and Zoning Cycle.

**CH0521** HB0409 (Enrolled). Del McIntosh, et al. Land Use - Comprehensive Planning and Zoning Cycle.

**CH0522** SB0674 (Amended). Sens Edwards and Mathias. Employees' Pension System - Elected or Appointed Officials - Membership.

**CH0523** SB0675 (Amended). Sen Manno, et al. Maryland Pesticide Reporting and Information Workgroup.

**CH0524** HB0775 (Enrolled). Del Lafferty, et al. Maryland Pesticide Reporting and Information Workgroup.

**CH0525** SB0682 (Amended). Sens Klausmeier and Middleton. Portable Electronics Insurance - Compensation of Employees of Vendor, Disclosures to Customers, and Study.

**CH0526** SB0686 (Enrolled). Sen Garagiola. Family Investment Program - Earned Income Disregard Pilot Program.

**CH0527** SB0697 (Amended). Sen Raskin. Corporations and Associations - Conversions.

**CH0528** HB1140 (Amended). Del Feldman. Corporations and Associations - Conversions.

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**CH0529** SB0702 (Amended). Sen Madaleno, et al. Maryland Public Art Initiative Program - Selection of Art for Capital Projects.

**CH0530** HB1337 (Amended). Del Griffith, et al. Maryland Public Art Initiative Program - Selection of Art for Capital Projects.

**CH0531** SB0730 (Enrolled). Sen King, et al. Recordation and Transfer Taxes - Low Income Housing Projects - Controlling Interest.

**CH0532** HB1236 (Enrolled). Del Hixson, et al. Recordation and Transfer Taxes - Low Income Housing Projects - Controlling Interest.

**CH0533** SB0740 (Enrolled). Sen Pinsky, et al. College and Career Readiness and College Completion Act of 2013.

**CH0534** SB0741 (Amended). Sens Jones-Rodwell and Colburn. State Retirement and Pension System - Board of Trustees.

**CH0535** HB0390 (Amended). Del Griffith, et al. State Retirement and Pension System - Board of Trustees.

**CH0536** SB0750 Sen Robey. Public Safety - Maryland Building Performance Standards - Local Wind Design and Wind-Borne Debris Standards.

**CH0537** HB0769 Del Malone, et al. Public Safety - Maryland Building Performance Standards - Local Wind Design and Wind-Borne Debris Standards.

**CH0538** SB0757 (Amended). Sens Ramirez and Garagiola. Maryland Occupational Safety and Health Act - Discrimination Against Employee - Complaints.

**CH0539** HB0795 (Amended). Del Hucker, et al. Maryland Occupational Safety and Health Act - Discrimination Against Employee - Complaints.

**CH0540** SB0758 (Amended). Sens Ramirez and Kelley. Labor and Employment - Lien for Unpaid Wages - Establishment.

**CH0541** HB1130 (Amended). Del Barnes. Labor and Employment - Lien for Unpaid Wages - Establishment.

**CH0542** SB0762 Sen Ramirez. Environment - Asbestos Occupation - Training Program and Examination.

**CH0543** HB0793 Del Hucker. Environment - Asbestos Occupation - Training Program and Examination.

**CH0544** SB0764 (Enrolled). Sen Conway. Task Force to Study Housing and Supportive Services for Unaccompanied Homeless Youth.

**CH0545** HB0823 (Amended). Del M. Washington, et al. Task Force to Study Housing and Supportive Services for Unaccompanied Homeless Youth.

**CH0546** SB0774 (Amended). Sen Mathias, et al. Income Tax - Subtraction Modification - Maryland Civil Air Patrol.

**CH0547** SB0784 Sen Benson. Employment Discrimination - Reasonable Accommodations for Disabilities Due to Pregnancy.

**CH0548** HB0804 Del Hucker, et al. Employment Discrimination - Reasonable Accommodations for Disabilities Due to Pregnancy.

**CH0549** SB0790 Sen Manno. Department of Health and Mental Hygiene - Advance Directive Registry - Fee and Date of Operation.

**CH0550** SB0801 (Amended). Sen Jones-Rodwell (Chr Jt Com on Pnsns). State Retirement and Pension Systems - Cost-of-Living Adjustments - Simplification and Clarification.

**CH0551** HB0852 (Amended). Del Griffith (Chr Jt Com on Pnsns). State Retirement and Pension Systems - Cost-of-Living Adjustments - Simplification and Clarification.

**CH0552** SB0809 (Enrolled). Sen Frosh. Maryland Legal Services Corporation Funding - Abandoned Property Funds.

**CH0553** HB1303 (Enrolled). Del Dumais, et al. Maryland Legal Services Corporation Funding - Abandoned Property Funds.

**CH0554** SB0811 Sen Rosapepe. Procurement - Investment Activities in Iran - Board of Public Works Authority to Adopt Regulations.

**CH0555** HB0877 (Amended). Del Morhaim, et al. Procurement - Investment Activities in Iran - Board of Public Works Authority to Adopt Regulations.

**CH0556** SB0813 (Enrolled). Sens Shank and Edwards. State Retirement and Pension System - Service Credit for Unused Sick Leave.

**CH0557** SB0814 (Enrolled). Sen Shank. Washington County - Salary Study Commission - Updating Salary and Expense Provisions.

**CH0558** HB0720 (Enrolled). Washington County Delegation. Washington County - Salary Study Commission - Updating Salary and Expense Provisions.

**CH0559** SB0815 (Enrolled). Sen Shank. Public and Nonpublic Schools - Epinephrine Availability and Use - Policy.

**CH0560** HB1014 (Enrolled). Del Stein. Public and Nonpublic Schools - Epinephrine Availability and Use - Policy.

**CH0561** SB0820 (Amended). Sen Benson (Chr TF Spay/Neuter Fnd) et al. Animal Welfare - Spay/Neuter Fund - Establishment.

**CH0562** HB0767 (Amended). Del Frush (Chr TF Spay/Neuter Fnd), et al. Animal Welfare - Spay/Neuter Fund - Establishment.

**CH0563** SB0828 (Amended). Sen Madaleno, et al. St. Mary's College of Maryland - Tuition Freeze and DeSousa-Brent Scholars Completion Grant.

**CH0564** HB0831 (Amended). Del Bohanan. St. Mary's College of Maryland - Tuition Freeze and DeSousa-Brent Scholars Completion Grant.

**CH0565** SB0832 (Amended). Sen Ferguson. Child Care - Dispute Resolution.

**CH0566** HB0932 (Amended). Del Luedtke, et al. Child Care - Dispute Resolution.

**CH0567** SB0840 Sen Stone. Voting - Notice of Election by Specimen Ballot.

**CH0568** SB0854 (Amended). Sen Edwards. Environment - Gas and Oil Drilling - Financial Assurance.

**CH0569** SB0857 Sen Miller, et al. Commission on the Establishment of a Maryland Educators Service Memorial.

**CH0570** HB1131 Del Hixson. Commission on the Establishment of a Maryland Educators Service Memorial.

**CH0571** SB0863 (Amended). Sens Zirkin and Glassman. Public Safety - Gas Pipelines - Implementation of Federal Pipeline Safety Laws.

**CH0572** SB0887 (Amended). Sen Garagiola, et al. Public Utilities - Solar Photovoltaic Systems.

**CH0573** SB0900 (Amended). Sen Jones-Rodwell. Baltimore City - Payment in Lieu of Taxes Agreements - Economic Development Projects.

**CH0574** HB0335 (Amended). Del Mitchell, et al. Baltimore City - Payment in Lieu of Taxes Agreements - Economic Development Projects.

**CH0575** SB0904 (Amended). Sen Klausmeier. Health Insurance - Vision Services - Provider Contracts.

**CH0576** HB1160 (Amended). Del Kach. Health Insurance - Vision Services - Provider Contracts.

**CH0577** SB0905 (Amended). Sens DeGrange and McFadden. Video Lottery Facilities - Table Game Proceeds.

**CH0578** HB1155 (Enrolled). Del Branch, et al. Video Lottery Facilities - Table Game Proceeds.

**CH0579** SB0916 (Amended). Sen Klausmeier. Task Force to Study Licensing and Continuing Education Requirements for Electricians.

**CH0580** SB0917 Sen Edwards. Allegany County - Video Lottery Terminals - Distribution of Proceeds.

**CH0581** SB0926 Sen Pinsky. Education - State and Local Aid Program for Certification or Renewal of Certification - Sunset Repeal.

**CH0582** SB0942 (Enrolled). Sen Reilly. State Board of Physicians - Consultation, Qualification for Licensure, License Renewal, and Representation to the Public.

**CH0583** HB1313 (Enrolled). Del Cullison. State Board of Physicians - Consultation, Qualification for Licensure, License Renewal, and Representation to the Public.

**CH0584** SB0949 (Enrolled). Sen Mathias. Worcester County - Alcoholic Beverages.

**CH0585** SB0951 Sen Benson. Health Occupations - Polysomnographic Technologists - Licensure and Discipline.

**CH0586** HB0879 Del Hubbard. Health Occupations - Polysomnographic Technologists - Licensure and Discipline.

**CH0587** SB0954 (Amended). Sen Benson. Maryland Board of Physicians - Authority to Issue Temporary Licenses and Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Advisory Committee.

**CH0588** HB0980 (Amended). Del V. Turner, et al. Maryland Board of Physicians - Authority to Issue Temporary Licenses and Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Advisory Committee.

**CH0589** SB0955 Sen Brinkley. Alcoholic Beverages - Refillable Containers - Class 5 Manufacturer's License.

**CH0590** SB0957 Sens Brinkley and Young. Frederick County - Alcoholic Beverages - Banquet Facility License.

**CH0591** HB1387 Frederick County Delegation. Frederick County - Alcoholic Beverages - Banquet Facility License.

**CH0592** SB0965 (Enrolled). Sen Rosapepe. Maryland Smart Growth Investment Fund Workgroup.

**CH0593** HB1170 (Amended). Del Lafferty. Maryland Smart Growth Investment Fund Workgroup.

**CH0594** SB0969 (Enrolled). Sen Glassman, et al. Public Safety - Fire Protection and Prevention - Residential Smoke Alarms.

**CH0595** HB1413 (Amended). Del Malone. Public Safety - Fire Protection and Prevention - Residential Smoke Alarms.

**CH0596** SB0981 (Enrolled). Sen Montgomery. State Board of Physicians - Quasi-Judicial Powers and the Board of Review - Revisions.

**CH0597** HB1296 (Enrolled). Dels Cullison and Frank. State Board of Physicians - Quasi-Judicial Powers and the Board of Review - Revisions.

**CH0598** SB1026 (Amended). Sen Colburn. Department of Health and Mental Hygiene - Study of Honey-Related Licenses and Permits.

**CH0599** SB1028 Sen Klausmeier. Baltimore County - Alcoholic Beverages - License Transfers.

**CH0600** SB1031 (Enrolled). Sen Colburn. Hunting - Domesticated Animals - Prohibited Acts.

**CH0601** HB1482 (Amended). Del Cane. Hunting - Domesticated Animals - Prohibited Acts.

**CH0602** SB1049 (Amended). Sens Mathias and Astle. Recycling - Apartment Buildings and Condominiums - Ocean City.

**CH0603** SB1067 (Amended). Sen Klausmeier, et al. Commission on the Commemoration of the 100th Anniversary of the Passage of the 19th Amendment to the United States Constitution.

**CH0604** HB0018 (Amended). Anne Arundel County Delegation. Anne Arundel County - Alcoholic Beverages - Refillable Container License.

**CH0605** HB0048 (Enrolled). Del B. Robinson, et al. Minority Business Enterprises - Not-for-Profit Entities.

**CH0606** HB0057 (Amended). Del B. Robinson. Office of Health Care Quality - Abuser Registry Workgroup.

**CH0607** HB0077 Del McHale. State Government - Commemorative Month - Irish American Heritage Month.

**CH0608** HB0095 (Amended). Chr ENV (Dept). Environment - Permits - New Source Performance Standards.

**CH0609** HB0232 (Enrolled). Del Vitale, et al. Sales and Use Tax - Exemption - Parent-Teacher Organization Fundraisers.

**CH0610** HB0256 (Enrolled). Frederick County Delegation. Frederick County - Development Rights and Responsibilities Agreements - Direct Judicial Review.

**CH0611** HB0264 Chr JUD (Dept). Juvenile Law - Juvenile Records - Disclosure.

**CH0612** HB0331 (Amended). Del Morhaim, et al. Open Meetings Act - Violations and Penalties.

**CH0613** HB0347 (Enrolled). Chr ECM (Dept). Professional Engineers - Firm Permits.

**CH0614** HB0359 Chr HGO (Dept). Militia - Maryland Defense Force - Enlistment Period.

**CH0615** HB0362 Chr ENV (Dept). Public Ethics - Definition of "Interest" - Mutual Funds.

**CH0616** HB0365 (Enrolled). Del Glass. Harford County - Archery Hunting - Safety Zone.

**CH0617** HB0380 (Enrolled). Del Barve, et al. Income Tax - Joint Returns - Married Couples.

**CH0618** HB0543 (Amended). Carroll County Delegation. Carroll County - Deer Hunting - Sundays.

**CH0619** HB0563 Del Dumais. Adoption - Payment of Expenses.

**CH0620** HB0572 (Enrolled). Dels Beidle and Brush. Natural Resources - Tree Expert License - Qualifications.

**CH0621** HB0591 (Amended). Del Morhaim. State Board of Pharmacy - Wholesale Distribution - Pharmacies.

**CH0622** HB0596 (Enrolled). Del Clippinger. Civil Actions - Interrogatories or Examination in Aid of Enforcement - Procedure After Arrest for Failure to Appear to Show Cause.

**CH0623** HB0598 Del Carr. Water and Sewer Service - Billing Period.

**CH0624** HB0613 (Enrolled). Chr ENV and Chr W&M (Dept), et al. Sustainable Communities - Designation and Financing.

**CH0625** HB0621 (Amended). Dels Niemann and Hucker. Maryland Energy Administration - Regulated Sustainable Energy Contract Program.

**CH0626** HB0637 (Amended). Mont Co Deleg and PG Co Deleg. Maryland-National Capital Park and Planning Commission - High Performance Buildings MC/PG 101-13.

**CH0627** HB0639 (Amended). Mont Co Deleg and PG Co Deleg. Maryland-Washington Regional District - Boundaries - City of Laurel MC/PG 111-13.

**CH0628** HB0642 (Amended). Mont Co Deleg and PG Co Deleg. Washington Suburban Sanitary Commission - Sewage Leaks - Posting Requirements MC/PG 114-13.

**CH0629** HB0646 Montgomery County Delegation. Gaming - Instant Ticket Lottery Machines - Veterans' Organizations MC 5-13.

**CH0630** HB0650 (Enrolled). Mont Co Deleg and PG Co Deleg. Washington Suburban Sanitary Commission - Prevailing Wage MC/PG 112-13.

**CH0631** HB0653 (Amended). Charles County Delegation. Charles County - Building Code - Abatement of Violations.

**CH0632** HB0680 (Enrolled). Del Hogan, et al. Vehicle Laws - Unregistered Emergency Vehicles - Operating on Highways.

**CH0633** HB0687 (Amended). Del Carter, et al. Commission on Child Custody Decision Making.

**CH0634** HB0697 (Amended). Del Dumais. Courts and Judicial Proceedings - Maryland Mediation Confidentiality Act - Applicability.

**CH0635** HB0709 (Amended). Del McDermott, et al. Criminal Law - Accessory After the Fact - Murder (The Shedd-Bennett Act).

**CH0636** HB0713 (Amended). Del Dumais, et al. Criminal Procedure - Seizure and Forfeiture - Property Used in Human Trafficking.

**CH0637** HB0753 (Enrolled). Del Malone, et al. Motor Vehicles - Use of Wireless Communication Device - Prohibited Acts, Enforcement, and Penalties.

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**CH0638** SB0339 (Amended). Sen Robey, et al. Motor Vehicles - Use of Wireless Communication Device - Prohibited Acts, Enforcement, and Penalties.

**CH0639** HB0786 (Amended). Del Carter, et al. Juvenile Law - Task Force on Juvenile Court Jurisdiction.

**CH0640** HB0794 Del Niemann. Manufactured Homes - Affixation to Real Property - Liens.

**CH0641** HB0801 (Amended). Del Tarrant, et al. Vehicle Laws - Unlawful Use of Off-Highway Recreational Vehicles - Administrative Penalties.

**CH0642** HB0828 Del Beitzel. Business Occupations - Oil and Gas Land Professionals - Registration.

**CH0643** HB0854 (Amended). Del Dumais, et al. Criminal Procedure - Expungement of Records - Not Criminally Responsible.

**CH0644** HB0857 (Enrolled). Del Waldstreicher. Estates and Trusts - Posthumously Conceived Child.

**CH0645** HB0858 Del Waldstreicher. Estates and Trusts - Modified Administration and Inheritance Tax.

**CH0646** HB0859 Del Waldstreicher. Interests in Grantor and Qualified Terminable Interest Property Trusts.

**CH0647** HB0860 (Enrolled). Baltimore City Delegation. Baltimore City Public Schools Construction and Revitalization Act of 2013.

**CH0648** HB0895 Howard County Delegation. Education - Howard County Library System - Collective Bargaining Ho. Co. 3-13.

**CH0649** HB0902 (Enrolled). Del Guzzone. State Police Retirement System - Reemployment of Retirees.

**CH0650** HB0909 (Enrolled). Del Valentino-Smith, et al. Criminal Procedure - Venue for Prosecution of Murder and Manslaughter.

**CH0651** HB0916 (Enrolled). Del Valentino-Smith, et al. Juvenile Law - Dispositions - Placement Guidance.

**CH0652** HB0921 Del Valentino-Smith, et al. Correctional Services - Inmate Earnings - Compensation for Victims of Crime.

**CH0653** HB0933 Del Lee, et al. Crimes - Human Trafficking of Minor - Defense of Ignorance of Victim's Age.

**CH0654** HB0935 Dels Stifler and Kaiser. Public Institutions of Higher Education - In-State Tuition for Military Veterans.

**CH0655** HB0936 (Amended). Del S. Robinson, et al. Natural Resources - Maryland Botanical Heritage Workgroup.

**CH0656** HB0941 (Amended). Dels Arora and DeBoy. Criminal Law - Fraudulent Liens - Prohibition.

**CH0657** HB0957 (Enrolled). Del Rosenberg, et al. Housing - Accessible Housing for Senior Homeowners, Older Adults, and Individuals with Disabilities.

**CH0658** HB0964 (Enrolled). Del Hixson, et al. Community Colleges - Grants for Speakers of Other Languages Programs.

**CH0659** HB1017 (Enrolled). Del Barve, et al. Income Tax Credit - Wineries and Vineyards.

**CH0660** HB1030 (Amended). Del Rosenberg. Property Tax Credit - Urban Agricultural Property - Definition.

**CH0661** HB1055 (Amended). Del Braveboy, et al. Evaluation of the Application of Minority Business Enterprise Program by the Public Service Commission.

**CH0662** HB1059 (Enrolled). Del Haynes. Baltimore City - Video Lottery Operation Licensee - Employee Data Collection.

**CH0663** HB1072 (Enrolled). Prince George's County Delegation. Alcoholic Beverages - City of Laurel - Sales by License Holders PG 308-13.

**CH0664** HB1073 (Amended). Prince George's County Delegation. Prince George's County Board of Education - Financial Literacy Curriculum PG 419-13.

**CH0665** HB1074 (Enrolled). Prince George's County Delegation. Prince George's County - Alcoholic Beverages - Hours of Sale and Fee for Golf Course Licenses PG 318-13.

**CH0666** HB1081 (Amended). Prince George's County Delegation. Prince George's County - Alcoholic Beverages - Entertainment Permit - Class BH Licensees PG 301-13.

**CH0667** HB1105 (Enrolled). Prince George's County Delegation. Prince George's County - Alcoholic Beverages Sales - Prohibition on Use of Self-Scanning Cash Registers PG 311-13.

**CH0668** HB1145 (Enrolled). Prince George's County Delegation. Task Force to Study Energy Generation in Prince George's County PG 416-13.

**CH0669** HB1146 (Amended). Prince George's County Delegation. Task Force to Study Locating Businesses in Libraries in Prince George's County PG 415-13.

**CH0670** HB1159 (Enrolled). Del Kramer, et al. Electric Companies - Service Restoration - Special Medical Needs Facilities.

**CH0671** HB1161 (Enrolled). Del A. Washington, et al. Commission on Special Education Access and Equity.

**CH0672** HB1171 Cecil County Delegation. Cecil County - School Buses - Length of Operation.

**CH0673** HB1175 Del Vallario. Police Training Commission - Membership - Police Chiefs' Association of Prince George's County.

**CH0674** HB1257 (Amended). Del McIntosh, et al. Land Use - Clarifications and Corrections.

**CH0675** HB1305 (Amended). Anne Arundel County Delegation. City of Annapolis - Alcoholic Beverages - Residency Requirement.

**CH0676** HB1330 Chr ECM (Dept). Workers' Compensation - Insurance Coverage - Employer Compliance.

**CH0677** HB1338 (Amended). Prince George's County Delegation. Prince George's County Juvenile Court and School Safety Workgroup PG 306-13.

**CH0678** HB1342 (Amended). Del Kaiser, et al. Maryland Longitudinal Data System - Governing Board and Data Transfers.

**CH0679** SB0945 Sen Pinsky. Higher Education - Maryland Longitudinal Data System - Governing Board and Data Transfers.

**CH0680** HB1348 Chr HGO (DLS). Maryland Program Evaluation Act - Revisions and Clarifications.

**CH0681** HB1390 (Enrolled). Chr HGO (Dept), et al. Maryland Veterans Trust and Fund - Establishment.

**CH0682** HB1393 (Amended). Del O'Donnell, et al. Public Schools - Student Work Product - Claim of Copyright Prohibited.

**CH0683** HB1431 Prince George's County Delegation. Prince George's County - Alcoholic Beverages Licenses - Towne Centre at Laurel PG 320-13.

**CH0684** HB1432 (Amended). Prince George's County Delegation. Prince George's County - Public Safety Surcharge PG 421-13.

**CH0685** HB1433 (Amended). Prince George's County Delegation. Prince George's County - School Facilities Surcharge PG 420-13.

**CH0686** HB1440 (Amended). Chr ENV (Dept), et al. Recycling - Composting Facilities.

**CH0687** HB1455 (Enrolled). Mont Co Deleg and PG Co Deleg. Maryland-National Capital Park and Planning Commission - Property Tax - Payment in Lieu of Taxes Agreement MC/PG 118-13.

**CH0688** HB1494 (Amended). Del Conway, et al. Correctional Services - Standards for Correctional Facilities - Funding.

**CH0689** HB1505 Del Jacobs, et al. Oysters - Power Dredging - Time Period.

**CH0690** HB1507 St. Mary's County Delegation. St. Mary's County - Property Maintenance.

**CH0691** HB1524 (Amended). Baltimore County Delegation. Election Law - Baltimore County Democratic Party Central Committee - Membership.

**CH0692** HB1531 Del O'Donnell. Election Law - Prince George's County Republican Party Central Committee - Membership.

[13-11-37]

# The Judiciary

## ADMINISTRATIVE OFFICE OF THE COURTS

### ADMINISTRATIVE MEMORANDUM 13-1 ADMINISTRATIVE REGULATION XIX COST SCHEDULE

By direction of Chief Judge Robert M. Bell, and for the information and guidance of all concerned, the attached notice is published for the purpose of advising of the revision to the District Court Administrative Regulation to become effective July 1, 2013. The attached revision has been adopted by the Chief Judge of the District Court.

FRANK BROCCOLINA  
State Court Administrator

May 9, 2013

#### NOTICE

Under the authority of Courts and Judicial Proceedings Article '7-301 of the Maryland Code, the District Court Cost Schedule has been revised and will be in force and effective July 1, 2013. Also included herewith are the revisions to DCAR XIX.

BEN C. CLYBURN  
Chief Judge  
District Court of Maryland

May 9, 2013

#### IMPORTANT NOTICE

##### **District Court Administrative Regulation XIX – Cost Schedule**

In all cases, except those noted below, the required costs in this Cost Schedule, including the fee for service of process shall be paid at the time the complaint, writ, petition, or request is filed.

Exceptions:

- (1) The State of Maryland and officers, agencies, and departments thereof shall not be taxed costs in any District Court civil proceeding.
- (2) Advance payment of costs shall not be required in any case in which the plaintiff/petitioner is represented by counsel paid through JUDICARE; provided by Maryland Legal Aid Bureau, Inc.; or retained through a pro bono or legal services program that is recognized by Maryland Legal Services Corporation if the program provides the clerk with a memorandum that names the program, attorney(s) and client(s) and that specifies that representation is being provided for client(s) meeting the financial eligibility criteria of the corporation. If the petitioner is eligible for this exception, payment of costs in a case other than civil are waived.
- (3) Advance payment of costs shall not be required in a civil case filed by a county or municipality of the State of Maryland.

In any civil case in which no advance costs have been paid, the Court shall allow costs in favor of the prevailing party.

If the judgment creditor is the prevailing party, he shall, upon being paid all amounts due, including costs, furnish to the judgment debtor and file with the clerk a written statement (order of satisfaction) that the judgment has been satisfied. The clerk shall not accept the order for filing unless the costs are tendered with it.

If the judgment debtor is the prevailing party, the clerk shall bill the plaintiff for all costs, except no payment is required by the State of Maryland.

The attached schedule is hereby adopted as the costs to be paid for all proceedings in any civil case in the District Court.

**REFUNDS**

Except as provided by statute, a charge, cost, or fee is not refundable. Overpayment refunds of \$5 or less will not be processed unless the individual due the refund makes a request in writing, in person, or by telephone.

If the Sheriff is unable to serve a paper, 50% of the service fee shall be refunded to the party requesting the service and if the Sheriff is unable to serve Summary Ejectment papers, the full fee shall be refunded to the party requesting the service.

**BAD CHECKS**

An additional \$10 service fee will be imposed for each dishonored check.

**GENERAL INFORMATION**

A MAXIMUM OF TWENTY (20) CIVIL CASE FILINGS, PER CHECK, WILL BE ACCEPTED FROM ATTORNEYS AND OTHER INTERESTED PARTIES.

A MAXIMUM OF TWENTY (20) LANDLORD/TENANT FILINGS WILL BE ACCEPTED FROM ATTORNEYS AND OTHER INTERESTED PARTIES PER CREDIT CARD TRANSACTION.

**In correspondence with the court, including inquiries, motions, and pleadings:**

Please include the case number and trial date. This information should also appear on the envelope in which papers are mailed to the court, so that priority matters may be expeditiously handled.

The address for service should include apartment number (if there is a number), zip codes as part of the address, and county. "P.O." is not appropriate when requesting service.

Positive identification of all motor vehicles to be seized is required, including make and model. A copy of title must be submitted. All liens must be shown in order that value may be determined.

**If service of process is to be made on the:**

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, an additional \$50 fee is required. A check or money order should be made payable to the State Department of Assessments and Taxation. All county and Baltimore City governmental agencies are exempt from this fee. (This agency requires two copies of each paper for each defendant to be served);

MARYLAND INSURANCE ADMINISTRATION, an additional \$15 fee is required. A check or money order should be made payable to the Maryland Insurance Administration. (This agency requires two copies of each paper for each defendant to be served.)

**DCA 109** (Rev. [1/2012] 7/2013)

**DISTRICT COURT OF MARYLAND  
COST SCHEDULE**

	<u><b>FILING FEE</b></u>	<u><b>SERVICE FEE</b></u>
<b>Complaint in Small Claims Actions:</b>		
Contract - Tort (new suit)	\$28.00*	(a)
Counter Claim	\$18.00	(a)
Cross Claim	\$18.00	(a)
Third Party Claim	\$18.00	(a)
<b>Complaint in Large Claims Actions:</b>		
Contract - Tort (new suit)	\$38.00*	(a)
Counter Claim	\$28.00	(a)
Cross Claim	\$28.00	(a)
Third Party Claim	\$28.00	(a)
<b>Additional Pre Judgment Filings:</b>		
Attachment Before Judgment	\$38.00*	(a)
Confessed Judgment	\$38.00*	(a)
Detinue	\$38.00*	(a)
Grantee Suit for Possession	\$38.00*	(a)
Interpleader	\$28.00*	(a)
Petition for Show Cause (per defendant)	\$10.00	(a)
Renewal Show Cause	\$ 5.00	(a)
Renewal Confess Judgment	\$ 5.00	(a)
Renewal Summons	\$ 5.00	(a)
Replevin - Show Cause	\$38.00*	(a)
Replevin - Writ (final hearing)	\$.....	(b)
Subpoena (witness)	\$.....	(a)

<b>Domestic Violence - Peace Order Filings:</b>		
Domestic Violence - filing, service, recordation of foreign judgment or appeal	\$.....	
Temporary Peace Order	\$38.00*	(c)
<b>Landlord Tenant Filings:</b>		
Summary Ejectment (Failure to Pay Rent) (all counties except Baltimore City)	\$12.00*	\$5.00 for each tenant of record
Summary Ejectment (Failure to Pay Rent) (Baltimore City)	[\$16.00*] \$22.00 * <sup>1</sup>	\$5.00 for each location, additional fee of \$5.00 for each tenant for whom personal service is requested
Distress & Show Cause	\$28.00* If amount of rent is \$500 or less; add \$5.00 for each additional \$500 rent	(a)
Breach of Lease (all counties except Baltimore City)	\$38.00*	(b)
Breach of Lease (Baltimore City)	\$48.00* <sup>1</sup>	(b)
Distress Order of Levy	\$5.00	(b)
Injunction	\$38.00*	(a)
Recording Summary Ejectment Money Judgment	\$10.00	----
Reissue Distress & Show Cause Order	\$2.00	----
Rent Escrow (not judge ordered)	\$28.00*	(a)
Tenant Holding Over (all counties except Baltimore City)	\$38.00*	(b)
Tenant Holding Over (Baltimore City)	\$48.00* <sup>1</sup>	(b)
Warrant of Restitution (all counties except Baltimore City)	\$.....	(b) per case
Warrant of Restitution (Baltimore City)	\$10.00 <sup>1</sup>	(b) per case
Wrongful Entry & Detainer	\$38.00*	(b)
<b>Post Judgment Filings:</b>		
Appeal	\$10.00 (plus \$135.00 made payable to Circuit Court)	
Assignment of Judgment	\$10.00	----
Assignment of Wages	\$28.00*	(a)
Body Attachment	\$.....	(b)
Modification of Judgment/Lien (Other than a Notice of Lien under Bail Forfeiture in the District Court or documents in connection with a Lien under RP § 3-404)	\$..... (\$15.00 made payable to Circuit Court)	----
Notice of Lien (Other than a Notice of Lien under Bail Forfeiture in the District Court or documents in connection with a Lien under RP § 3-404)	\$..... (\$15.00 made payable to Circuit Court)	----
Recordation of Foreign Judgment	\$43.00*	----
Renewal of Judgment	\$10.00 (plus \$15.00 made payable to Circuit Court, if lien filed)	----
Request for Certification of Judgment Under Act of Congress (Triple Seal)	\$10.00	----
Request for Oral Exam (per defendant)	\$10.00	(a)
Oral Exam Renewal (per defendant)	\$5.00	(a)
Request for Writ of Execution or Possession (Service fee also applies to Execution issued in Attachment before Judgment)	\$10.00	(b)
Request for Writ of Garnishment Other than Wages (Service fee also applies to Garnishment issued in Attachment before Judgment)	\$10.00	(a)
Request for Writ of Garnishment of Wages (Service fee also applies to Garnishment issued in Attachment before Judgment)	\$10.00	(a)
Transmittal of Certified Copy of Judgment	\$10.00	----
<b>* Includes MD Legal Services Corporation Fund Surcharge \$18 - New Civil Filings \$8 - Summary Ejectment Cases</b>		
<b><sup>1</sup> Includes a \$10 Surcharge for the Baltimore City Sheriff</b>		

**THE JUDICIARY**

972

**SERVICE FEES**

In Baltimore County only, constables serve civil process and checks must be made payable to District Court. In all other counties, the sheriff's office is responsible for service of civil process; unless an exception follows, make check payable to the Sheriff's Office. (Exceptions: In Baltimore City, checks to Sheriff must be made payable to Director of Finance. In Harford County, checks to Sheriff must be made payable to Harford County.)

(a) Fee if served by Sheriff/Constable is \$40 for each defendant or address.

Fee if mailed by clerk is \$10 for each defendant or address.

(b) Sheriff/Constable service required by law and the fee is \$40 for each defendant. (In Baltimore City, Sheriff service required by law.

Fee for service by the Baltimore City Sheriff is \$40 for each defendant, plus an additional \$60 surcharge per writ.)

(c) Fee if served by Sheriff is \$40 for each defendant or address.

(d) Note: Service of paper originating from a foreign court. Fee if served by Sheriff is \$60 for each defendant or address. (In Baltimore City, service by the Baltimore City Sheriff is \$60 for each defendant or address, plus an additional \$40 surcharge for each defendant or address.)

<b>OTHER CHARGES (clerical):</b>	<b>FILING FEE</b>
Photocopies	\$0.50 per page
Computer printouts	\$0.50 per page
Certification of Copies (DC 33)	\$5.00 per request (plus photocopy fee)
Transcripts	\$75.00 deposit & \$3.00 per page for original & 1 copy
Recordings	\$15.00 per case
Petition for Expungement (excluding cases with verdict of acquittal)	\$30.00
Petition to Extend Time/Strike Bond Forfeiture	\$25.00
Petition to Remit Bond Forfeiture	\$25.00
Motion for Allowance of Expenses after Voluntary Surrender	\$25.00

[13-11-27]

# Regulatory Review and Evaluation

Regulations promulgated under the Administrative Procedure Act will undergo a review by the promulgating agency in accordance with the Regulatory Review and Evaluation Act (State Government Article, §§10-130 — 10-139; **COMAR 01.01.2003.20**). This review will be documented in an evaluation report which will be submitted to the General Assembly's Joint Committee on Administrative, Executive, and Legislative Review. The evaluation reports have been spread over an 8-year period (see **COMAR 01.01.2003.20** for the schedule). Notice that an evaluation report is available for public inspection and comment will be published in this section of the Maryland Register.

## Title 14 INDEPENDENT AGENCIES

### Subtitle 09 WORKERS' COMPENSATION COMMISSION

#### Notice of Public Meeting to Take Comments on Draft Reorganization of Proposed Regulations

In accordance with the Regulatory Review and Evaluation Act (State Government Article, §§10-130 — 10-139, Annotated Code of Maryland), the Workers' Compensation Commission (the Commission) has reviewed and evaluated the following chapters:

- 14.09.01 Procedural Regulations
- 14.09.04 Guide for Evaluation of Permanent Impairment
- 14.09.06 Local Office Requirements for Insurers
- 14.09.07 Uninsured Employer's Fund Claims
- 14.09.08 Open Meetings

The purpose of this review and evaluation was to determine whether the existing regulations continue to accomplish the purposes for which they were adopted, clarify ambiguous or unclear language, and repeal any obsolete or duplicative provisions. As part of the review, the Commission determined that the current regulations were not thematically or chronologically organized, and that many provisions were inconsistent with current practice/statute or otherwise obsolete. Accordingly, the Commission proposes that the regulations be restructured and reorganized in accordance with the flow of a workers' compensation claim, and by subject matter, followed by other administrative and regulatory provisions (e.g., self-insurance, open meetings, etc.). The reorganization should make it easier to find the applicable regulation and should further clarify when and how the regulation applies. Where procedures were unclear or unstated, additional regulations have been added.

During the evaluation process, the Commission received few comments from the community on the existing regulations. For this reason, the Commission proposes to invite the community to offer comments on the proposed draft reorganization prior to the formal promulgation, comment, and regulation adoption process. The draft reorganization of proposed regulations will be available on the Commission website sometime after the Commission's June 27, 2013 meeting. For informational purposes only, the draft reorganization of proposed regulations contains references to the existing regulations from which the proposed text has been transferred or derived.

#### Opportunity for Public Comment

The Commission would like to provide interested parties with an opportunity to comment on the draft reorganization of proposed regulations through (1) the submission of written comments and (2) at an open meeting to be held on July 11, 2013, at 9 a.m., at 10 E. Baltimore Street, 4th floor, Baltimore, MD.

In order to allow the Commission sufficient time for its other business, the total time allotted to public comment will generally be limited and individuals seeking to speak to the Commission should be

prepared to limit their comments to 3 minutes each. Persons desiring to speak to the Commission must call (410-864-5302) or email Amy Lackington (alackington@wcc.state.md.us) no earlier than 1 week prior to the meeting to register to speak. Registration will be accepted on a first-come, first-served basis. In order to make the limited time available most effective, speakers are urged to provide multiple written copies of their comments or other material amplifying their views. Additionally, written comments will be accepted by email sent to Amy Lackington (alackington@wcc.state.md.us) through July 11, 2013.

[13-11-31]

# 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 36

### MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

#### Subtitle 05 TABLE GAMES

##### 36.05.15 Pai Gow Tiles Rules

Authority: *State Government Article, §§9-1A-02(b) and 9-1A-04(d),  
Annotated Code of Maryland*

##### Notice of Emergency Action [13-126-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulations **.01 — .10** under a new chapter, **COMAR 36.05.15 Pai Gow Tiles Rules**.

**Emergency status began: May 8, 2013.**

**Emergency status expires: October 11, 2013.**

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 40:10 Md. R. 936—946 (May 17, 2013), referenced as [13-134-P].

STEPHEN L. MARTINO  
Director  
Maryland State Lottery and Gaming Control Agency

## Subtitle 05 TABLE GAMES

### Notice of Emergency Action

[13-134-E]

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

- (1) New Regulations **.01 — .13** under a new chapter, **COMAR 36.05.16 Ultimate Texas Hold 'Em Rules**; and
- (2) New Regulations **.01 — .13** under a new chapter, **COMAR 36.05.17 Mini Baccarat Rules**.

**Emergency status began: May 8, 2013.**

**Emergency status expires: October 11, 2013.**

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 40:10 Md. R. 936—946 (May 17, 2013), referenced as [13-134-P].

STEPHEN L. MARTINO  
Director  
Maryland State Lottery and Gaming Control Agency

# 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 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

### Subtitle 07 HOSPITALS

#### 10.07.22 Hospice Care Programs: Hospice House Requirements

Authority: Health-General Article, §19-903, Annotated Code of Maryland

##### Notice of Final Action

[13-034-F-I]

On May 15, 2013, the Secretary of Health and Mental Hygiene adopted new Regulations .01—.33 under a new chapter, **COMAR 10.07.22 Hospice Care Programs: Hospice House Requirements**. This action, which was proposed for adoption in 40:2 Md. R. 88—93 (January 25, 2013), has been adopted with the nonsubstantive changes shown below.

**Effective Date: June 10, 2013.**

##### 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:

Regulation .01: An effective date of January 1, 2014, was inserted, which will allow the industry time to comply with the requirements of this new chapter.

Regulation .03: This change clarifies that the incorporated document is whatever version of the document that has been adopted by the State Fire Commission under COMAR 29.06.01.

##### .01 Scope and Purpose.

A. This chapter is effective January 1, 2014.

B. This chapter applies to all general hospice care programs that operate a hospice house.

C. An operator of a hospice house shall also comply with all the requirements contained in COMAR 10.07.21 that are applicable to general hospice care programs.

##### .03 Incorporation by Reference.

In this chapter, the following document is incorporated by reference: [[The Life Safety Code,]] NFPA 101, [(2009 Edition), including Chapter 24, which is incorporated by reference] The Life Safety Code, as adopted by the State Fire Prevention Commission in COMAR 29.06.01.

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## Title 13A STATE BOARD OF EDUCATION

### Subtitle 06 SUPPORTING PROGRAMS

#### 13A.06.08 Head Injuries and Concussions in Extracurricular Athletic Events

Authority: Education Article, §7-433; Health-General Article, §14-501; Annotated Code of Maryland

##### Notice of Final Action

[13-081-F-I]

On May 21, 2013, the Maryland State Board of Education adopted new Regulations .01—.07 under a new chapter, **COMAR 13A.06.08 Head Injuries and Concussions in Extracurricular Athletic Events**. This action, which was proposed for adoption in 40:6 Md. R. 487—488 (March 22, 2013), has been adopted as proposed.

**Effective Date: June 10, 2013.**

LILLIAN M. LOWERY, Ed.D.  
State Superintendent of Schools

## Title 14 INDEPENDENT AGENCIES

### Subtitle 31 OFFICE FOR CHILDREN

#### 14.31.06 Standards for Residential Child Care Programs

Authority: Education Article, §§8-301—8-303 and 8-401—8-417; Family Law Article, §§5-506, 5-508, 5-509, and 5-510; Health-General Article, §§2-104, 7-904, 8-404, 10-922, and 10-924; Health Occupations Article, §20-302; Human Services Article, §§2-209, 2-212, 9-203, 9-204, 9-221, 9-231, 9-234, and 9-235; Annotated Code of Maryland

##### Notice of Final Action

[12-325-F]

On April 25, 2013, the Secretaries of DHMH, DHR, and DJS, the State Superintendent of Schools, and the GOC adopted amendments to Regulations .02 — .04, .06 — .16, .18, and .19 under **COMAR 14.31.06 Standards for Residential Child Care Programs**. The proposed changes to Regulations .05 and .17 are not being adopted at this time. This action, which was proposed for adoption in 40:3 Md. R. 252 — 270 (February 8, 2013), has been adopted with the nonsubstantive changes shown below.

**Effective Date: June 10, 2013.**

**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:

Regulation .03: In §B(8) the text has been amended to be consistent with language throughout the regulations. In §B(25) the word “selected” has been removed from the list of functions included in the “medication management” definition to clarify that medication management does not include prescribing medication.

Regulation .07: Text has been amended in §§G(6) and H(5) to clarify that each plan of care does not need to list the items included in the language of the regulation, but that exceptions to the list of items included in the regulation must be noted in the plan of care.

Regulation .08: Text has been amended to clarify that there must be a plan only for “foreseeable” emergencies and not “all types of” emergencies.

Regulation .09: Text has been amended to clarify that “the child’s status” for which a placing agency is to ascertain specifically regards “family member contact.”

Regulation .12: Text has been amended to replace the broad directive “encouragement of” the attainment of gainful employment with the more specific language of “informing the child of opportunities for” the attainment of gainful employment.

Regulation .15: Text has been amended to clarify that the program administrator’s designee may be contacted if the program administrator is not available.

Regulation .18: Text has been amended to clarify that the agency that holds a contract with a residential child care program will direct reporting and record requirements, in addition to the agency that licenses the residential child care program.

These changes occurred in response to public comments received from the residential child care program community. No group is either benefited or disadvantaged by these changes. The changes could have been reasonably anticipated by the interested parties because they were discussed with them during the regulatory drafting process. Because these changes clarify or specify imprecise, general, or unclear language, they are not substantive changes.

**.03 Definitions.**

A. (proposed text unchanged)

**B. Terms Defined.**

(1) — (7) (proposed text unchanged)

(8) “Challenging behavior” means those behaviors exhibited by a child which are harmful, destructive, or socially unacceptable and necessitate being addressed in the child’s individual [[service]] plan [[[of care]]] and behavior intervention plan.

(9) — (24) (proposed text unchanged)

(25) “Medication management” means the facilitation of the safe and effective use of prescription and over-the-counter medications. The management of medications encompasses the way medications are [[selected,]] procured, delivered, prescribed, self-administered or staff-administered, documented, and monitored.

(26) — (43) (proposed text unchanged)

**.07 Physical Plant.**

A. — F. (proposed text unchanged)

**G. Bathrooms.** The licensee shall:

(1) — (5) (proposed text unchanged)

(6) [[Consistent with]] Unless otherwise specified in the child’s individual plan of care, make available 24 hours a day, without children needing to request them, personal hygiene supplies, including but not limited to, toilet paper, soap, shampoo, toothbrushes, towels and washcloths; and

(7) (proposed text unchanged)

**H. Kitchens and Dining Areas.** The licensee shall:

(1) — (4) (proposed text unchanged)

(5) [[Consistent with]] Unless otherwise specified in the child’s individual plan of care, ensure that children have access to unlocked food storage areas containing approved between-meal snacks.

I. — N. (proposed text unchanged)

**.08 Emergencies and General Safety.****A. Emergencies.**

(1) (proposed text unchanged)

(2) The licensee shall develop an emergency plan for [[all types of]] foreseeable emergencies and disasters that shall include:

(a) — (g) (proposed text unchanged)

B. — F. (proposed text unchanged)

**.09 General Program Requirements.**

A. (proposed text unchanged)

B. Communications with Family and Others. The licensee shall:

(1) — (2) (proposed text unchanged)

(3) Consult with the placing agency to ascertain the child’s status with respect to family member contact and encourage family participation in the plan of care;

(4) — (9) (proposed text unchanged)

C. — E. (proposed text unchanged)

**.12 Children’s Services.**

A. — C. (proposed text unchanged)

D. Work Experience. The licensee:

(1) — (3) (proposed text unchanged)

(4) For a child who legally is not attending school, shall document [[encouragement]] informing the child of opportunities of or assistance to the child in the attainment of gainful employment or facilitation of the participation of the child in a vocational academic program geared to the acquisition of suitable employment or necessary life skills.

**.15 Behavioral Interventions, Strategies, and Supports.**

A. — D. (proposed text unchanged)

E. Restraint.

(1) Physical Restraint.

(a) — (g) (proposed text unchanged)

(h) The program administrator or designee shall be contacted immediately after the initiation of the restraint.

(2) — (5) (proposed text unchanged)

F. — G. (proposed text unchanged)

**.18 Reports and Records.**

A. General Requirements. The licensee shall:

(1) Submit reports and maintain records as directed by the licensing and [[placing]] contracting agencies in order to ensure compliance with these regulations and other federal and State laws; and

(2) Comply with requirements for incident reporting as specified by the licensing and [[placing]] contracting agencies.

B. (proposed text unchanged)

ANNE SHERIDAN

Executive Director

Governor’s Office for Children

**Title 18**  
**DEPARTMENT OF**  
**ASSESSMENTS AND**  
**TAXATION**

**Subtitle 04 BUSINESS**  
**ORGANIZATIONS**

**18.04.07 Acceptance of Documents**

Authority: Tax-Property Article, §2-201; Corporations and Associations Article, §§1-102, 1-203, and 1-406; *Commercial Law Article*, §21-117; Annotated Code of Maryland

**Notice of Final Action**

[13-086-F]

On May 13, 2013, the Department of Assessments and Taxation adopted amendments to Regulation .01 and new Regulation .04 under **COMAR 18.04.07 Acceptance of Documents**. This action, which was proposed for adoption in 40:6 Md. R. 489 (March 22, 2013), has been adopted as proposed.

**Effective Date: June 10, 2013.**

ROBERT YOUNG  
Director  
Department of Assessments and Taxation

# Withdrawal of Regulations

## Title 03 COMPTROLLER OF THE TREASURY

### Subtitle 06 ADMISSIONS AND AMUSEMENT TAX

#### 03.06.02 Admissions and Amusement Tax

Authority: Tax-General Article, §§4-101, 4-102, and 4-105, Annotated Code of Maryland

##### Notice of Withdrawal

[12-027-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to adopt new Regulation **.06** under **COMAR 03.06.02 Admissions and Amusement Tax**, which was published in 39:3 Md. R. 261—262 (February 10, 2012), has been withdrawn by operation of law.

BRIAN MORRIS  
Acting Administrator  
Division of State Documents

## Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

### Subtitle 15 CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY

##### Notice of Withdrawal

[12-089-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the following action, which was proposed for adoption in 39:8 Md. R. 559—578 (April 20, 2012), has been withdrawn by operation of law:

(1) Amendments to Regulations **.02 — .09**, the recodification of and amendments to existing Regulations **.09-1 — .17** to be Regulations **.10 — .18**, and the adoption of new Regulations **.19** and **.20** under **COMAR 12.15.01 Implementation of the Criminal Justice Information System Statute**;

(2) Amendments to Regulations **.01 — .04, .06**, and **.07**, the repeal of existing Regulations **.05, .08**, and **.09**, the adoption of new Regulations **.05** and **.08**, the recodification of and amendments to existing Regulations **.10 — .12** to be Regulations **.09 — .11**, and the recodification of existing Regulation **.13** to be Regulation **.12** under **COMAR 12.15.02 Criminal History Records Check of Individuals Who Care for or Supervise Children**;

(3) Amendments to Regulations **.01 — .06**, the repeal of existing Regulations **.07** and **.08**, the adoption of new Regulation **.07**, and the recodification of and amendments to existing Regulations **.09 — .11** to be Regulations **.08 — .10** under **COMAR 12.15.03 Criminal History Records Check for Individuals Who Work for an Adult Dependent Care Program**;

(4) Amendments to Regulations **.01, .03 — .06, .08**, and **.09** under **COMAR 12.15.04 Criminal History Record Information Checks for Applicants for Hazardous Materials Endorsements — Commercial Driver's Licenses**; and

(5) Amendments to Regulations **.02 — .09** under **COMAR 12.15.05 Use of Private Provider Services for Non-Criminal Justice Purposes**.

BRIAN MORRIS  
Acting Administrator  
Division of State Documents

## Title 14 INDEPENDENT AGENCIES

### Subtitle 34 PUBLIC SCHOOL LABOR RELATIONS BOARD

#### 14.34.02 General Procedures

Authority: Education Article, §§2-205(e), 6-403, 6-407, 6-408(a)(1), 6-408(c)(5), 6-408(e)(1), 6-409, 6-504(a), 6-509, 6-510(a)(1), 6-510(c)(5), 6-510(e)(1), 6-512, and 6-807, Annotated Code of Maryland

##### Notice of Withdrawal

[12-095-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to adopt new Regulation **.04** under **COMAR 14.34.02 General Procedures**, which was published in 39:8 Md. R. 578 (April 20, 2012), has been withdrawn by operation of law.

BRIAN MORRIS  
Acting Administrator  
Division of State Documents

# Title 31

## MARYLAND INSURANCE

## ADMINISTRATION

### Subtitle 16 MISCELLANEOUS

#### ***31.16.11 Premium Finance Agreements — Finance Charges***

*Authority: Insurance Article, §§2-109, 23-101, 23-304, 26-101, and 26-102,  
Annotated Code of Maryland*

##### **Notice of Withdrawal**

[12-272-W]

The Insurance Commissioner withdraws the proposal to adopt new Regulations **.01 — .03** under a new chapter, **COMAR 31.16.11 Premium Finance Agreements — Finance Charges**, as published in 39:20 Md. R. 1348 — 1349 (October 5, 2012).

THERESE M. GOLDSMITH  
Insurance Commissioner

# 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 08 DEPARTMENT OF NATURAL RESOURCES Subtitle 02 FISHERIES

### 08.02.15 Striped Bass

Authority: Natural Resources Article, §§4-215 and 4-701, Annotated Code of Maryland

#### Notice of Proposed Action

[13-148-P]

The Secretary of Natural Resources proposes to amend Regulations .02, .04, .05, .07, and .12 under **COMAR 08.02.15 Striped Bass**.

#### Statement of Purpose

The purpose of this action is to achieve compliance with new Atlantic States Marine Fisheries Commission (ASMFC) requirements coupled with industry goals and objectives for flexibility. In 2011, the striped bass fishery was experiencing shortened seasons, reduced catch limits, and persistent difficulties assigning the commercial quota to the different gear sectors. At the same time, the Department learned that changes would be required in the commercial striped bass fishery in order to comply with new ASMFC requirements. ASMFC is requiring that all Atlantic states use a biological metric to determine how many tags are issued to commercial fishermen and account for every tag in their commercial fishery. Maryland's commercial striped bass tags are currently issued by request and as needed, which means that our system is out of compliance with the new tagging requirements set by ASMFC.

In order to address the problems in the fishery and the new tag requirements, the Department initiated discussions about alternative management of the striped bass fishery with the Striped Bass Industry Work Group in November 2011. We met with the work group and a subcommittee of the work group eight times before developing several possible alternative management options. These options

included a modification of the current management system and several versions of an individual transferable quota (ITQ) system. The options were brought to the public through four open houses held in September of 2012. Based on the public comments and the ability of each option to meet the goals of the fishery, the Department selected an ITQ option in October of 2012. The Department continued to meet with the work group five more times to develop the details of the ITQ system before drafting the proposed action. The proposed action proposes compliance with the new ASMFC requirements coupled with industry goals and objectives for flexibility.

An ITQ system provides exclusive privileges to an individual by assigning a fixed share of the commercial striped bass quota to each fisherman. This system provides a mechanism to allocate tags to the fisherman in a quantity that corresponds to their allocation and allows increased flexibility for participants. Participants are no longer restricted to certain fishing days, gears, or daily catch limits. Some industry members prefer to maintain the option for the traditional derby style fishery (common pool) even though it provides less flexibility. Therefore, the proposed action provides commercial striped bass fishermen with a choice of participating in the common pool or ITQ fishery. To establish compliance with ASMFC in the common pool fishery, the Department will reduce the number of tags sent to each permit holder and issue replacement tags only to fishermen that have depleted a majority of their initial tag allowance and only if additional tags are available based on the biological metric calculation.

The proposed action makes certain modifications to the registration process in order to implement the dual common pool and ITQ fisheries. The registration period will remain during the month of August. But at the time of registration, an individual must register their permit(s) into either the common pool or an ITQ fishery. In order to be eligible to receive a striped bass quota allocation, a control date of May 10, 2013 is established in the proposal. A license holder must have in their possession a striped bass permit by this date in order for their catch history to be used in the calculations of shares.

The proposed action establishes an allocation process for the Chesapeake Bay commercial quota. All gill net and hook and line (GN/HL) permits will be initially allocated an equal share of the GN/HL quota. The equal share will be 25 percent of the Maryland

striped bass quota and is roughly equivalent to 300 pounds (based on the 2013 quota). The remaining 75 percent of the quota will be allocated based on striped bass catch history from January 1, 2001 through February 29, 2012. Historical allocations will be calculated based on the average catch history during years a permit holder was eligible to harvest striped bass. A percentage of the overall historical harvest each permit has represented over time per gear type will be calculated and a historical share will be assigned to that permit.

Pound net (PN) and haul seine (HS) permits have been historically allocated poundage based on equal allocation of their portion of the Chesapeake Bay quota. These regulations do not alter the allocation method that has been historically used in the PN and HS fisheries. The proposal does remove the pound net certification process because it is not necessary in an ITQ fishery.

The proposed action modifies the transfer provisions for a Chesapeake Bay striped bass permit or allocation. For a person registered in the ITQ fishery, temporary (annual) transfers of allocation (pounds) or permits will be provided for during a pre-season transfer period of August—September. The transfer may include a portion or percent of a person's allocation, but there is a maximum of 4 allocation transactions during the pre-season. During the season, a person may transfer their permit and remaining allocation to another tidal fish licensee. The permit and allocation may be separated; however, all of the remaining allocation must be transferred in one transaction. The allocation cannot be divided up for multiple recipients during the season. Temporary transfers in the common pool may be completed as normal during the two transfer periods in August and March.

For the Atlantic fishery, the time period for temporary transfers is extended to September 30th, and in season temporary transfers of permits is also permitted as long as the entire remaining allocation is transferred with the permit.

Permanent transfers of Chesapeake Bay permits or shares will not be permitted with the exception of a beneficiary transfer recipient or if accompanied by a tidal fish license. The limited beneficiary transfers and transfers with a license provide an opportunity for a person or estate to sell their fishing business. Restricting the permanent accumulation of permits or shares will prevent one fisherman from potentially monopolizing the fishery. The temporary transfer system may give some information as to the potential of accumulation that may occur if a permanent transfer system is in place in the future.

Future regulatory actions may provide for permanent transfers of the Chesapeake Bay permits and individual shares of quota, as well as other modifications dependent on industry input and implementation of these regulatory actions.

#### 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 action has an economic impact on both the Department and the regulated community.

II. Types of Economic Impact.	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E-)		Indeterminable
B. On other State agencies:	NONE		
C. On local governments:	NONE		

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	Indeterminable
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.)

A. The operation of two management systems simultaneously (ITQ and Common Pool) throughout the 2014 commercial striped bass fishery will have an undetermined economic impact on DNR. Initially, the impact of these regulations may be negative, however, there is potential for long term positive impacts resulting from these changes. This system has the potential to create a more burdensome administrative process for striped bass management. DNR may need to hire a tag distribution employee who will be responsible for cataloging, storing and distributing all Common Pool tags throughout the year. As fishermen explore each management system, we anticipate that the flexibilities of the ITQ system will cause more and more fishermen to make the switch to the ITQ from the Common Pool, likely reducing the administrative burden on DNR staff in the future.

D. The regulation will have a positive economic impact on the industry as a whole in the medium and long-term. The allocation of clearly defined and transferrable property rights, as in the case of an ITQ, allows the allowable harvest to be caught by the most efficient watermen, leading to consolidation and higher profitability of the entire industry. While it is difficult to predict the number of watermen that will choose each system, we anticipate that the majority of them will select the ITQ option. However, even if a significant number of agents initially choose the common pool, there is a benefit to the industry associated with the flexibility of selecting between the management regimes. To see that this is indeed the case, note that if every waterman chooses the common pool, then the fishery would operate as it had been operating under current regulation. However, the new regulation does not force every individual to select the derby fishery; thus, there is a flexibility value in the proposed regulation.

On an individual level, it is the allocation of harvest quota to each waterman which determines the impact on his income. In fact, the initial allocation of quota shares amounts to a reallocation of income from those that receive small shares to those that are allocated large shares. However, in selecting the criterion for calculating the initial shares, DNR has given priority to recent landings history in order to minimize this potential reallocation.

Finally, it is worth mentioning that as with any new management system, watermen will need to learn to operate under the new rules and adjust their operation in order to fully enjoy the benefits of flexibility. This process may take some time, and as a result it is possible that some of the quota is uncaught in the first few seasons.

#### Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

Please see summary of economic impact to the regulated community in Part A above.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Striped Bass Regulations, Regulatory Staff, Department of Natural Resources Fisheries Service, 580 Taylor Avenue B-2, Annapolis, MD 21401, or call 410-260-8260, or email to [fisheriespubliccomment@dnr.state.md.us](mailto:fisheriespubliccomment@dnr.state.md.us), or fax to 410-260-8310. Comments will be accepted through July 1, 2013. A public hearing will be held on June 6, 2013 from 6—8 pm at the Annapolis Friends Meeting House, 351 Dubois Road, Annapolis, MD 21401.

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) “Allocation” means pounds or numbers of striped bass which a [user group or tidal fish licensee is allowed to harvest on a daily or seasonal basis.] *striped bass permittee is provided on an annual basis.*

(2) “Authorization” means an endorsement, in addition to a tidal fish license, issued by the Department that entitles a licensee to engage in a particular fishing activity.

(3) “Bycatch” means the numbers or pounds of striped bass caught, which are smaller or larger than legal size, or in excess of target harvest or allocation.]

[(4)] (2) (text unchanged)

(3) “Common Pool” means the fishery in the Chesapeake Bay and its tidal tributaries comprised of the striped bass permittees who have chosen to combine their allocation with other striped bass permittees’ allocations. The total shared allocation is then available to be fished by all of those contributing striped bass permittees.

[(5)] (4) — [(7)] (6) (text unchanged)

(7) “Individual Transferrable Quota” means the fishery in the Chesapeake Bay and its tidal tributaries that provides exclusive privileges to an individual by assigning a fixed share of the commercial striped bass quota to each individual registered with a striped bass permit.

(8) (text unchanged)

(9) “Striped bass [allocation] permit” means a permit issued by the Department which allows a person the privilege to commercially harvest striped bass.

(10) “Share” means a percentage of the quota that is assigned to a specific striped bass permittee.

[(10)] (11) — [(14)] (15) (text unchanged)

**.04 Tidal Fish Licensee Intent to Fish.**

A. Registration Procedures.

(1) Registration.

[(1)] (a) A commercial tidal fish licensee, other than a fishing guide licensee, shall register for a striped bass [allocation] permit to participate in a commercial striped bass [season] fishery in accordance with [§§A(2), A(3), and B(1) or (2)(a)] §§A and B of this regulation, [within the time period established in this chapter.] by August 31 of each year.

(2) Registration Schedule.

(a) A tidal fish licensee shall submit an application to the Department by August 31 of each year.]

[(b)] (i) — [(d)] (iii) (text unchanged)

[(e)] An individual that has registered to participate in a striped bass season in accordance with §A(2) of this regulation may transfer in accordance with §F of this regulation:

(i) The allocation permit or permits described in §B(1)(a), (b), or (c), or the hook and line portion of §B(1)(d) of this regulation during the period March 1 through March 31; or

(ii) The allocation permit or permits described in §B(1)(a) and §B(2) of this regulation during the period August 1 through August 31.]

[(3)] (b) The Department shall:

[(a)] (i) Make registration [applications] available to eligible tidal fish license holders [at regional licensing centers] not later than August 1 of each year; and

[(b)] (ii) Use the registrations received as of September 14 of each year to determine [gear and net allocations for the striped bass fishing season] allocations for the striped bass fishery permittees.

(4) No gill net, hook and line, or haul seine permit, authorized as of December 19, 2011, may be changed to a pound net or Atlantic fishery permit during the registration period described in §A(1)—(3) of this regulation until August 1, 2013.

B. Registration Gear Type.

(1) For the Chesapeake Bay and its tidal tributaries, when registering for a striped bass allocation permit, a commercial tidal fish licensee shall specify and be authorized to use one of the following gear types:

- (a) Pound net;
- (b) Haul seine;
- (c) Commercial hook and line; or
- (d) Gill net and hook and line;

(2) For the Atlantic Ocean, its coastal bays and their tributaries, when registering for a striped bass allocation permit, a commercial tidal fish licensee shall specify and be authorized to use one of the following gear types:

- (a) Otter and beam trawl; or
- (b) Gill net.

(3) A fishing guide licensee is not required to register to participate in the striped bass season.

(4) A tidal fish licensee may not receive a permit to be authorized to use gears described in both §A(2)(a) and §A(2)(b) of this regulation for the harvest of striped bass.]

(2) Registration Type.

(a) When registering a striped bass permit, a tidal fish licensee shall specify and may be authorized to fish in one of the following fisheries:

- (i) Chesapeake Bay common pool;
- (ii) Chesapeake Bay individual transferrable quota; or
- (iii) Atlantic Ocean, its coastal bays and their tidal tributaries.

(b) A tidal fish licensee who had a striped bass permit registered in the Chesapeake Bay pound net or haul seine fisheries as of May 10, 2013 and receives shares and allocation from those permits shall register in the Chesapeake Bay individual transferrable quota fishery.

(c) A tidal fish licensee may not possess striped bass permits registered in both the Chesapeake Bay common pool fishery and the Chesapeake Bay individual transferrable quota fishery.

(d) A tidal fish licensee may not possess striped bass permits registered in both the Chesapeake Bay and its tidal tributaries and the Atlantic Ocean, its coastal bays and their tidal tributaries.

(e) A striped bass permit registered in a Chesapeake Bay fishery as of May 10, 2013 may not be changed to a striped bass permit registered to the Atlantic fishery.

[C.] B. [Department-Issued] Striped Bass [Allocation] Permit.

(1) A [commercial] tidal fish licensee, [except] other than a fishing guide licensee, [authorized to participate in a striped bass season] shall possess a [Department-issued] striped bass [allocation] permit while commercially fishing [during the appropriate season.] for striped bass.

(2) The total number of permits authorizing commercial licensees to fish for striped bass [is limited to] may not exceed:

(a)—(b) (text unchanged)

(3) (text unchanged)

(4) The Department shall accept an application for a striped bass [allocation] permit authorizing a commercial tidal fish licensee to participate in a commercial striped bass season from any person qualified under Natural Resources Article, §4-701, Annotated Code of Maryland, and maintain [separate] a waiting [lists] list of commercial tidal fish license candidates [and fishing guide license candidates] to fish for striped bass.

(5) (text unchanged)

(6) For each striped bass [allocation] permit that has been revoked or voluntarily relinquished, a [new] striped bass [allocation] permit may be issued to an applicant on the waiting list.

(7) The Department shall issue an available striped bass [allocation] permit to the first person on the appropriate waiting list to fish for striped bass.

*C. Commercial Fisheries.*

*(1) Chesapeake Bay Common Pool Fishery.*

(a) In the common pool fishery, the following gear types may be used to harvest striped bass in accordance with a tidal fish license authorization as described in Natural Resources Article, §4-701, Annotated Code of Maryland:

(i) Drift gill net; and

(ii) Hook and line.

(b) The quota for the common pool fishery shall be the combined allocations of all permittees who register for the common pool fishery.

*(2) Chesapeake Bay Individual Transferrable Quota Fishery.*

(a) In the individual transferrable quota fishery, the following gear types may be used to harvest striped bass in accordance with a tidal fish license authorization as described in Natural Resources Article, §4-701, Annotated Code of Maryland:

(i) Drift gill net;

(ii) Haul seine;

(iii) Hook and line; and

(iv) Pound net.

(b) A permittee registered in the individual transferrable quota fishery shall be provided an allocation which may be harvested at any time within the gear, time, and area restrictions set forth in COMAR 08.02.15.

(3) *Atlantic Ocean Fishery.* In the Atlantic Ocean, its coastal bays and their tidal tributaries, the following gears may be used to harvest striped bass in accordance with a tidal fish license authorization as described in Natural Resources Article, §4-701, Annotated Code of Maryland:

(a) Otter and beam trawl; and

(b) Gill net.

D. A commercial tidal fish licensee who has not registered to catch striped bass in accordance with §A of this regulation or who has not received a transfer of a striped bass [allocation] permit and allocation in accordance with §F or G of this regulation may not catch striped bass for sale [or participate during the commercial striped bass season].

E. Pound Net [Registration] Requirements to Participate in the Striped Bass [Season.] Fishery.

(1) A commercial tidal fish licensee may not register or receive a transfer of a striped bass allocation permit to participate in the striped bass season with a pound net unless the licensee has at least one pound net registered with the Department and can document use of the site to the satisfaction of the Department. The pound net shall have:

(1) A pound net used to harvest striped bass shall have:

(a) A net body or crib at least 20 feet long by 20 feet wide with a bottom panel;

(b)—(c) (text unchanged)

[(2) A commercial tidal fish licensee may not register to participate in the striped bass season for more pound nets than the number of pound nets registered to that individual licensee and may not register for more than four pound nets.

(3) A licensee shall obtain certification from the Department for any nets used to harvest striped bass if the licensee has not previously had pound nets certified in the commercial striped bass fishery.

(4) Pound net certification requirements are:

(a) The pound net requirements outlined in §E(1) of this regulation;

(b) The net body or crib shall have a bottom panel;

(c) Latitude and longitude coordinates from a global positioning system shall be on record with the Department for each registered pound net site; and

(d) An affidavit signed by the licensee shall be on record with the Department and shall include a specific time period during which the net or nets shall be set and available for inspection.

(5) When a commercial tidal fish licensee has registered and certified pound nets to participate in the striped bass season in accordance with §E(1)—(4) of this regulation, a recipient of a beneficiary transfer of these registered nets is not required to recertify the pound nets that the licensee had certified.]

(2) A pound net used to harvest striped bass shall be registered as active with the Department in accordance with COMAR 08.02.05.01F.

*[F. Annual Transfer of Allocation Permit.*

(1) The striped bass allocation permit for each gear type listed in §B of this regulation may only be transferred or sold to a valid commercial tidal fish licensee.

(2) The striped bass allocation permit may only be transferred or sold within the transfer time period established in §A(2) of this regulation at regional licensing centers.

(3) A commercial tidal fish licensee may transfer a striped bass allocation permit for the season if:

(a) The fee for the authorization has been paid;

(b) The transferor makes application to the Department requesting transfer in person or through a notarized transfer form; and

(c) The transferee is a valid commercial tidal fish licensee.

(4) Except as provided in §F(5) of this regulation, a commercial tidal fish licensee may not be assigned more than the following:

(a) In the Chesapeake Bay and its tidal tributaries:

(i) One striped bass hook and line allocation permit;

(ii) Four striped bass gill net allocation permits;

(iii) Five striped bass pound net allocation permits; and

(iv) One striped bass haul seine allocation permit; or

(b) In the Atlantic Ocean and its coastal bays and tributaries:

(i) Four striped bass Atlantic otter and beam trawl allocation permits; or

(ii) Four striped bass Atlantic gill net allocation permits.

(5) A commercial tidal fish licensee may not possess or be assigned both a striped bass hook and line allocation permit and a striped bass pound net allocation permit.

(6) For purposes of the license suspension criteria, if a licensee transfers the striped bass authorization to another licensee for a season, the transferee that committed the violation shall be held responsible.

(7) The gear type registered to an allocation permit may not be changed under an annual transfer described in §F(1)—(6) of this regulation.]

*F. Temporary Transfers.*

(1) A striped bass permit may only be transferred to a valid commercial tidal fish licensee.

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(2) A commercial tidal fish licensee may temporarily transfer a striped bass permit or allocation if:

(a) The applicable fees required by Natural Resources Article, §4-701, Annotated Code of Maryland have been paid; and

(b) The transfer has been completed in the manner specified by the Department in accordance with the provisions set forth in this section.

(3) Except as provided in §G of this regulation, a tidal fish licensee may not transfer shares.

(4) *Chesapeake Bay Common Pool Fishery.* A striped bass permit registered in the common pool fishery may only be temporarily transferred during the periods March 1 through March 31, or the next business day if March 31 falls on a weekend, and August 1 through August 31, or the next business day if August 31 falls on a weekend.

(5) *Chesapeake Bay Individual Transferrable Quota Fishery.*

(a) Prior to the start of the quota year, during the period August 1 through September 30, or the next business day if September 30 falls on a weekend, a tidal fish licensee:

(i) May complete up to four transactions where a permit or a portion of their allocation is temporarily transferred from the permittee to another tidal fish licensee; and

(ii) May receive any number of transfers.

(b) During the quota year, a tidal fish licensee may only temporarily transfer a striped bass permit or allocation if the tidal fish licensee transfers all remaining allocation and associated tags.

(c) Allocation may only be transferred to an individual with a valid striped bass permit.

(6) *Atlantic Fishery.*

(a) Prior to the start of the quota year, a striped bass permit registered in the Atlantic fishery described in §A(2) of this regulation may only be temporarily transferred during the period August 1 through September 30, or the next business day if September 30 falls on a weekend.

(b) During the quota year, a tidal fish licensee may only temporarily transfer a striped bass permit registered in the Atlantic fishery if the tidal fish licensee also transfers all remaining allocation with the permit.

(c) Allocation from each permit may only be transferred if accompanied by a striped bass permit.

(d) A commercial tidal fish licensee may not be assigned or have in possession more than four permits registered in the Atlantic Ocean and its coastal bays and tributaries.

(7) A transferee receiving allocation from a Chesapeake Bay fishery may not transfer that allocation to the Atlantic fishery.

(8) Allocation may not be transferred between the Chesapeake Bay common pool and individual transferrable quota fisheries.

(9) For purposes of the license suspension criteria, if a licensee transfers the striped bass permit to another licensee, the transferee that committed the violation shall be held responsible.

(10) The registration type of a striped bass permit may not be changed under a temporary transfer as described in §F(1)—(7) of this regulation.

G. Permanent [Transfer of Striped Bass Authorization.] Transfers.

(1) A commercial tidal fish licensee may permanently transfer a striped bass [authorization] permit if:

(a) (text unchanged)

(b) The transferor:

(i) Was] was authorized to harvest striped bass in the immediately preceding year; [or]

(ii) Participated in the Tidal Fish License Buyback Program;

(c) (text unchanged)

(d) [The fee for the authorization has been paid; and] The applicable fees required by Natural Resources Article, §4-701, Annotated Code of Maryland have been paid;

(e) All striped bass [allocation] permits and associated tags are returned to the Department[.]; and

(f) If the permit is registered in one of the Chesapeake Bay fisheries, a commercial tidal fish licensee shall also:

(i) Transfer the licensee's commercial tidal fish license in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland; and

(ii) Transfer any remaining allocation and all shares associated with the striped bass permit in the manner specified by the Department.

(iii) A transferee receiving a share of Chesapeake Bay fishery may not transfer that share to the Atlantic fishery.

(3) *Beneficiary Transfers.*

[(2)] (a) An authorized representative of a deceased licensee may permanently transfer a striped bass permit [authorization] regardless of the number of years the deceased licensee held the striped bass [authorization] permit and without transferring the deceased's tidal fish license.

(b) An authorized representative of a deceased licensee may permanently transfer a share of the striped bass fishery without transferring the deceased's tidal fish license or striped bass permit.

[(3)] (4) A permit holder receiving a [gill net, hook and line, or haul seine allocation after December 19, 2011,] striped bass permit registered in a Chesapeake Bay fishery through a permanent transfer described in §G(1)—(2) of this regulation may not have that authorization changed to a [pound net or Atlantic fishery authorization until January 1, 2014.] striped bass permit registered in the Atlantic fishery.

### .05 Disposition of Catch.

A. Permits and Tags.

(1)—(2) (text unchanged)

(3) A commercial tidal fish licensee who catches striped bass for sale shall:

(a) Have in possession:

(i) (text unchanged)

(ii) [An allocation] A striped bass permit; and

(iii) (text unchanged)

(b) (text unchanged)

(c) Except as required by Regulation .04F and G of this chapter, return the assigned [allocation] striped bass permit or permits and any unused tags to the Department within 14 days immediately following the end of the quota year.

(4)—(7) (text unchanged)

(8) [An allocation] A striped bass permit and striped bass tags for only one fishing-gear type may be on board a vessel at any one time.

B.—C. (text unchanged)

D. Check-In.

(1) Time Requirements.

(a) (text unchanged)

(b) Not later than 9 p.m. on the day of harvest or 9 a.m. on the day immediately following harvest, a commercial tidal fish licensee registered with a hook and line striped bass [allocation] permit shall have his striped bass harvest counted and weighed by a Department representative at a check station.

(2) At check-in time a person shall present his or her commercial tidal fish license and striped bass [allocation] permit to the Department representative at the check station.

(3) At check-in, the Department representative shall:

(a) Specify numbers and weight of fish, date checked, and commercial tidal fish license number on the daily logsheet issued by the Department, and striped bass [allocation] permit;

(b)—(c) (text unchanged)

(d) Validate the licensee's striped bass [allocation] permit and adjust the remaining seasonal allowable harvest by subtracting the total daily harvest, including all overage.

#### .07 Commercial Fishery.

##### A. Chesapeake Bay and its Tidal Tributaries.

(1)—(3) (text unchanged)

(4) The Secretary shall allocate the annual target harvest for the [commercial fishery for the following seasons:] *following fisheries:*

(a) Pound net;

(b) Haul seine;

(c) Commercial hook and line; and

(d) Gill net.]

(a) *Chesapeake Bay Common Pool;*

(b) *Chesapeake Bay Individual Transferrable Quota; and*

(c) *Atlantic Ocean, its coastal bays and their tidal tributaries.*

(5) [The] For the common pool fishery, the Secretary may allocate the number of pounds for each [season] month based on the:

[(a) Number of commercial tidal fish licensees declared under the specified gear types in accordance with Regulation .04 of this chapter;

(b) Level of harvest reflected through catch reports for each gear type;]

(a) *Historical distributions of quota by month; or*

[(c)] (b) Recommendations from the Striped Bass Ad Hoc Advisory Group.

(6) *Initial Calculation of Shares in the Fisheries of the Chesapeake Bay and Its Tidal Tributaries.*

(a) A tidal fish licensee with a striped bass permit registered in the Chesapeake Bay and its tidal tributaries as of May 10, 2013 shall receive a share of the striped bass fishery in accordance with this section.

(b) *Pound Net and Haul Seine.*

(i) The amount of shares to be divided among the pound net and haul seine fisheries is 33 percent of the Chesapeake Bay commercial quota.

(ii) Tidal fish licensees with a striped bass permit registered in the pound net fishery as of May 10, 2013 shall each receive an equal share.

(iii) Tidal fish licensees with a striped bass permit registered in the haul seine fishery as of May 10, 2013 shall each receive a share equal to the amount of one third of the share assigned to a striped bass permit registered in the pound net fishery as of May 10, 2013.

(c) *Gill Net and Hook and Line.*

(i) The amount of shares to be divided among the gill net and hook and line fisheries is 67 percent of the overall commercial quota.

(ii) Each tidal fish licensee with a striped bass permit registered in either the gill net or hook and line fisheries as of May 10, 2013 shall receive an equal share of 25 percent of the gill net and hook and line quota.

(iii) In addition to the initial baseline share described in §A(6)(c)(ii) of this regulation, each tidal fish licensee with a striped bass permit registered in either the gill net or hook and line fisheries as of May 10, 2013 may receive additional shares of the remaining 75 percent of the gill net and hook and line quota based on the average poundage of the striped bass harvested by the permittee during the period January 1, 2001 through February 29, 2012.

[(6)] (7) The Secretary may:

(a) Reassign a commercial tidal fish licensee's [seasonal] allocation if the licensee has not [used] registered for the allocation; [and]

(b) [Proportionally increase] *Modify* the [seasonal, weekly, or daily] allocation of all commercial tidal fish licensees during the season[.]; and

(c) *Consider an appeal of the initial calculation of shares in the fisheries of the Chesapeake Bay and its tidal tributaries under §A(6) of this regulation.*

B. (text unchanged)

[C. Repealed.]

##### [D.] C. Drift Gill Net Fishery Limitations.

(1) (text unchanged)

(2) In the tidal waters of the Chesapeake Bay and its tributaries:

(a)—(b) (text unchanged)

(c) The amount of striped bass on board a vessel may not exceed 2,000 pounds on any day, regardless of the number of licensees with a striped bass [allocation] permit for gill net on board the vessel; and

(d) (text unchanged)

(3) A person may possess and use other legal fishing equipment to catch other fish species while fishing for striped bass with gear as provided in [§D(2)(a)] §C(2)(a) of this regulation.

(4)—(6) (text unchanged)

(7) Flag Marker—Tributaries. A drift gill net set in tributaries of the Chesapeake Bay or Atlantic coastal bays and their tributaries shall be marked by the licensee at each end with a floating marker with a volume of at least 460 cubic inches, each bearing the licensee's commercial tidal fish license number, or a flag according to [§E] §D of this regulation.

(8) (text unchanged)

##### [E.] D. Commercial Hook and Line Fishery Limitations.

(1) Except as provided in [§E(5)] §D(5) of this regulation, a total of two crew members may assist a commercial tidal fish licensee with the appropriate *commercial* striped bass [allocation] permit to catch striped bass with hook and line.

(2) Except as provided in [§E(5)] §D(5) of this regulation, a maximum of 4 individuals, including crew members, may be present on a vessel which is engaged in commercial hook and line fishing.

(3)—(4) (text unchanged)

(5) Children 12 years old or younger may be on board a vessel engaged in commercial hook and line fishing in addition to any crew members and licensees as described in [§E(1)] §D(1) and (2) of this regulation.

[F.] E. (text unchanged)

##### [G.] F. General.

(1) A commercial tidal fish licensee may not catch striped bass between 6 p.m. Friday and 5 a.m. Monday, except as provided in [§§D, E, and F] §§C, D, and E of this regulation.

(2) A commercial tidal fish licensee may not catch more than the licensee's catch limit assigned to the [allocation] *striped bass* permit except as provided by the tolerance allowance in pounds as follows:

(a)—(c) (text unchanged)

(3) A commercial tidal fish licensee may catch striped bass using only the striped bass [allocation] permit assigned to the licensee.

(4) The Department shall notify a licensee of the licensee's daily, weekly, and seasonal allocation at least 10 days before the season begins.]

#### .12 General Restrictions.

A.—G. (text unchanged)

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H. Season Limitations. [The Secretary:

(1) May establish seasons in Regulations .07—.10 of this chapter for tidal waters of the Chesapeake Bay and its tributaries according to the following:

(a) The recreational and charter boat seasons are within the period April through November;

(b) The season for pound net, haul seine, and commercial hook and line is within the period June through December;

(c) The gill net season is within the period December 1 through the last day of February;

(2) May close a season effective on the date which the Secretary determines, based on catch and effort data, that the quota for that user group is reached;

(3) May modify or extend a fishing season if the Secretary determines that there is quota available to be caught;

(4) May modify] (1) *In order to implement the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Striped Bass, the Secretary may modify or close a season or catch limit, set a monthly catch limit, modify a size limit, or require specific vessel trip information by [publishing notice in a daily newspaper of general circulation at least 48 hours in advance of the time of modification, stating the effective hour and date; and] issuing a public notice on the Fisheries Service website that shall state its effective hour and date at least 48 hours in advance of the effective hour and date.*

[(5) Shall] (2) *The Secretary shall make a reasonable effort to disseminate a public notice [of modification] issued under this section through various other media so that an affected person has reasonable opportunity to be informed.*

(3) *A violation of the restrictions set by the Secretary in accordance with §H of this regulation is a violation of this regulation.*

JOHN R. GRIFFIN  
Secretary of Natural Resources

# Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

## Subtitle 11 REAL ESTATE COMMISSION

### 09.11.01 General Regulations

Authority: Business Occupations and Professions Article, §17-208, Annotated Code of Maryland

#### Notice of Proposed Action

[13-150-P]

The Real Estate Commission proposes to repeal Regulation .05 and amend Regulation .14 under **COMAR 09.11.01 General Regulations**. This action was considered by the Commission at a public meeting held on March 20, 2013, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to provide that the 3 years of experience as a real estate salesperson required by statute to qualify for the broker's license must immediately precede the submission of

the application, to make the period of licensure for waiver of the education requirement for the broker's license the same 3-year period, to require that an applicant for a broker's license pass both portions of the licensing examination within 1 year of completion of prelicensing education, and to phase in the 1-year requirement for those who have completed their education prior to August 31, 2013. The proposal would also delete outdated language regarding the time of applying for a license after successful completion of the broker's examination.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** An applicant for a broker's license who does not successfully complete the licensing examination within 1 year of completing prelicensing education must complete a new set of prelicensing education requirements in order to be eligible to take or retake the examination. The cost of a broker prelicensing course is approximately \$500.

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:	NONE		
	Benefit (+) Cost (-)		Magnitude
D. On regulated industries or trade groups:	NONE		
Broker's prelicensing education course	(-)	Approximately \$500 per applicant	
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.)

D. An applicant who does not successfully complete both portions of the broker licensing examination within 1 year of finishing a prelicensing course would have to take a new prelicensing course.

#### 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 Katherine Connelly, Executive Director, Real Estate Commission, 500 North Calvert Street, Third Floor, Baltimore, MD 21202, or call 410-230-6227, or email to kconnelly@dllr.state.md.us, or fax to 410-333-0023. Comments will

be accepted through July 8, 2013. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by the Real Estate Commission during a public meeting to be held on July 17, 2013, at 10:30 a.m., at 500 N. Calvert Street, Third Floor, Baltimore, MD 21202.

#### .14 Instruction in Real Estate Principles [&] and Practice for Brokers.

A. — E. (text unchanged)

*F. Experience Requirement for Broker. An individual who demonstrates by evidence satisfactory to the Commission active, regular, and lawful engagement in real estate practice as a licensed salesperson or broker in good standing for at least the 3 years immediately preceding submission of the application in Maryland or any other jurisdiction of the United States, District of Columbia, or United States territories may be deemed to have satisfied the 3 years experience as a salesperson required for licensure as a broker.*

[F.] *G. Waiver of Educational Requirement for Broker. An individual who demonstrates by evidence satisfactory to the Commission [that he has actively and regularly engaged] active, regular, and lawful engagement in real estate practice as a licensed real estate broker in good standing in a jurisdiction other than Maryland for at least 3 [of the 5] years immediately preceding submission of [his] the application may be deemed to have satisfied the educational requirement for broker.*

*H. Licensing Examination.*

*(1) Subject to §H(2) and (3) of this regulation, an applicant for a broker's license shall have 1 year from full completion of prelicensing education requirements to pass both portions of the broker licensing examination. An applicant who does not pass both portions of the licensing examination within 1 year of completion of the requirements shall complete a new set of prelicensing education requirements in order to be eligible to take or retake the examination.*

*(2) An applicant who has fully completed prelicensing education requirements more than 1 year prior to August 31, 2013, shall pass both portions of the broker's licensing examination no later than February 28, 2014.*

*(3) An applicant who has fully completed prelicensing education requirements less than 1 year prior to August 31, 2013, shall pass both portions of the broker's licensing examination within 1 year of completion of the requirements to avoid the need to complete a new set of prelicensing education requirements.*

[G.] *I. Application for Licensure. An applicant who has successfully completed both portions of the licensing exam shall apply for licensure within 1 year of successfully completing the exam in order for the applicant's test results to remain valid. [All applicants who have successfully completed both portions of the licensing exam more than 1 year before the effective date of this section shall apply for licensure not later than January 1, 1998.]*

J. NICHOLAS D'AMBROSIA  
Chairman  
Real Estate Commission

## Subtitle 20 BOARD OF PLUMBING

### 09.20.03 Responsibilities of Licensees

Authority: Business Occupations and Professions Article, §§12-207 and 12-303(1), Annotated Code of Maryland

#### Notice of Proposed Action

[13-149-P]

The Maryland Board of Plumbing proposes to adopt new Regulation .02 under **COMAR 09.20.03 Responsibilities of Licensees**. This action was considered by the Maryland Board of Plumbing at a public meeting held on April 18, 2013, notice of which was given in The Daily Record, Vol. 124, Number 123, page 20A (April 3, 2013 edition) in accordance with State Government Article, §10-506(c)(1), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to require that new and renewal applicants for licensure provide the actual street address of the applicant's residence or principal business of record, when an application is filed in accordance with Business Occupations and Professions Article, §12-303(1), Annotated Code of Maryland.

#### 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 John T. Papavasiliou, Executive Director, Occupational Licensing Boards, Department of Labor, Licensing, and Regulation, 500 N. Calvert Street, Third Floor, Baltimore, MD 21202, or call 410-230-6160, or email to jpapavasiliou@dllr.state.md.us, or fax to 410-333-6314. Comments will be accepted through July 12, 2013. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by the Maryland Board of Plumbing during a public meeting to be held on July 18, 2013, at 10:30 a.m., at 500 North Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

#### .02 Street Address Required.

*A. This regulation applies to all applications, both original and renewal, received on or after January 1, 2014.*

*B. An applicant for a license shall provide to the Board the actual street address of the individual's residence or principal business office. An applicant may not provide a post office box or private mail drop as the applicant's business address of record.*

MICHAEL J. KASTNER, JR.  
Chairman  
Board of Plumbing

# Title 10

## DEPARTMENT OF HEALTH AND MENTAL HYGIENE

### Notice of Proposed Action

[13-146-P]

The Secretary of Health and Mental Hygiene proposes to amend:

- (1) Regulation **.02** under **COMAR 10.07.04 Related Institutions — Residential Treatment Centers for Emotionally Disturbed Children and Adolescents;**
- (2) Regulations **.02** and **.04** under **COMAR 10.07.13 Forensic Residential Centers (FRCs);**
- (3) Regulations **.01** and **.03** under **COMAR 10.07.15 License Fee Schedule for Hospitals and Related Institutions;**
- (4) Regulations **.01 — .03** under **COMAR 10.07.20 Intermediate Care Facilities for Individuals with Intellectual Disabilities or Persons with Related Conditions (ICF/IID);** and
- (5) Regulation **.02** under **COMAR 10.12.04 Day Care for the Elderly and Adults with a Medical Disability.**

### Statement of Purpose

The purpose of this action is to replace obsolete language with current terminology.

### 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 Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-73-2258), or email to [dhmh.regs@maryland.gov](mailto:dhmh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through July 1, 2013. A public hearing has not been scheduled.

## Subtitle 07 HOSPITALS

### 10.07.04 Related Institutions — Residential Treatment Centers for Emotionally Disturbed Children and Adolescents

Authority: Health-General Article, §19-308, Annotated Code of Maryland

#### .02 License Requirements.

A.—B. (text unchanged)

C. License Not Required Under These Regulations. The following facilities are not deemed to be within the purview of these licensing requirements and are not required to obtain a license under these provisions:

- (1) Any institution for well children, including day nurseries, child care centers, foster boarding homes, and institutions for [mentally retarded] *intellectually disabled* children;
- (2) (text unchanged)

D.—F. (text unchanged)

### 10.07.13 Forensic Residential Centers (FRCs)

Authority: Health-General Article, §§2-102 and 7-904; Criminal Procedure Article, §3-102; Annotated Code of Maryland

#### .02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(4) (text unchanged)

(5) “Forensic residential center (FRC)” means a facility that is: (a) Licensed to provide a continuum of integrative services to individuals with [mental retardation] *an intellectual disability*:

(i)—(iii) (text unchanged)

(b)—(c) (text unchanged)

(6)—(7) (text unchanged)

(8) “Qualified developmental disabilities professional (QDDP)” means an individual who coordinates and monitors the delivery of services for individuals with [mental retardation] *an intellectual disability*.

(9) (text unchanged)

#### .04 Administrative Requirements.

A.—F. (text unchanged)

G. Personnel and Staffing.

(1)—(2) (text unchanged)

(3) An FRC shall employ a Maryland licensed psychologist as the supervising psychologist who shall:

(a)—(b) (text unchanged)

(c) Have relevant work experiences and training in conducting and completing functional analyses, assessments, and behavior plans including experience working with individuals with co-occurring diagnoses of mental illness, substance abuse, and [mental retardation] *an intellectual disability*;

(d)—(f) (text unchanged)

(4) An FRC shall employ a Maryland licensed physician who:

(a) (text unchanged)

(b) Has the relevant work experience in providing psychiatric services to individuals with [mental retardation] *an intellectual disability* and co-occurring disorders including mental disorders and addiction diseases.

(5)—(7) (text unchanged)

H.—J. (text unchanged)

### 10.07.15 License Fee Schedule for Hospitals and Related Institutions

Authority: Health-General Article, §§19-320 and 19-323, Annotated Code of Maryland

#### .01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) “Intermediate care facility for [the mentally retarded] *Individuals with Intellectual Disabilities or persons with related conditions (ICF/IID)*” means a facility which provides residential care, treatment, or custody for the [mentally retarded] *intellectually disabled*.

(4)—(7) (text unchanged)

**.03 Fee Assessment.**

A. The licensure fee shall be established in accordance with the following schedule:

Category of Licensed Facility	Amount of Fee	Assessment Period
Intermediate Care Facility For [Mentally Retarded] <i>Individuals with Intellectual Disabilities or persons with related conditions (ICF/IID)</i>	\$3 per bed	12 months
Residential Treatment Centers	\$1 per bed	12 months
Health Care Facilities Within Correctional Institutions	\$2 per bed	12 months

B. (text unchanged)

### **10.07.20 Intermediate Care Facilities [Serving the Mentally Retarded] for Individuals with Intellectual Disabilities or Persons with Related Conditions (ICF/IID)**

Authority: Health-General Article, §19-318, Annotated Code of Maryland

**.01 Scope.**

This chapter applies to any person, whether public or private, operating a facility that:

A. (text unchanged)

B. Has as its primary purpose the provision of health rehabilitative services for individuals with [mental retardation] *an intellectual disability* or related conditions.

### **.02 Applicability of Health-General Article, Annotated Code of Maryland.**

An intermediate care facility [serving the mentally retarded] *for individuals with intellectual disabilities or persons with related conditions (ICF/IID)* shall be considered:

A.—B. (text unchanged)

**.03 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged).

(2) "Facility" means an intermediate care facility [serving the mentally retarded (ICF-MR)] *for individuals with intellectual disabilities or persons with related conditions (ICF/IID)* within the scope of this chapter.

(3)—(4) (text unchanged)

## **Subtitle 12 ADULT HEALTH**

### **10.12.04 Day Care for the Elderly and Adults with a Medical Disability**

Authority: Health-General Article, §§2-104, 14-206, and 14-304, Annotated Code of Maryland

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(21) (text unchanged)

(22) Mental Illness.

(a)—(b) (text unchanged)

(c) "Mental illness" does not include [mental retardation] *intellectual disabilities*.

(23)—(40) (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## **Subtitle 22 DEVELOPMENTAL DISABILITIES**

### **10.22.02 Administrative Requirements for Licensees**

Authority: Health-General Article, §§7-904 and 7-909, Annotated Code of Maryland

#### **Notice of Proposed Action**

[13-145-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation **.13** under **COMAR 10.22.02 Administrative Requirements for Licensees**.

#### **Statement of Purpose**

The purpose of this action is to:

- (1) Update regulations to allow and encourage the use of electronic records; and
- (2) Increase the number of years that licensees are required to maintain an individual's records from 5 to 6 years to be consistent with medical assistance requirements.

#### **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 Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [dhmh.reg@maryland.gov](mailto:dhmh.reg@maryland.gov), or fax to 410-767-6483. Comments will be accepted through July 1, 2013. A public hearing has not been scheduled.

**.13 Records.**

A.—C. (text unchanged)

D. The licensee shall:

- (1) Maintain an individual's records for a minimum of [5] 6 years, regardless of whether the individual is no longer being served or dies;

(2)—(3) (text unchanged)

#### *E. Electronic Records.*

(1) *The licensee is encouraged to use electronic records whenever possible.*

(2) *Electronic records shall:*

- (a) *Meet requirements in this chapter;*
- (b) *Comply with the HIPAA privacy and security rules pertaining to personal health information (PHI); and*
- (c) *Be properly backed up and stored at an off-site location.*

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

### 10.29.21 Mortuary Transport Services

Authority: *Health Occupations Article, §§7-101 and 7-601—7-607, Annotated Code of Maryland*

#### Notice of Proposed Action

[13-144-P]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations **.01—.11** under a new chapter, **COMAR 10.29.21 Mortuary Transport Services**. This action was considered at a public meeting held on January 9, 2013, notice of which was provided on the Board's website, <http://dhmh.maryland.gov/bom/SitePages/mtgdates.aspx>, pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to:

- (1) Require that operators of mortuary transport services be permitted by the Board;
- (2) Require that transporters employed by a mortuary transport service be registered with the Board;
- (3) Establish fees for a permit, registration, and other items;
- (4) Establish a renewal process and a reinstatement process;
- (5) Establish requirements for equipment that is used in transporting human remains;
- (6) Establish procedures for transporting human remains, including:
  - (a) Prohibiting various acts;
  - (b) Setting vehicle standards; and
  - (c) Requiring that certain out-of-State transport services be inspected by the Board under certain circumstances.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** This will result in revenue for the Board and revenue for the Department of Public Safety and Correctional Services' Criminal Justice Information System (CJIS). However, it is unknown how many mortuary transport services are currently operating and will need to seek a permit. Therefore the economic impact cannot be determined at this time.

II. Types of Economic Impact.	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(R+)		Indeterminable
B. On other State agencies:			
DPSCS-Criminal Justice Information System (CJIS)	(R+)		Indeterminable
C. On local governments:	NONE		
Benefit (+)			
Cost (-)			Magnitude
D. On regulated industries or trade groups:	(-)		Indeterminable

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)

A., B., and D. The Board estimates that 100 mortuary transport services will seek a permit, but it cannot estimate how many transporters will need to be registered. Thus, the impact on Board's revenues from fees, CJIS's revenues from requests for background checks, and the total cost on the regulated industry cannot be determined at this time.

#### 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 Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258, or email to [dhmh.regs@maryland.gov](mailto:dhmh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through July 1, 2013. A public hearing has not been scheduled.

#### .01 Scope.

*This chapter applies to:*

- A. *Applicants for a mortuary transport service permit;*
- B. *Applicants for registration as a transporter for a mortuary transport service;*
- C. *Permitted mortuary transport services; and*
- D. *Registered transporters.*

#### .02 Definitions.

A. *In this chapter, the following terms have the meanings indicated.*

##### B. Terms Defined.

(1) *"Board" means the State Board of Morticians and Funeral Directors.*

(2) *"CJIS" means the Criminal Justice Information System.*

(3) *"Cleaning" means to disinfect the entire interior of the mortuary transport service vehicle, including the drivers' cabin.*

(4) *"Crematory" means a building, portion of a building, or structure that houses the necessary appliances and facilities for cremation.*

(5) *"Criminal history records check" means the performance of both a:*

(a) *State criminal history check by the Central Repository; and*

(b) *National criminal history check by the Federal Bureau of Investigation.*

(6) *"Disinfect" means a process that eliminates many or all pathogenic microorganisms, except bacterial spores, on inanimate objects using liquid chemicals or wet pasteurization.*

(7) *"Funeral establishment" means any building, structure, or premises from which the business of practicing mortuary science is conducted.*

(8) *Human Remains.*

(a) *"Human remains" means:*

(i) *The body of a deceased person; or*

(ii) *A part of a body or limb that has been removed from a living person.*

(b) "Human remains" includes the body or part of a body or limb in any state of decomposition.

(9) "Impervious surface" means a surface constructed from material that does not allow another substance to pass through or to penetrate the material.

(10) "Licensed funeral establishment" means, unless the context requires otherwise, a funeral establishment that is licensed by the Board.

**(11) Mortuary Transport Service.**

(a) "Mortuary transport service" means an individual or a business entity issued a permit by the Board that, for compensation:

(i) Removes and transports human remains;

(ii) Transports human remains from the place of death or storage to a funeral establishment or crematory; or

(iii) Employs a transporter to remove or transport human remains.

(b) "Mortuary transport service" does not include:

(i) A licensed funeral establishment using the establishment's own employee or employees to remove and transport human remains for compensation in the establishment's own Board-inspected vehicle; or

(ii) A cemetery or an employee of a cemetery that removes or transports human remains within the boundaries of the cemetery.

(12) "Office" means the Office of Cemetery Oversight within the State Department of Labor, Licensing, and Regulation.

(13) "Permit" means a permit issued by the Board to the owner of a mortuary transport service to operate in the State.

(14) "Permit holder" means a mortuary transport service that holds a permit issued by the Board.

(15) "Registered transporter" means an individual employee of a mortuary transport service who has registered with the Board to remove and transport human remains.

(16) "Registration" means a registration issued by the Board to a registered transporter to remove and transport human remains.

(17) "Removal vehicle" means a vehicle of a size, dimension, and specifications suitable for the transportation of human remains which has passed an inspection by the Board.

(18) "Remove and transport human remains" means to remove human remains from one location and transport the human remains directly to another location.

**.03 Requirements for a Permit.**

A. To qualify for a permit to operate a mortuary transport service, an individual shall:

(1) Be at least 18 years of age;

(2) Be of good moral character; and

(3) Satisfy the requirements of Health Occupations Article, §7-602(c), Annotated Code of Maryland.

B. To apply for a permit, an individual shall submit to the Board:

(1) An application signed by an individual who is the owner or co-owner of the mortuary transport service to be permitted, on a form provided by the Board;

(2) The required fee as set forth in Regulation .08 of this chapter;

(3) A notarized statement attesting to compliance with Health Occupations Article, §7-602(c), Annotated Code of Maryland;

(4) Evidence that all removal vehicles have passed an inspection by an inspector designated by the Board; and

(5) Evidence that the mortuary transport service is bondable and carries liability insurance to cover each registered transporter employed by the mortuary transport service.

C. An individual may not operate a mortuary transport service in the State without a permit issued by the Board.

D. If the permit holder is the sole employee of the mortuary transport service, the permit holder shall also be registered as a transporter.

E. The permit holder shall return an expired permit to the Board as soon as possible.

F. The permit holder shall be responsible for registering all transporters in their employ.

**.04 Requirements for Registration.**

A. To qualify as a registered transporter, an individual shall:

(1) Be at least 18 years of age;

(2) Be of good moral character;

(3) Hold a current valid driver's license in good standing; and

(4) Be employed by a mortuary transport service that holds a permit issued by the Board.

B. Required Coursework. Before registering as a registered transporter, an individual shall complete the following Board-approved coursework options:

(1) An OSHA or MOSHA training course;

(2) A course on blood-borne pathogens;

(3) A course on infection control; and

(4) A law course on:

(a) Health-General Article, §5-513, Annotated Code of Maryland; and

(b) This chapter.

C. To apply for a registration as a registered transporter, an individual shall submit:

(1) A signed application on a form provided by the Board;

(2) Written, verified evidence satisfactory to the Board that the applicant has:

(a) Completed the application for a criminal history records check using the process required by CJIS and designating that the check be sent to the Board; and

(b) Paid all fees required by CJIS;

(3) Evidence of successful completion of the coursework required by §B of this regulation; and

(4) A copy of the individual's driving record, including probation before judgment findings.

D. A registered transporter shall maintain a current mailing address, excluding a post office box address, on file with the Board.

E. The permit of the mortuary transport service that employs the registered transporter shall be prominently displayed on the person of the registered transporter by means of an identification card. The identification card shall include the following information:

(1) A current picture of the registered transporter;

(2) The name of the mortuary transport service that employs the registered transporter; and

(3) The permit number of the mortuary transport service.

F. The permit holder shall confiscate the identification card of a transporter who is no longer in the permit holder's employ and return the identification card to the Board.

G. The Board may not register an applicant until the Board has:

(1) Received and reviewed the criminal history records information; and

(2) Approved the completed application.

**.05 Procedures.**

A. Before use for removal of human remains, the registered transporter shall inspect all body bags to ensure that the body bags are fully closeable and that there are no holes, rips, or tears in the body bags.

B. Potentially Infectious Body Fluids.

(1) All bodily fluids shall be considered as potentially infectious and dealt with appropriately.

(2) Proper personal protective equipment shall be available for use at all times; and

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(3) Contaminated surfaces and equipment shall be cleaned with disinfectant immediately upon completion of the removal or as soon as possible after the removal.

C. After each removal and as soon as possible, the registered transporter shall clean their hands using antiseptic hand cleanser and paper towels or antiseptic towelettes. As soon as possible thereafter, the registered transporter shall wash their hands using hot running water and soap.

D. The permit holder shall establish a written schedule for thorough cleaning, to be kept in the glove box of the removal vehicle, and method for cleaning the removal vehicle and equipment at least quarterly or as needed taking into account the use of the vehicle, the type of contamination present, and the human remains transferred.

E. An individual authorizing removal shall, upon request, be given an inventory in which the transporter has made note of all valuables found on the decedent for the individual's signature.

### .06 Prohibited Acts.

A. A permit holder or transporter shall:

(1) At all times treat the human remains being transported with the utmost dignity; and

(2) Comply with the requirements of Health-General Article, §5-513, Annotated Code of Maryland.

B. A permit holder may not:

(1) Violate any Federal, State, or local law or regulation or order a transporter to violate any Federal, State, or local law or regulation;

(2) Employ a transporter who does not hold a registration issued by the Board;

(3) In signage or advertisement, use a name for the mortuary transport service that is different from the name of the mortuary transport service as it appears on the permit issued by the Board;

(4) Operate the mortuary transport service in a manner that does not respect:

(a) The dignity of the decedent; and

(b) The public health;

(5) Prevent or in any way inhibit the Board's designated inspector from investigating a complaint or from inspecting a removal vehicle;

(6) Unless appropriately licensed, represent themselves as a mortician or funeral director;

(7) Make arrangements for burial or cremation of human remains;

(8) Fail to notify the Board within 30 days of:

(a) A change in address of the mortuary transport service;

(b) A change in address of a registered transporter; or

(c) A commencement of employment or a separation of employment with a registered transporter;

(9) Dress or behave in an unprofessional manner while performing their official duties;

(10) Advertise or solicit business directly to the family of a dying person or recently deceased person; or

(11) Offer goods or services other than the service a permit authorizes the permit holder to provide.

C. A registered transporter may not:

(1) Transport human remains without the required documented authorization;

(2) Unless appropriately credentialed, represent themselves as a:

(a) Permit holder;

(b) Mortician; or

(c) Funeral director;

(3) Transport human remains out of the State to a facility that has not passed an inspection by the Board or the Office within the last 2 years in accordance with Health-General Article, §5-513, Annotated Code of Maryland;

(4) Allow an individual who is not an employee of the employing mortuary transport service or of the funeral establishment engaging the services of the mortuary transport service to accompany the registered transporter while in the performance of the registered transporter's official duties;

(5) Make arrangements for burial or cremation of the human remains unless appropriately licensed or certified by the Board or the Office;

(6) Unless removing and transporting more than one human remains from different locations, fail to transport the human remains directly to the location agreed upon by the individual with the right to final disposition of the human remains or to the location requested by the mortician or funeral director;

(7) Fail to notify the Board of a change of the registered transporter's address within 30 days;

(8) Fail to display prominently on their person, in accordance with Regulation .04D of this chapter, the permit number of the mortuary transport service for which the registered transporter is employed;

(9) Dress or behave in an unprofessional manner while performing their official duties;

(10) Display in any removal vehicle any marking, sticker, or other indication of passage of a Board inspection other than the sticker issued by the Board;

(11) Advertise or solicit business directly from the family of a dying person or recently deceased person;

(12) Offer goods or services other than the service a permit authorizes the permit holder to provide;

(13) Sign a death certificate;

(14) Upon arrival at a location for the purpose of removing and transporting human remains, fail to:

(a) Verbally identify themselves as a registered transporter; and

(b) Identify the entity for whom they are removing and transporting human remains;

(15) Perform their official duties in an unsanitary manner or in a manner that does not observe the Centers for Disease Control's Guidelines on universal precautions; or

(16) Eat, drink, or smoke in the removal vehicle while in the performance of their official duties.

### .07 Vehicle Standards.

A. A removal vehicle shall:

(1) Be of appropriate size for the transport of human remains;

(2) Have windows tinted to the extent that human remains are obscured from public view;

(3) Have a cargo bay which:

(a) Is fully enclosed; and

(b) Is designed to prevent co-mingling or shifting of human remains while in transit; and

(4) Have a floor which is a nonporous, impervious surface.

B. A removal vehicle shall include at least the following equipment:

(1) A removal stretcher and litter, each with a leakproof pouch; and

(2) A universal precaution kit which shall include the following:

(a) A red bio-waste bag;

(b) A heavy disaster pouch;

(c) Goggles;

(d) Booties;

(e) A mask;

(f) Disposable gloves;

(g) A clean or disposable apron;

(h) Antiseptic hand cleaner;

(i) Disinfectant spray;

- (j) Clean towels; and
- (k) A first-aid kit.

C. Before the sale of a removal vehicle, the permit holder shall have the vehicle disinfected.

D. Removal vehicles shall be inspected by a Board-designated inspector at least every 2 years starting from the date of first inspection.

E. A removal vehicle which has passed a Board inspection shall prominently display a Board-issued sticker on the vehicle attesting to passage of the inspection.

#### **.08 Fees.**

The following fees related to mortuary transport services are established by the Board:

A. Mortuary Transport Service Permit:

(1) Initial fee:

(a) Category 1 (for 1 — 3 transporters, including the permit holder) — \$350;

(b) Category 2 (for 4 — 7 transporters, including the permit holder) — \$500;

(c) Category 3 (for 8 — 15 transporters, including the permit holder) — \$750;

(d) Category 4 (for more than 15 transporters, including the permit holder) — \$1,000; and

(2) Renewal fee:

(a) The permit renewal fee shall be the same as the initial fee provided there has been no change in category;

(b) If the number of transporters employed by a mortuary transport service has increased resulting in a change in category, the initial fee for the higher category shall be paid as the renewal fee;

(c) If the number of transporters employed by a mortuary transport service has decreased, resulting in a change in category, the initial fee for the lower category shall be paid as the renewal fee;

B. Transporter registration processing fee (to add a transporter without change of category within the renewal cycle) — \$40;

C. Late fee (permit) — \$400;

D. Reinstatement fee — \$350 + initial fee;

E. Duplicate or replacement permit — \$40;

F. Duplicate registration — \$50;

G. Permit or registration verification fee — \$40; and

H. Replacement inspection sticker — \$40.

#### **.09 Renewal Requirements.**

A. A mortuary transport service's permit expires 30 days after the effective date of this chapter.

B. After being issued an initial permit, a mortuary transport service's permit:

(1) Expires on the date set by the Board, unless it is renewed for an additional term; and

(2) May not be renewed for a term longer than 2 years.

C. At least 1 month before the permit expires, the Board shall issue a renewal notice to the permit holder that states:

(1) The date by which the renewal application shall be received by the Board for the renewal to be issued and mailed before the registration expires; and

(2) The amount of the renewal fee.

D. The permit holder may renew the mortuary transport service permit for an additional term of 2 years if the permit holder:

(1) Is otherwise entitled to be issued a permit;

(2) Pays to the Board a renewal fee set forth in Regulation .08 of this chapter; and

(3) Submits to the Board:

(a) A completed renewal application on the form that the Board requires;

(b) An updated criminal history records check; and

(c) An updated driving record, including probation before judgment findings.

E. The Board shall impose the late fee established in Regulation .08 of this chapter on any permit holder who fails to renew their permit 1 month before it expires.

F. A transporter's registration is effective provided:

(1) It has not been suspended or revoked by the Board; and

(2) The registered transporter is employed by a mortuary transport service which holds a permit issued by the Board.

#### **.10 Reinstatement Requirements.**

A. To reinstate an expired permit, an individual shall:

(1) Resubmit the application required by the Board for initial applicants;

(2) Satisfy the education requirements stated in Regulation .04B of this chapter; and

(3) Pay to the Board the reinstatement fee established by the Board in Regulation .08 of this chapter.

B. An individual whose registration has lapsed shall reapply to the Board under the procedure set forth in Regulation .04 of this chapter.

#### **.11 Multi-State Establishments.**

A. All vehicles owned by an establishment located outside of the State which is part of the same business structure as a licensed Maryland funeral establishment shall be inspected by the Board if the out-of-State establishment intends to transport Maryland decedents.

B. An establishment located outside of the State which is part of the same business structure as a licensed Maryland funeral establishment and which intends to transport human remains from Maryland to the out-of-State establishment shall be subject to the requirements of Health-General Article, §5-513, Annotated Code of Maryland.

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## **Subtitle 34 BOARD OF PHARMACY**

### **10.34.23 Pharmaceutical Services to Patients in Comprehensive Care Facilities**

Authority: Health Occupations Article, §§12-205, 12-301, 12-401, and 12-403, Annotated Code of Maryland

#### **Notice of Proposed Action**

[13-142-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .03 and .09 under **COMAR 10.34.23 Pharmaceutical Services to Patients in Comprehensive Care Facilities**. This action was considered by the Board of Pharmacy at a public meeting held February 20, 2013, notice of which was given by publication on the Board of Pharmacy website, <http://dhmh.maryland.gov/pharmacy/SitePages/Home.aspx>, from February 1, 2013 through February 20, 2013, pursuant to the State Government Article, §10-506(c), Annotated Code of Maryland.

#### **Statement of Purpose**

The purpose of this action is to amend regulations to require a pharmacist to perform the final check on the contents of an interim box.

#### **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.

## PROPOSED ACTION ON REGULATIONS

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### 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 Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [dhmh.regs@maryland.gov](mailto:dhmh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through July 1, 2013. A public hearing has not been scheduled.

### .03 Policies and Procedures.

The permit holder shall establish and operate under a policies and procedures manual which:

A.—D. (text unchanged)

E. Includes:

(1) (text unchanged)

(2) The conditions in which an interim box may be replenished or prepared, delivered, and stored by the comprehensive care facility *in accordance with Regulation .09 of this chapter*;

F.—G. (text unchanged)

### .09 Drug Control and Accountability.

A.—F. (text unchanged)

G. Interim Box.

(1) An interim box may be provided by the pharmacy and kept at the comprehensive care facility if comprehensive care facility policies and procedures address an interim box and the pharmacy complies with these policies and procedures.

(2) *A licensed pharmacist shall perform the final check on the contents of the interim box.*

H.—L. (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## Subtitle 53 BOARD OF NURSING — ELECTROLOGY PRACTICE COMMITTEE

### Notice of Proposed Action

[13-143-P]

The Secretary of Health and Mental Hygiene proposes to amend:

(1) Regulation **.04** under **COMAR 10.53.02 Licensure**;

(2) Regulations **.02—.04** under **COMAR 10.53.04 Continuing**

**Education**; and

(3) Regulation **.01** under **COMAR 10.53.12 Fees**.

This action was considered by the Maryland Board of Nursing at a public meeting held on February 26, 2013, notice of which was given by publication on the Board's website under Board news on January 1, 2013 and February 1, 2013, pursuant to the State Government Article, §10-506(c), Annotated Code of Maryland.

### Statement of Purpose

The purpose of this action is to provide regulations for the Board of Nursing to begin biennial licensure of electrologists beginning October 28, 2013; adjust the continuing education unit (CEU) requirements for the biennial renewal; adjust the renewal fee for the biennial renewal; and make clarifying and technical changes.

### 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 Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [dhmh.regs@maryland.gov](mailto:dhmh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through July 1, 2013. A public hearing has not been scheduled.

## 10.53.02 Licensure

Authority: Health Occupations Article, §§8-205, 8-303, and 8-6B-01—8-6B-29, Annotated Code of Maryland

### .04 Renewal of Licensure.

A. [A] *Beginning in October 2013*, a licensee otherwise entitled to be licensed [may] *shall* renew a license for [an additional year] 2 years by submitting to the Board:

(1)—(2) (text unchanged)

(3) Evidence acceptable to the Board of completion of the CEU requirement as set forth in COMAR [10.53.03] 10.53.04.

B.—C. (text unchanged)

## 10.53.04 Continuing Education

Authority: Health Occupations Article, §§8-205 and 8-6B-01—8-6B-29, Annotated Code of Maryland

### .02 Continuing Education Requirements.

A. (text unchanged)

B. *Beginning in 2015 and for every subsequent 2-year renewal period, a licensed electrologist shall:*

(1) *Complete 20 clock hours of Board-approved CEUs by October 28 in each renewal year; and*

(2) *Provide proof of completion to the Board upon renewal of licensure.*

[B.] C. (text unchanged)

### .03 Continuing Education Unit.

A.—E. (text unchanged)

F. *Beginning with the 2015 renewal and every subsequent 2-year renewal period, CEUs may be obtained for the 2-year period, up to the maximum specified as follows:*

(1) 6 CEUs in the area of business management;

(2) 3 CEUs in CPR;

(3) 3 CEUs in First Aid;

(4) 6 CEUs by home study;

(5) 8 CEUs in alternative therapies;

(6) 8 CEUs for each preparation and delivery of a lecture or published article; and

(7) Any education earned under Regulation .04 of this chapter.

### .04 Approval of Courses.

A. (text unchanged)

B. Requests for Approval.

(1) (text unchanged)

## (2) CEU Credit for Renewal.

(a) CEUs earned [from] *after October 29 of the last renewal period* through *September 28 of the next renewal period* may be used only for the current license renewal period.

(b) CEUs earned between October 1 through October 28 may be used for the current renewal period or the next renewal period, but not for both.

(c) (text unchanged)

(d) [No credit will be allowed in a licensure year ending October 28 for a course that was not approved before September 28 of that year] *Credit will not be given for any CEU unless the Board approves the program before the licensee attends an event.*

(3)—(4) (text unchanged)

## 10.53.12 Fees

Authority: Health Occupations Article, §§8-205 and 8-6B-01—8-6B-29, Annotated Code of Maryland

### .01 Fees.

A. (text unchanged)

B. The following fees are established by the Board:

(1)—(3) (text unchanged)

(4) *Renewal for 1 year or less* — \$100;

(4-1) *Beginning in 2013, biennial renewal* — \$200

(5)—(9) (text unchanged)

C. (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## Title 13A STATE BOARD OF EDUCATION

### Subtitle 06 SUPPORTING PROGRAMS

#### 13A.06.03 Interscholastic Athletics in the State

Authority: Education Article, §§2-205 and 2-303(k), Annotated Code of Maryland

##### Notice of Proposed Action

[13-147-P]

The Maryland State Board of Education proposes to amend Regulations .02—.07, .09, and .11 under **COMAR 13A.06.03 Interscholastic Athletics in the State**. This action was considered at the Maryland State Board of Education meeting on April 23, 2013.

##### Statement of Purpose

The purpose of this action is to provide a comprehensive editorial upgrade as well as a reordering of regulations to reflect a more consistent flow. Two substantive amendments are also proposed. The first allows for an earlier start date for fall practice. The second provides greater opportunity for coaches to facilitate individual student athletic skill development.

##### 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 Edward F. Sparks, Executive Director, Maryland Public Secondary Schools Athletic Association, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0555 TTY: 410-333-6442, or email to [nsparks@msde.state.md.us](mailto:nsparks@msde.state.md.us), or fax to 410-333-3111. Comments will be accepted through July 1, 2013. A public hearing has not been scheduled.

##### Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on July 23, 2013 at 9:00 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

##### .02 Eligibility.

Student eligibility for participation in interscholastic athletics at the high school level shall be based on the following criteria:

A. Students shall be officially registered and attending [a] *the member MPSSAA school they are authorized to attend under regulations of the local school system*. They may represent only the school in which they are registered and at which it is anticipated they will complete their graduation requirements. [Ninth grade public school students who reside in the attendance area of a high school organized grades 10—12 may participate in the interscholastic athletic program of that high school.]

B.—C. (text unchanged)

D. [Students may participate in interscholastic athletic contests for a maximum of three seasons in any one sport in grades 10, 11, and 12. Students who participate on an interscholastic team in grade 9 will have a maximum athletic eligibility of four seasons in that one sport.] *Students in grades 9, 10, 11, and 12 may participate in interscholastic athletic contests for a maximum of four seasons in any one sport.*

E.—F. (text unchanged)

G. Students, while participating on a school team, are permitted to participate [in the same sport] *on sports teams* outside of school during the *high school* sport's season. This participation shall meet the following criteria:

(1)—(2) (text unchanged)

H. [Students shall present to their high school principal a certificate from their parents or guardian (indicating the parents' or guardian's) giving permission for participation.] *Students shall present to their high school principal a certificate of permission to participate signed by their parent or parents, or guardian or guardians.*

I. [A student] *Students shall be examined and certified to the high school principal as being physically fit to participate in any try-out, practice, or contest of a school team. The examination shall be performed by a licensed physician, certified physician assistant under the supervision of a licensed physician, or certified nurse practitioner.*

J.—K. (text unchanged)

## PROPOSED ACTION ON REGULATIONS

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### .03 Sports Season.

Member MPSSAA [member] schools shall conduct all interscholastic athletic contests and practice sessions in accordance with the following:

A. The sports seasons shall be defined as follows:

(1) "Fall" means the 6th [Saturday] *Wednesday* following the first [full week] *Sunday* of July, until the final date of the [county] local, conference, district, regional, or State tournament.

(2)—(3) (text unchanged)

(4) When [August 15th,] November 15th[,] or March 1st falls on Sunday, practice will start the preceding Saturday.

(5) *Required Practice.* A member MPSSAA school may not participate in a regularly scheduled game until at least 20 calendar days have elapsed after and including the first day of practice. *Golf is the only exception to this regulation.*

B. Maximum Number of Contests Permitted During a Sports Season.

(1) One additional contest beyond the maximum allowable number may be played to determine a conference/league championship. The results of that contest may not count towards MPSSAA standings.]

(2) (1) All school athletic schedules shall be established before the first [contest] *MPSSAA allowable play date* of each sport's season according to the following instructions:

(a) Badminton[—15 matches with not more than two matches per week. Three matches in one week may be scheduled once during the season.]:

(i) 15 regular season games;

(ii) Not more than two matches per week; and

(iii) Three matches in one week may be scheduled twice during the season.

(b) Baseball[—18 games with not more than three games per week. Two additional games may be played in one holiday tournament. A team may elect to play three games as part of a holiday tournament and play 17 regular season games. The total number of games may not exceed 20. Four games are permitted in 1 week if games are part of a holiday tournament. Holiday tournaments shall be played on non-school days for all MPSSAA member schools involved in a tournament. Holiday tournament results may not count towards MPSSAA standings.]:

(i) 18 regular season games or 20 with designated optional tournament;

(ii) Not more than three games per week;

(iii) A team may elect to play in one designated optional two or three-game tournament;

(iv) If a team elects to play in a designated optional three-game tournament, only 17 regular season games may be scheduled; and

(v) If a team elects to play in the designated optional two or three-game tournament, a fourth game may be played during that week.

(c) Basketball[—20 games with not more than two games per week. Three games in one week may be scheduled twice during the season. Two additional games may be played in one holiday tournament. A team may elect to play three games as part of a holiday tournament and play 19 regular season games. The total number of games may not exceed 22. Holiday tournaments shall be played on non-school days for all MPSSAA member schools involved in a tournament. Holiday tournament results may not count towards MPSSAA team standings.]:

(i) 20 regular season games or 22 with designated optional tournament;

(ii) Not more than two games per week;

(iii) Three games in one week may be scheduled twice during the season;

(iv) A team may elect to play in one designated optional two or three-game tournament; and

(v) If a team elects to play in a designated optional three-game tournament, only 19 regular season games may be scheduled.

(d) Cross Country[—10 meets with not more than two meets per week. Meets may not be held on consecutive days.]:

(i) 10 regular season meets;

(ii) Not more than two meets per week; and

(iii) Three meets in one week may be scheduled once during the season.

(e) Field Hockey[—12 games with not more than two games per week. Three games in 1 week may be scheduled twice during the season. Two additional games may be played as part of a tournament during the season. A team may elect to play three games as part of a tournament and play 11 regular season games. The total number of games may not exceed 14. The tournament shall be played during non-instructional time for all MPSSAA member schools involved in the tournament.]:

(i) 12 regular season games or 14 with designated optional tournament;

(ii) Not more than two games per week;

(iii) Three games in one week may be scheduled twice during the season;

(iv) A team may elect to play in one designated optional two or three-game tournament; and

(v) If a team elects to play in a designated optional three-game tournament, only 11 regular season games may be scheduled.

(f) Football[—10 games with not more than one game per week.]:

(i) 10 regular season games; and

(ii) Not more than one game per week.

(g) Golf[—12 matches with not more than three matches per week.]:

(i) 12 regular season matches; and

(ii) Not more than three matches per week.

(h) Gymnastics[—Eight meets with not more than two meets per week. Meets may not be held on consecutive days.]:

(i) 8 regular season meets;

(ii) Not more than two meets per week; and

(iii) Meets may not be held on consecutive days.

(i) Indoor Track[—Ten meets with not more than two meets per week. Meets may not be held on consecutive days.]:

(i) 10 regular season meets;

(ii) Not more than two meets per week; and

(iii) Three meets in one week may be scheduled once during the season.

(j) Lacrosse[—12 games with not more than two games per week. Three games in one week may be scheduled twice during the season. Two additional games may be played in a holiday tournament. Holiday tournaments shall be played on non-school days for all MPSSAA member schools involved in a tournament. Holiday tournament results may not count towards MPSSAA standings.]:

(i) 12 regular season games or 14 with designated optional tournament;

(ii) Not more than two games per week;

(iii) Three games in one week may be scheduled twice during the season; and

(iv) A team may elect to play in one designated optional two-game tournament.

(k) Outdoor Track[—10 meets with not more than two meets per week. Meets may not be held on consecutive days.]:

(i) 10 regular season meets;

(ii) Not more than two meets per week; and

(iii) Three meets in one week may be scheduled once during the season.

(l) Soccer[—12 games with not more than two games per week. Three games in 1 week may be scheduled twice during the season. Two additional games may be played as part of a tournament during the season. A team may elect to play three games as part of a tournament and play 11 regular season games. The total number of games may not exceed 14. The tournament shall be played during non-instructional time for all MPSSAA schools involved in the tournament.]:

(i) 12 regular season games or 14 with designated optional tournament;

(ii) Not more than two games per week;

(iii) Three games in one week may be scheduled twice during the season; and

(iv) A team may elect to play in one designated optional two or three-game tournament. If a team elects to play in a designated optional three-game tournament, only 11 regular season games may be scheduled.

(m) Softball[—18 games with not more than three games per week. Two additional games may be played in one holiday tournament. A team may elect to play three games as part of a holiday tournament and play 17 regular season games. The total number of games may not exceed 20. Four games are permitted in 1 week if games are part of a holiday tournament. Holiday tournaments shall be played on non-school days for all MPSSAA member schools involved in a tournament. Holiday tournament results may not count towards MPSSAA team standings.]:

(i) 18 regular season games or 20 with designated optional tournament;

(ii) Not more than three games per week;

(iii) A team may elect to play in one designated optional two or three-game tournament;

(iv) If a team elects to play in a designated optional three-game tournament, only 17 regular season games may be scheduled; and

(iv) If a team elects to play in the designated optional two or three-game tournament, a fourth game may be played during that week.

(n) Swimming[—12 meets with not more than two meets per week. Meets may not be held on consecutive days.]:

(i) 12 regular season meets;

(ii) Not more than two meets per week; and

(iii) Meets may not be held on consecutive days.

(o) Tennis[—18 matches with not more than three matches per week.]:

(i) 18 regular season matches; and

(ii) Not more than three matches per week.

(p) Volleyball[—15 matches with not more than two matches per week. Three matches in one week may be scheduled twice during the season. Teams may elect to play tri-matches provided the total number of opponents does not exceed 15 during the season, or teams may play 14 matches plus one multi-team tournament.]:

(i) 15 regular season matches or 14 with designated optional tournament;

(ii) Not more than two matches per week;

(iii) Three matches in one week may be scheduled twice during the season;

(iv) A team may elect to play tri-matches provided the total number of opponents does not exceed 15 during the season; and

(v) Teams may play 14 matches plus one designated optional multi-team tournament.

(q) Wrestling[—14 contests including dual meets and a maximum of three tournaments and three tri-meets. A county tournament required to qualify for the State tournament will not be counted as one of the three allowed tournaments. There may not be

more than two contests per week. Multiteam events may be used to make up postponed contests between teams originally scheduled. Wrestling tournaments and meets are defined by Regulation .04E(3) and (4) of this chapter.]:

(i) 14 regular season contests including dual meets and a maximum of three tournaments and three tri-meets;

(ii) Not more than two contests per week including a maximum of one tournament;

(iii) Multi-team events may be used to make up postponed contests between teams originally scheduled;

(iv) A city/county/conference tournament required to qualify for the state tournament will not be counted as one of the three allowed tournaments; and

(v) Wrestling tournaments and meets are defined by Regulation .04D(3) and (4) of this chapter.

(2) Conference/League Championships. One additional contest beyond the maximum allowable number may be played to determine a conference/league championship. The results of that contest may not count towards MPSSAA standings.

(3) Postponed Games. Postponed contests may be rescheduled during the season, provided the number of games does not exceed the maximum number permitted in a week plus one additional contest.

#### **.04 Operational Guidelines.**

The regulations given below are established for all MPSSAA interscholastic sports:

##### **A. Equal Opportunity for Participation.**

(1) Students may not be excluded on the basis of sex from overall equal opportunity to participate in athletic programs. If a school sponsors a team in a particular sport for members of one sex but sponsors no such team for members of the opposite sex, and before July 1, 1975, overall opportunities for members of the excluded sex have been limited, the excluded sex shall be allowed to try out for the team.

##### **[A-1.]**

##### **(2) Athletics Equity for Students with Disabilities.**

[1)] (a) Students who meet the eligibility requirements of Regulation .02 of this chapter may not be excluded on the basis of disability from the opportunity to try out for and if selected, participate in mainstream interscholastic athletic programs.

[2)] (b) [Member Maryland Public Secondary Schools Athletic Association (MPSSAA).] Member MPSSAA schools shall provide reasonable accommodations necessary to provide students with disabilities with equal opportunities to participate to the fullest extent possible in mainstream athletic programs.

[3)] (c) Students with disabilities who meet the eligibility requirements of Regulation .02 of this chapter may be excluded from mainstream athletic programs if inclusion:

[(a)] (i) Presents an objective safety risk to the student or others based on an individualized assessment of the student; or

[(b)] (ii) Fundamentally alters the nature of the school's mainstream athletic program.

##### **B. MPSSAA Coaching Eligibility.**

(1) Member MPSSAA schools shall employ as coaches:

(a) Teachers or certificated professional educators [employees] employed by [of] the local Board of Education [for a specific coaching assignment].

(b) Persons certifiable as [a] professional educators by the State Department of Education according to 13A.12.01.

(c) Credentialed [Coaches] coaches who meet the following requirements:

(i) [Is] Are eligible to hold a Maryland certificate under COMAR [13A.12.01.04] 13A.12.01.03D;

(ii) [Possesses] Possess a MPSSAA/MSDE [Coach] Coaching Certification;

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(iii) [Has] *Have* completed 2 years of successful coaching as an emergency coach; and

(iv) [Has] *Have* spent the previous 1 year as a successful emergency coach at the school of hire in the position of hire.

(2) If no acceptable and qualified coaches are available from the teachers or certifiable professional educators employed by the local board of education, temporary emergency [coaches] *coach* may be employed if the following procedures are followed:

(a)—(c) (text unchanged)

(d) [In sports] *Teams* having more than one coach, emergency coaches may not comprise more than 50 percent of that sport staff;

(e) (text unchanged)

(3) (text unchanged)

(4) Member MPSSAA schools may permit volunteer athletic coaches to assist their coaching staff. The volunteer coaches may not serve as head coaches at any level and shall work only under the direction of the head coach. The volunteer coach may be used if the following procedures are followed:

(a) (text unchanged)

(b) The volunteer coach [has] *shall have* completed or [is] *be* enrolled in a one-credit course in the prevention and care of athletic injuries;

(c) (text unchanged)

[C.] Required Practice. A member MPSSAA school may not participate in a regularly scheduled game until at least 20 calendar days have elapsed after and including the first day of practice. Golf is the only exception to this regulation.]

[D.] C. Limits of Participation.

(1) (text unchanged)

(2) Students who participate [in] *on* both varsity and junior varsity teams may not play in a number of contests that exceed the maximum number allowed [in a] *for that sport* in a week or season. Students may not compete on both a varsity and junior varsity[team on the same day] *level against the same school on the same day*.

(3) School athletic teams may not participate in any [games] *contests* representing their school *before or after the defined sports season* [in pre-season play or in post-season play].

(4) Member MPSSAA [member] schools may not play or practice on Sundays.

(5) (text unchanged)

(6) Member MPSSAA [member] schools shall practice with or play against only high school teams as defined in §J of this regulation.

(7) Individual students or teams representing a member MPSSAA [member] school shall participate only in games, meets, or tournaments which are conducted by appropriate educational institutions.

(8) Member MPSSAA [member] schools may not enter competition preliminary to a college or professional game.

(9) (text unchanged)

[E.] D. Policies Pertaining to Wrestling.

(1)—(4) (text unchanged)

[F.] Postponed Games. One postponed contest may be rescheduled in addition to the maximum number permitted per week in Regulation .03 of this chapter.]

[G.] E. Out-of-Season Practice.

(1) Member MPSSAA [member] schools and coaches of member schools shall confine *school* practices [for all students or teams] to the seasonal limitations as defined in Regulation .03 of this chapter.

(2) (text unchanged)

[H.] F. Sports Officials. Schools involved in interscholastic contests shall use only those officials certified by [Maryland Public Secondary Schools Athletic Association] MPSSAA. Only qualified

officials shall be used in all sports [where] *when* MPSSAA certified officials are not available.

[I.] G. Summer Camps.

(1) (text unchanged)

(2) Member MPSSAA [member] schools, member school coaches, school-related organizations, or individuals may not sponsor or conduct a camp in which students who are returning players are involved or participate. A camp composed of several coaches with their respective teams is a violation of this regulation.

(3) Coaches of member MPSSAA [member] schools, while affiliated with a camp, may not conduct any form of team or group practice involving their school. Such a practice is considered a violation of the out-of-season practice rule defined in Regulation .03A(1), (2), and (3) .03 of this chapter.

(4) A member MPSSAA [member] school may not provide school uniforms or equipment for students who attend a camp outside of the defined sports season in Regulation .03 of this chapter.

[J.] H. Competitors.

(1) Member MPSSAA [member] schools shall only practice with or play against high school teams that:

(a)—(e) (text unchanged)

(2) (text unchanged)

(3) To verify compliance under [§J(2)(d)] §H(2)(d) of this regulation, the administrative head of the school who is responsible for the day-to-day administration of the school shall:

(a) (text unchanged)

(b) Submit the verification for approval to the State Superintendent of Schools annually before the first practice or athletic competition against [an] a member MPSSAA [member high] school team.

### .05 Violations, Penalties, and Appeals.

A. Failure to comply with these regulations shall constitute a violation which will result in the following penalties against the member MPSSAA [member] school and either the student or the coach, or both. Depending upon the severity of the violation, more than one penalty may be imposed against the member MPSSAA [member] school, student, or coach, or all of the above. Penalties shall be imposed in the order listed below:

(1) Against a member MPSSAA [member] school:

(a) (text unchanged)

(b) Second—Declare the member MPSSAA [member] school ineligible for championship honors for the current school year in the sport in which the violation occurred.

(c) Third—Declare the member MPSSAA [member] school on probation for one school year which shall render the school ineligible to compete in any approved State meet or tournament for that year.

(d) Fourth—Impose additional penalties as may seem justified in the particular case considered.

(2)—(3) (text unchanged)

B. Procedure.

(1) First—Any member MPSSAA [member] school, student, or coach shall notify the local supervisor of interscholastic athletics and the MPSSAA Executive Director of the alleged violation.

(2)—(5) (text unchanged)

C. Penalties imposed by local school systems for violations of local school system rules adopted in accordance with Regulations .01B and .02B shall be uniform with the penalties designated in Regulation .05A of this chapter.

[C.] D. Appeals.

(1) A member MPSSAA [member] school, student, or coach may appeal the imposed penalty within 30 days and request a hearing before the Appeals Committee of MPSSAA.

(2) The Appeals Committee of the MPSSAA serves in a quasi-judicial capacity.

[(2)](3)—[(11)](12) (text unchanged)

#### .06 Classification.

A. (text unchanged)

B. The local superintendent of schools shall submit to the MPSSAA Executive Director by November 1, a report on the actual school enrollment of students in Grades 9, 10, and 11 in each of the *member* MPSSAA [member] schools as of September 30, in each even-numbered year. The MPSSAA Executive Director and the Classification Committee of the MPSSAA shall present a recommendation for classification of member schools to the MPSSAA Board of Control for adoption. Classification shall be determined every 2 years based on the September 30 enrollment of the previous year.

C. (text unchanged)

D. A new *member* MPSSAA [member] school that opens or a member school whose enrollment is significantly changed by growth or consolidation during the two-year period shall be placed in the proper classification by the Classification Committee. "Significantly changed" means a decrease or an increase in enrollment of more than 25 percent. This new placement shall affect only the involved school and may not affect the classification of other member schools.

E. When a *member* MPSSAA [member] school does not have all three grades included in the enrollment figures upon which the classification is based in the even-numbered year, but will have all three grades in the following odd-numbered year when classification becomes effective, the enrollment figure shall include the existing grades and average of the current class sizes applied to each projected grade.

#### .07 State Tournament Policies.

A. The [Maryland Public Secondary Schools Athletic Association] MPSSAA games or tournament committees representing all of the districts shall administer and supervise tournaments in the various sports at the district, regional, and State level.

B. (text unchanged)

C. Although certain aspects of a tournament may vary from year to year, the following basic policies shall be observed by all tournament committees:

(1) (text unchanged)

(2) A *member* MPSSAA [member] school or local school system may decide whether or not to participate in the tournament.

(3) A *member* MPSSAA [member] school shall compete in its classification when the tournament is so structured.

(4)—(10) (text unchanged)

(11) If a team or any students participating in a State tournament contest [play] leaves the field of competition before completion of a contest, or fails to continue play when eligible to do so, or is guilty of misconduct detrimental to the tournament, then the team, coach, or students may be suspended from further participation in the current tournament, and from the same tournament in the succeeding year, upon the determination of the tournament committee and the Executive Director.

(12) (text unchanged)

D.—E. (text unchanged)

#### .09 Sanction Rules.

A. Students or teams representing a *member* MPSSAA [member] school shall participate only in contests conducted by educationally related organizations.

B. [A school or local school system that wishes to serve as host for an intercounty or interstate contest shall file the appropriate sanction request form with the MPSSAA Executive Director, a minimum of 45 days before the contest. When the event is an interstate contest, invitations may not be extended to out-of-State schools to participate until official sanction approval has been received from the National

Federation of State High School Associations.] *Member* MPSSAA schools may not compete in any contest in any other state if either school's participation violates the regulations or established policies of either state's high school interscholastic athletic authority.

C. [Schools participating in interstate contests shall use the National Federation contract form furnished by the MPSSAA Executive Director.] *Sanctioning Guidelines.*

(1) *Sanctioning for Interstate Competition.*

(a) *Member* MPSSAA schools may not compete in any of the following contests unless the contest has been sanctioned by each of the interested state authorities through the NFHS:

(i) Any interstate meet in which four or more schools participate;

(ii) Any competition involving schools from three or more state athletic associations;

(iii) Any interstate two school contest which is not sponsored by a NFHS state association or a state member school;

(iv) Any interstate two-school contest which involves travel outside the United States of America; or

(v) Any interstate two-school contest, regardless of distance to be traveled, which is sponsored by an individual or an organization other than a *member* MPSSAA high school.

(b) A school or school system that wishes to serve as a host for an interstate contest shall file the appropriate sanction request form prior to the first play date and at least 15 days prior to the event for events within the first 2 weeks of the season.

(c) Schools participating in interstate contests shall use the National Federation contract form furnished by the MPSSAA Executive Director.

(d) In all interstate contests, each participating school shall follow the rules of the host state athletic authority.

(2) *Sanctioning for Intrastate Competition.*

(a) *Member* MPSSAA schools may only compete against other *member* MPSSAA schools or schools approved through the Standards of Competition.

(b) Approval of the MPSSAA Executive Director is required for any intercounty contest involving more than three teams and sponsored by a non-member educational institution.

(c) The host school shall file the appropriate sanction request form with the MPSSAA Executive Director prior to the first play date and at least 15 days prior to the event for events within the first 2 weeks of the season.

(d) *Member* MPSSAA schools may host intercounty contests involving only other *member* MPSSAA schools or schools approved through the Standards of Competition without sanctioning approval.

(3) *MPSSAA Sanction Guidelines.* The following criteria shall be met for sanction approval by the MPSSAA:

(a) The competition may not determine a regional or national championship;

(b) The competition is not preliminary to a college or professional game;

(c) The competition is sponsored by an educational institution or similar nonprofit organization;

(d) Participation in the event is within the United States of America, does not involve loss of instructional time, and complies with the local school system policies and procedures for school-sponsored travel; and

(e) All awards shall comply with Regulation .08 of this chapter.

(f) In all interstate contests, each participating school shall follow the rules of the host state athletic authority.

E. A school which is a member of a federation member state high school association may not compete in any of the following contests unless the contest has been sanctioned by each of the interested state

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authorities through the National Federation of State High School Associations:

- (1) Any interstate meet in which four or more schools participate;
- (2) Any competition involving schools from three or more state athletic associations;
- (3) Any interstate two-school contest which involves travel outside the United States of America; or
- (4) Any interstate two-school contest (regardless of distance to be traveled) which is sponsored by an individual or an organization other than a MPSSAA member high school.

F. A MPSSAA member school may not compete in any contest in any other state if either school's participation violates the regulations or established policies of either state's high school interscholastic athletic authority.

### G. Approval Required.

(1) A member MPSSAA school may not compete in any of the following contests unless the contest is approved by the MPSSAA Executive Director:

- (a) Any intercounty contest involving more than three teams and sponsored by a nonmember educational institution;
- (b) Any intercounty contest involving more than four schools;
- (c) Any intercounty contest involving more than four counties.

(2) The host school shall file the appropriate sanction request form with the MPSSAA Executive Director at least 45 days before the event.

H. MPSSAA Sanction Guidelines. The following criteria shall be met for sanction approval by the MPSSAA:

- (1) The competition may not determine a regional or national championship;
- (2) The competition is not preliminary to a college or professional game;
- (3) The competition is sponsored by an educational institution or similar nonprofit organization;

(4) Participation in the event is within the United States of America, does not involve loss of instructional time, and complies with the local school system policies and procedures for school-sponsored travel; and

(5) All awards shall comply with Regulation .08 of this chapter.]

### .11 Amendments.

A. Proposed written amendments to these regulations may be submitted only by [an] a member MPSSAA school, [member] local superintendent of schools, MPSSAA committee, or the MPSSAA Executive Director. Proposed amendments shall be received by the MPSSAA Executive Director at least 45 days before the annual meeting of the MPSSAA Board of Control.

B. (text unchanged)

C. Notice of the proposed amendments shall be sent to each member MPSSAA [member] school, local superintendent of schools, and the State Superintendent of Schools at least 15 days before the annual legislative meeting of the MPSSAA.

D.—F. (text unchanged)

LILLIAN M. LOWERY, Ed.D.  
State Superintendent of Schools

## Title 23

# BOARD OF PUBLIC WORKS

## Subtitle 03 PUBLIC SCHOOL CONSTRUCTION

### 23.03.06 Indoor Environmental Quality Standard

Authority: Education Article, Section 5-301(b-1), Annotated Code of Maryland

#### Notice of Proposed Action

[13-141-P-I]

The Board of Public Works proposes to adopt new regulations .01 — .04 under a new chapter, **COMAR 23.03.06 Indoor Environmental Quality Standard**. This action was considered at a public meeting held on April 3, 2013, notice of which was published pursuant to State Government Article, §10-506, Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to establish indoor-environmental quality standards for relocatable classrooms sited at public schools.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** These requirements may have an impact on the overall cost of building or leasing relocatable classroom units.

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:	(E-)	Indeterminable	
	Benefit (+)	Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)		Indeterminable
E. On other industries or trade groups:	NONE		
F. Direct and indirect effects on public:	(+)	Undeterminable	
<b>III. Assumptions.</b> (Identified by Impact Letter and Number from Section II.)			
C. The economic impacts on local governments consist of the increased costs to acquire units that meet the requirements after this chapter's effective date, and the costs to upgrade units acquired between October 1, 2007 and this chapter's effective date. The former cost will vary depending on manufacturer. The latter cost will depend on many factors, including the condition of the units. The number of relocatable classroom units in service fluctuates depending on enrollment need and academic programs.			

**D. Trade Groups**

F. Direct economic: Potential reduction of costs to heat and cool relocatable classrooms. Indirect economic and other: Improvement of the indoor air quality of relocatable classrooms that house students and teachers.

**Economic Impact on Small Businesses**

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

The regulation may generate contracting opportunities for small businesses required to upgrade relocatable classrooms acquired between October 1, 2007 and the present. The impact of the proposed action on small businesses is undeterminable.

**Impact on Individuals with Disabilities**

The proposed action has an impact on individuals with disabilities as follows:

The proposed action will result in improved indoor air quality in relocatable classrooms, and may benefit individuals with certain types of respiratory disabilities.

**Opportunity for Public Comment**

Comments may be sent to David Lever, Executive Director, Public School Construction Program, 200 W. Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0611, or email to dlever@msde.state.md.us, or fax to 410-333-6522. Comments will be accepted through July 1, 2013. A public hearing has not been scheduled.

**.01 Definitions.**

*A. In this regulation the following terms have the meanings indicated.*

**B. Terms Defined.**

(1) "Locally constructed relocatable classroom" means a relocatable classroom that is constructed at the school site.

(2) "Model Performance Code" means the construction standards stated in COMAR 05.02.01.03.

(3) "Premanufactured unit" means a relocatable classroom that is constructed by a vendor at a manufacturing plant and transported to the school site.

(4) "Relocatable classroom" means a classroom unit that is capable of being disconnected and transported from one school site and reinstalled at another school site.

**.02 Incorporation by Reference.**

The International Green Construction Code (March 2012) (International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001) Chapter 8, Sections 801 through 806, only are incorporated by reference.

**.03 Relocatable Classrooms at Public Schools.**

All relocatable classrooms at public schools shall conform to:

A. The International Green Construction Code, Chapter 8, Sections 801 through 806; and

**B. One of the following:**

(1) The Model Performance Code for premanufactured units; or

(2) Local building codes for locally constructed relocatable classrooms.

**.04 Exceptions.**

This chapter does not apply to relocatable classrooms purchased or leased before October 1, 2007.

SHEILA McDONALD  
Executive Secretary

# Title 33

## STATE BOARD OF ELECTIONS

### Subtitle 05 VOTER REGISTRATION

#### **33.05.06 Changes, Deaths, 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;  
42 U.S.C. 1973aa-1(e)

#### **Notice of Proposed Action**

[13-151-P]

The State Board of Elections proposes to amend Regulation .03 under **COMAR 33.05.06 Changes, Deaths, Convictions**. This action was considered by the State Board of Elections at its April 25, 2013, meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

#### **Statement of Purpose**

The purpose of this action is to incorporate federal requirements for certain voters who move outside of Maryland before certain elections.

#### **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 Charlson, Director, Election Management and Reform, State Board of Elections, P.O. Box 6486, Annapolis, MD 21401-0486, or call 410-269-2843, or email to nikki.charlson@maryland.gov, or fax to 410-974-2019. Comments will be accepted through July 1, 2013. A public hearing has not been scheduled.

#### **.03 Requested Change of Address to Jurisdiction Outside Maryland.**

A. (text unchanged)

B. *Change of Address Immediately Before Presidential General Election. If a registered voter notifies an election director that the voter moved to a jurisdiction outside Maryland within 30 days of a presidential general election day and is not able to register to vote in that jurisdiction because voter registration is closed, the election director shall:*

*(1) Request that the voter provide a written notice of the voter's move and include in the notice the effective date of the move and the voter's new address;*

*(2) Upon receipt of the written notice, provide the voter with a ballot for President and Vice President only; and*

*(3) When voter registration reopens, remove the voter from the Statewide voter registration list.*

[B.] C. (text unchanged)

LINDA H. LAMONE  
State Administrator of Elections

## Subtitle 08 CANVASSING

### Notice of Proposed Action

[13-152-P]

The State Board of Elections proposes to:

(1) Amend Regulation **.01** under **COMAR 33.08.01 Definitions; General Provisions**; and

(2) Adopt a new Regulation **.01**, recodify existing Regulations **.01**, **.02**, and **.04 — .06** to be Regulations **.02**, **.03**, and **.05 — .07**, respectively, and amend and recodify existing Regulation **.03** to be Regulation **.04** under **COMAR 33.08.05 Post-Election Verification and Audit**.

This action was considered by the State Board of Elections at its April 25, 2013, meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to make a defined term apply to a specific regulation and alter when the local boards of election must select precincts for a post-election verification and audit.

#### 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 Charlson, Director, Election Management and Reform, State Board of Elections, P.O. Box 6486, Annapolis, MD 21401-0486, or call 410-269-2843, or email to nikki.charlson@maryland.gov, or fax to 410-974-2019. Comments will be accepted through July 1, 2013. A public hearing has not been scheduled.

## 33.08.01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), [11-201,] and 11-201, Annotated Code of Maryland

#### .01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (2) (text unchanged)

[3) "Precinct" includes an early voting center.]

[4) (3) (text unchanged)

## 33.08.05 Post-Election Verification and Audit

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-403, and 11-201, Annotated Code of Maryland

#### .01 Definition.

A. In this chapter, the following term has the meaning indicated.

B. Term Defined. "Precinct" includes an early voting center.

#### [.03].04 Selection of Precincts.

A. [During the preelection public demonstration required by COMAR 33.10.02.16] After 8 p.m. on election day, each local board shall randomly select for post-election verification and auditing, the greater of:

(1) Three precincts; or

(2) 5 percent of all precincts used in the election.

B. Within 3 days of [the public demonstration] selecting the precincts, the election director shall forward to the State Administrator a list of the selected precincts.

C. (text unchanged)

LINDA H. LAMONE  
State Administrator of Elections

## Subtitle 09 VOTING SYSTEMS — CERTIFICATION AND GENERAL REQUIREMENTS

### Notice of Proposed Action

[13-153-P]

The State Board of Elections proposes to:

(1) Amend Regulations **.01 — .05** and **.07** under **COMAR 33.09.01 Definitions; General Provisions**;

(2) Amend Regulation **.04** under **COMAR 33.09.02 Minimum System Requirements**;

(3) Amend Regulations **.01**, **.02**, and **.04 — .06** and adopt new Regulation **.08** under **COMAR 33.09.03 State Board Certification — Preliminary Submissions**;

(4) Amend Regulations **.01** and **.03**, adopt new Regulation **.05**, and amend and recodify existing Regulations **.05** and **.06** to be Regulations **.06** and **.07** under **COMAR 33.09.04 State Board Certification — Evaluation and Decision**;

(5) Amend Regulations **.02** and **.03**, repeal Regulations **.04** and **.05**, and amend and recodify existing Regulation **.06** to be Regulation **.04** under **COMAR 33.09.05 State Board — Acquisition and Acceptance**;

(6) Amend Regulation **.01**, repeal Regulations **.02** and **.03**, and amend and recodify existing Regulation **.04** to be Regulation **.02** under **COMAR 33.09.06 Implementation and Use**; and

(7) Amend Regulations **.02**, **.06**, and **.08** under **COMAR 33.09.07 Compliance and Decertification**.

This action was considered by the State Board of Elections at its April 25, 2013, meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to update the subtitle to reflect the current process to procure a voting system for Statewide use, alter when State certification of voting systems occurs, amend certain minimum requirements for voting systems and application requirements for State certification, update terms and statutory references, and make other clarifying changes.

#### 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 Charlson, Director, Election Management and Reform, State Board of Elections, P.O. Box 6486, Annapolis, MD 21401-0486, or call 410-269-2843, or email to nikki.charlson@maryland.gov, or fax to 410-974-2019. Comments will be accepted through July 1, 2013. A public hearing has not been scheduled.

**33.09.01 Definitions; General Provisions**

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

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) "Independent [test agency (ITA)] *testing laboratory*" means a [testing facility certified by the Voting System Board of the National Association of State Election Directors to do qualification testing or a] laboratory accredited by the U.S. Election Assistance Commission.

(3) — (4) (text unchanged)

**.02 Scope.**

[This subtitle applies to all voting systems, whether developed by a third party or developed in-house by a local board.] *This subtitle applies to a vendor of a voting system that is seeking for its voting system to become selected and certified for voting in polling places and a voting system for absentee voting as required by Election Law Article, §9-101, Annotated Code of Maryland.*

**.03 Overview of Required Process.**

[A local board may not use a voting system, in whole or part, unless] *Prior to using the voting system selected and certified for voting in polling places and the voting system selected and certified for absentee voting:*

A. The State Board is satisfied that the local board:

(1) Has or will acquire the necessary expertise in computer technology to use this particular voting system in performing the functions required by Election Law Article, Annotated Code of Maryland, and this subtitle; and

(2) Will not need to rely primarily on vendors to perform those functions;]

[B.] A. [That] *The* model or version of the voting system, including all parts and components, [has] *shall have* successfully completed:

(1) Qualification testing by an independent [test agency] *testing laboratory*, as required by Election Law Article, [§9-102(c)(2)] §9-102(d)(2), Annotated Code of Maryland;

(2) — (3) (text unchanged)

[C.] B. The State Board [has] *shall have* adopted regulations for the use of that model or version, as specified in COMAR 33.09.04;

[D.] C. *The State Board and local [board has] boards shall have adopted an implementation plan [approved by the State Board], as specified in COMAR 33.09.06; and*

[E.] D. All other requirements of Election Law Article, Annotated Code of Maryland, and this subtitle *shall have* been met.

**.04 Standards and Considerations.**

A. Standards. The State Board may not certify a voting system unless it meets the standards imposed by Election Law Article, [§9-102(c)] §9-102(d), Annotated Code of Maryland.

B. Factors To Be Considered. In determining whether a voting system meets the required standards, the State Board shall consider the factors set forth in Election Law Article, [§9-102(d)] §9-102(e), Annotated Code of Maryland.

**.05 Specialists; Evaluation Agent.**

A. Employment of Specialists.

(1) (text unchanged)

(2) The specialists may include:

(a) — (c) (text unchanged)

(d) A specialist in [mechanical or electromechanical] *electronic* systems; [and]

(e) A specialist in [automatic data processing resources] *computer science*; and

(f) A specialist in *usability and accessibility*.

(3) *The State Administrator shall use the nonrefundable application fee under COMAR 33.09.03.02G and funds required by COMAR 33.09.04.02C to fund the compensation and expenses of all specialists employed to evaluate a voting system [shall be paid by the person applying for that system's certification].*

B. (text unchanged)

**.07 Emergency Waiver of Regulations.**

A. (text unchanged)

B. Temporary Waiver Authorized. [On application of the local board, the] *The* State Board may waive one or more of the requirements of this subtitle as required to facilitate the [local board's] use of a substitute voting system for the ensuing election, subject to such special procedures or requirements the State Board sets to assure that the substitute system will be reliable and accurate.

C. Limitations.

(1) (text unchanged)

(2) A substitute system used under this regulation may not again be used [by the local board] unless that system has been fully certified in accordance with all procedures and requirements of this subtitle.

**33.09.02 Minimum System Requirements**

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

**.04 [Counters] Counter.**

Each voting machine shall be equipped with a[:]

[A. Public] *public* counter that, during any period of voting, will show the total number of voters who have operated the machine during that period of voting; and

B. Protective counter that will show the total number of voters who have operated the machine since it was first put in service].

**33.09.03 State Board Certification — Preliminary Submissions**

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

**.01 Prerequisites to Application.**

The State Board's evaluation and certification procedures are limited to voting systems [that]:

A. [Are] *That are* beyond the prototype stage and available for [immediate] installation and use *within the time frame specified by the State Board*; and

B. [Have successfully completed] *For which the* qualification testing, as required by Election Law Article, [§9-102(c)(2)] §9-102(d)(2), Annotated Code of Maryland:

(1) *Has been successfully completed; or*

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(2) *Has not been completed, but the voting system vendor has provided:*

(a) *Documentation from the U.S. Election Assistance Commission that the voting system has been submitted for qualification testing; and*

(b) *A schedule that indicates completion within the time frame specified by the State Board.*

### .02 Applications.

A. — D. (text unchanged)

E. Qualification Certificate. [The] *If an independent testing laboratory has completed qualification testing on the voting system, the application shall be accompanied by a:*

(1) (text unchanged)

(2) Signed authorization directing the independent [test agency] *testing laboratory* that performed the qualification testing to:

(a) — (b) (text unchanged)

F. — G. (text unchanged)

### .04 Notice and Package Submissions.

A. (text unchanged)

B. Submissions to Agent. The applicant shall submit to the evaluation agent the:

(1) Technical data package required by Regulation .05 of this chapter; [and]

(2) Business information package required by Regulation .06 of this chapter; *and*

(3) *Voting system equipment required by Regulation .08 of this chapter.*

C. (text unchanged)

D. Disposition of Submissions.

(1) If the application is denied or withdrawn *or the system is not selected for use as the Statewide voting system*, the technical data, [and] business information packages, *and voting system equipment* submitted under this chapter shall be returned to the applicant.

(2) If the application is approved and the voting system certified *and selected for use as the Statewide voting system*, the technical data, [and] business information packages, *and voting system equipment* shall be retained by the State Board for as long as the voting system is [marketed or] used in this State.

### .05 Technical Data Package.

A. Required Information—In General. The technical data package shall contain all documentation previously submitted for the qualification testing of the system, including each of the following:

(1) — (7) (text unchanged)

(8) [The] *When available, the report and test results of the independent [test agency] testing laboratory.*

B. Required Information—License and Warranty. The package also shall include:

(1) A list of all third-party software required to install or operate the system; *and*

(2) The terms of the license agreements for all software identified under §B(1) of this regulation[; and]

(3) Warranty terms for the entire system, including all third-party software].

[C. Required Information—Local Board Needs. The package also shall include a proposed:

(1) Judges' manual, as required by COMAR 33.02.03; and

(2) Local implementation plan, as required by COMAR 33.09.06.]

[D.] C. (text unchanged)

### .06 Business Information Package.

A. (text unchanged)

B. Required Information. The business information package shall include:

(1) (text unchanged)

(2) Management and staff organization, including:

(a) Number of full-time employees by category; *and*

(b) Number of part-time employees by category[; and]

(c) Resumes of all key employees who would deal with local boards in connection with the voting system];

(3) — (7) (text unchanged)

C. — D. (text unchanged)

### .08 Voting System Equipment.

*The voting system vendor shall provide all equipment that was submitted for qualification testing and is necessary for the evaluation agent to fully test all system functions. Equipment shall include:*

A. *Optical scanners for precinct voting and central count optical scanners for absentee and provisional voting;*

B. *Any voting equipment and assistive devices for use by voters with disabilities;*

C. *Optical scan ballots for testing under COMAR 33.09.04.01C;*

D. *Election management server software;*

E. *All third-party software required to operate the system; and*

F. *All necessary ancillary equipment.*

## 33.09.04 State Board Certification — Evaluation and Decision

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

### .01 Agent's Evaluation Proposal.

A. Agent to Prepare. The evaluation agent shall:

(1) Conduct a preliminary analysis of the technical data, [and] business information packages, *and equipment*; and

(2) (text unchanged)

B. Contents of Proposal. The proposal shall:

(1) Identify any components of the voting system that will require supplemental qualification testing by an independent [test agency] *testing laboratory*;

(2) Identify [the] *any additional* components of the voting system that will require evaluation by the evaluation agent;

(3) — (5) (text unchanged)

C. — D. (text unchanged)

### .03 Evaluation.

A. Supplemental Qualification Testing. The applicant is responsible for arranging with an independent [test agency] *testing laboratory* for any supplemental qualification testing identified in the evaluation proposal.

B. (text unchanged)

### .05 Public Demonstration and Comment.

*Prior to the State Board's determination on whether to grant certification under Regulation .06 of this chapter, the State Administrator shall provide a public demonstration of the voting system and solicit comments from the public on the system and its proposed certification.*

### [.05].06 Board Decision.

Based on the evaluation agent's report, the State Administrator's recommendations, and any other information in its possession, the State Board shall decide whether the proposed voting system will be certified for use in this State and so notify the vendor [and the local boards].

**[.06].07 System Regulations.**

[A. Board to Adopt.] As required by Election Law Article, [§9-102(e)] §9-102(i), Annotated Code of Maryland, the State Board will adopt regulations governing the use of each voting system that it certifies.

[B. Certification Effective Only When Adopted. The certification of a voting system is not effective until regulations for that system have been adopted.

C. Use Subject to Regulations. A local board may use a voting system only in accordance with all applicable regulations.]

### **33.09.05 State Board — Acquisition and Acceptance**

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

**.02 Certification and Acceptance Contingency.**

[Each] *The contract shall provide that:*

A. — B. (text unchanged)

**.03 Governing Law.**

[Each] *The contract shall provide that Maryland law prevails in all matters.*

**[.06].04 Source Code Protection.**

[Each] *The contract shall provide that, if the vendor discontinues its support of the system for any reason, the State Board is authorized to use the archival system source codes and other software in any way that the State Board considers necessary or appropriate to support the continued use of the system.*

### **33.09.06 [Local Boards —] Implementation and Use**

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

**.01 Implementation Plan Required.**

[Before a local board uses a voting system for the first time in an election, the local board shall develop and, subject to the approval of the State Board, adopt a local implementation plan for that system.]

A. *Voting System Implementation Plan.*

(1) *The State Administrator shall develop a voting system implementation plan.*

(2) *The plan shall include:*

(a) *A detailed project schedule;*

(b) *All tasks required by the Department of Information Technology for implementation of a major information technology project;*

(c) *Documentation and training of election personnel and election judges;*

(d) *Detailed instructions for all aspects of the management and maintenance of the system; and*

(e) *Security of the system.*

B. *Local Implementation and Funding. The local board shall implement and provide the required level of funding for the voting system implementation plan developed by the State Administrator.*

C. *Reports.*

(1) *The State Administrator shall provide the State Board with reports on the progress of the implementation of the voting system.*

(2) *The election director shall:*

(a) *When requested by the State Administrator, report in writing to the State Administrator on the conduct of the voting system implementation; and*

(b) *Report at each meeting of the local board the status of the voting system implementation.*

**[.04].02 Public Education Program.**

A. [Local Board to Develop and Conduct] *Plan Development.* The *State Administrator shall develop a public education program [required as part of the implementation plan shall be designed] to ensure that the community understands the new system.*

B. *Minimum [Component] Components; Scope.*

(1) *The program shall include[, but need not be limited to a]:*

(a) — (b) (text unchanged)

(2) (text unchanged)

C. *Local Implementation and Funding. The local board shall implement and provide the required funding for the public education plan developed by the State Administrator.*

[C.] *D. Reports [to State Administrator].*

(1) *When requested by the State Administrator, the local board shall report in writing to the State Administrator on the conduct of the public education plan. [:*

(1) *Development of its public education program; and*

(2) *[Conduct of that program.] The election director shall report to the local board the status of the implementation of the public education plan.*

### **33.09.07 Compliance and Decertification**

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

**.02 Compliance Responsibility.**

A. *Vendors.*

(1) (text unchanged)

(2) *Before a vendor [makes any attempt to market or otherwise distribute in this State] distributes any change to the hardware, firmware, or software of a certified voting system (including any improvement, upgrade, or patch), the vendor shall submit the proposed change to the State Administrator for review or acceptance. Failure to comply with this requirement may result in the system's decertification.*

B. *Local Boards.*

[(1)] *A local board is responsible for ensuring every voting system and every system component that it uses has been certified by the State Board.*

[(2)] *Before a local board buys or otherwise accepts any change to the hardware, firmware, or software of a certified voting system (including any improvement, upgrade, or patch), the local board shall verify with the State Board that the proposed change has been certified or, as authorized in COMAR 33.09.06, that certification has been waived].*

**.06 Periodic Reviews.**

The State Administrator shall periodically review [each] *the voting system used in this State to assure the:*

A. — B. (text unchanged)

**.08 Permissive Decertification.**

A. — C. (text unchanged)

D. *Board Decision.* If the Board determines that [the] *a voting system no longer merits certification, the State Board may decertify the system from:*

(1) *All] all future sale and use in this State[; and*

(2) *Except as specified in Election Law Article, §9-103(c), Annotated Code of Maryland, all future use in this State].*

LINDA H. LAMONE  
State Administrator of Elections

## Subtitle 10 VOTING SYSTEMS — SYSTEM REQUIREMENTS AND PROCEDURES

### 33.10.02 AccuVote-TS

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-102(b) and (i), 11-308, and 11-403(a)(1), Annotated Code of Maryland

#### Notice of Proposed Action

[13-154-P]

The State Board of Elections proposes to amend Regulation **.14** under **COMAR 33.10.02 AccuVote-TS**. This action was considered by the State Board of Elections at its April 25, 2013, meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to clarify when certain testing must be completed.

#### 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 Charlson, Director, Election Management and Reform, State Board of Elections, P.O. Box 6486, Annapolis, MD 21401-0486, or call 410-269-2843, or email to nikki.charlson@maryland.gov, or fax to 410-974-2019. Comments will be accepted through July 1, 2013. A public hearing has not been scheduled.

#### .14 Preelection Testing — In General.

A. Testing Required.

(1) (text unchanged)

(2) The testing shall be completed:

(a) (text unchanged)

(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 day.

B. — C. (text unchanged)

LINDA H. LAMONE  
State Administrator of Elections

## Subtitle 11 ABSENTEE BALLOTS

#### Notice of Proposed Action

[13-155-P]

The State Board of Elections proposes to:

(1) Amend Regulation **.01** under **COMAR 33.11.01 Definitions; General Provisions**;

(2) Amend Regulations **.03** and **.06** under **COMAR 33.11.02 Applications**;

(3) Amend Regulation **.08** under **COMAR 33.11.03 Issuance and Return**; and

#### (4) Amend Regulation **.03** under **COMAR 33.11.04 Canvass of Ballots — Procedures**.

This action was considered by the State Board of Elections at its April 25, 2013, meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to establish the conditions of use for a certain federal form, clarify permissible changes when voter registration is closed, alter the deadline for receipt of absentee ballots for certain elections, and alter the start of certain canvasses for certain elections.

#### 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 Charlson, Director, Election Management and Reform, State Board of Elections, P.O. Box 6486, Annapolis, MD 21401-0486, or call 410-269-2843, or email to nikki.charlson@maryland.gov, or fax to 410-974-2019. Comments will be accepted through July 1, 2013. 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. Terms Defined.

(1) — (3) (text unchanged)

(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) — (7) (text unchanged)

## 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

#### .03 Informal, Written Request.

A. (text unchanged)

B. Contents of Request. The request shall include the:

(1) — (4) (text unchanged)

(5) Preprinted Form.

(a) [In] Except as provided in §B(5)(b) of this regulation, in the case of a preprinted form other than a form authorized by Regulation .02 of this chapter, the deadline for the receipt of an absentee ballot application.

(b) The deadline for the receipt of an absentee ballot application is not required on a declaration accompanying the Federal Write-in Absentee Ballot.

C. — F. (text unchanged)

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

A. (text unchanged)

B. During Closed Period. If the application is received during a period when voter registration is closed *and*:

(1) *Includes a new address*, the election director shall:

[(1)] (a) If the voter moved:  
[(a)] (i) — [(b)] (ii) (text unchanged)

[(2)] (b) Provide that ballot to the address as requested on the application[.]; *or*

(2) *Includes a change of name or party affiliation*, the election director *may not process the change until voter registration reopens*.

**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

**.08 When Ballots Are Timely.**

A. (text unchanged)

B. In General. An absentee ballot is considered to have been timely received only if:

(1) (text unchanged)

(2) The ballot:

(a) Is received by the local board office from the United States Postal Service or a private mail carrier[.]:

(i) On or before 10 a.m. on the second Wednesday after a primary election preceding a Baltimore City General Election; or

(ii) On] *or* before 10 a.m. on the second Friday after [any other] *an* election; and

(b) (text unchanged)

C. (text unchanged)

**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

**.03 Start of Canvass.**

A. When Required.

(1) (text unchanged)

(2) The board shall start the second absentee ballot canvass at[.]:

(a) 10 a.m. on the second Wednesday after a Baltimore City Primary Election; or

(b)] 10 a.m. on the second Friday after [any other] *an* election.

(3) *If the start of an absentee canvass falls on a legal holiday, the board shall convene the absentee canvass on the next regular business day.*

B. (text unchanged)

LINDA H. LAMONE  
State Administrator of Elections

**Subtitle 13 CAMPAIGN FINANCING**

**Notice of Proposed Action**

[13-158-P]

The State Board of Elections proposes to:

(1) Amend Regulation .01 under **COMAR 33.13.01 Definitions**;

(2) Amend Regulations .01 and .02, adopt new Regulation .05, and recodify existing Regulation .05 to be Regulation .06 under **COMAR 33.13.07 Authority Line Requirements; Electronic Media**; and

(3) Amend Regulation .02 and adopt new Regulation .03 under **COMAR 33.13.10 Prohibitions**.

This action was considered by the State Board of Elections at its April 25, 2013, meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to define certain terms, establish certain requirements for use of barcodes and application software by political committees, and define certain prohibited contributions and expenditures.

**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 Charlson, Director, Election Management and Reform, State Board of Elections, P.O. Box 6486, Annapolis, MD 21401-0486, or call 410-269-2843, or email to nikki.charlson@maryland.gov, or fax to 410-974-2019. Comments will be accepted through July 1, 2013. A public hearing has not been scheduled.

**33.13.01 Definitions**

Authority: Election Law Article, §§2-102(b)(4) *and* 13-218(b), and Title 13, Subtitle 3, Annotated Code of Maryland

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) *Electoral Purpose.*

(a) *"Electoral purpose" means an action that promotes or enhances the success or defeat of a candidate, a political party, or a question in an election and would not have occurred but for the existence of the candidacy, political party, or question.*

(b) *"Electoral purpose" includes actions that increase the visibility or viability of a candidate, political party, or question, such as:*

(i) *Appearing on campaign material of a political or advocacy committee or organization; or*

(ii) *Attending charitable or political events.*

[(2)] (3) — [(4)] (5) (text unchanged)

**33.13.07 Authority Line Requirements; Electronic Media**

Authority: Election Law Article, §§2-102(b)(4) *and* 13-404, and Title 13, Subtitle 4, Part I, Annotated Code of Maryland

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) *"Agent" means a person acting on behalf of and in coordination with a political committee.*

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**(2) Application Software.**

(a) "Application software" means software designed to help the user to perform a single or multiple related specific tasks.

(b) "Application software" includes all terms descriptive of application software, including but not limited to "application" and "app."

(3) "Authority line" has the meaning stated in Election Law Article, §13-401, Annotated Code of Maryland.

(4) "Barcode" includes a matrix code, 2d barcode, QR code, and 2d code.

(5) "Distribution" means the act or instance of sharing or sending campaign material or hyperlinks of campaign material to the public, or to a list of subscribers, by means of an electronic communications platform, the Internet, text messaging service, or software application.

[(1)] (6) — [(2)] (7) (text unchanged)

[(3)] (8) Political Committee.

(a) (text unchanged)

(b) "Political committee" includes:

(i) [a] A candidate;

(ii) A person required to file an independent expenditure report pursuant to Election Law Article, §13-306, Annotated Code of Maryland; or

(iii) A person required to file an electioneering communication report pursuant to Election Law Article, §13-307, Annotated Code of Maryland.

(9) Publication.

(a) "Publication" means the act or instance of making campaign material available to the public, or to a list of subscribers, by means of an electronic communications platform, the Internet, text messaging service, or software application.

(b) "Publication" includes displaying content on the Internet, updating webpages, posting blogs, and providing updates or posts on social media.

[(4)] (10) (text unchanged)

### **.02 Requirements.**

**A. In General.**

(1) (text unchanged)

(2) A website, email, or other online content that is established, created, used, or authorized by a political committee or its agent for the purpose of promoting or opposing a candidate, a prospective candidate, or the approval or rejection of a question is campaign material as defined under Election Law Article, §1-101(k), Annotated Code of Maryland and, except as otherwise specified in this regulation, shall include an authority line as required under Election Law Article, §13-401, Annotated Code of Maryland.

**B. Social Media.**

(1) A social media account established, created, used, or authorized by a political committee or its agent for the purpose of promoting or opposing a candidate, a prospective candidate, or the approval or rejection of a question is campaign material as defined under Election Law Article, §1-101(k), Annotated Code of Maryland.

(2) (text unchanged)

**C. Micro-Blog.**

(1) A micro-blog established, created, used, or authorized by a political committee or its agent for the purpose of promoting or opposing a candidate, a prospective candidate, or the approval or rejection of a question is campaign material as defined under Election Law Article, §1-101(k), Annotated Code of Maryland.

(2) (text unchanged)

**D. (text unchanged)**

**E. Barcodes.**

(1) A barcode established, created, used, or authorized by a political committee or its agent for the purpose of promoting or opposing a candidate, a prospective candidate, or the approval or

rejection of a question is campaign material as defined under Election Law Article, §1-101(k), Annotated Code of Maryland.

**(2) Authority Line Required.**

(a) A political committee that establishes, creates, uses or authorizes the creation, establishment, or use of a barcode shall include the authority line required under Election Law Article, §13-401(a)(1), Annotated Code of Maryland, within the publication or distribution of the accompanying information or opinion.

(b) If the accompanying information or opinion publicized or distributed is too small to include the authority line information required under Election Law Article, §13-401(a), Annotated Code of Maryland, in a legible manner, the political committee is in compliance with the authority line requirement under Election Law Article, §13-401(a), Annotated Code of Maryland, if:

(i) The accompanying information or opinion contains an internet address of the political committee responsible for the publication or distribution and allows the receiver of the accompanying information or opinion to click on the internet address and be taken to a landing or home page that prominently displays the authority line information required under Election Law Article, §13-401(a), Annotated Code of Maryland, of the political committee responsible for the publication or distribution; or

(ii) In cases where the accompanying information or opinion does not allow the receiver to click on an internet address, the political committee notifies the State Board in writing of the accompanying information or opinion contained in that barcode, including any updates to that barcode, with the appropriate authority line information required under Election Law Article, §13-401(a), Annotated Code of Maryland, within 24 hours after the publication or distribution of the barcode and accompanying information or opinion.

(c) By the end of the next business day of receipt from a political committee of the accompanying information or opinion related to a barcode, the State Board shall make that information or opinion along with the required authority line available to the public.

**F. Application Software.**

(1) Application software established, created, used, or authorized by a political committee or its agent for the purpose of promoting or opposing a candidate, a prospective candidate, or the approval or rejection of a question is campaign material as defined under Election Law Article, §1-101(k), Annotated Code of Maryland.

**(2) Authority Line Required.**

(a) A political committee that establishes, creates, uses or authorizes the use of application software shall include the authority line required under Election Law Article, §13-401(a)(1), Annotated Code of Maryland, on all display pages for that application software and within any information or opinion publicized or distributed using that application software.

(b) If a display page for the application software or for information or opinion publicized or distributed via the application software is too small to include the authority line information required under Election Law Article, §13-401(a), Annotated Code of Maryland, in a legible manner, the political committee is in compliance with the authority line requirement under Election Law Article, §13-401(a), Annotated Code of Maryland if:

(i) The display page or information or opinion contains an internet address of the political committee responsible for the publication or distribution and allows the receiver of the display page or information or opinion to click on the internet address or hyperlink address and be taken to a landing or home page that prominently displays the authority line information required under Election Law Article, §13-401(a), Annotated Code of Maryland, of the political committee responsible for the publication or distribution; or

(ii) In cases where the accompanying information or opinion for application software does not allow the receiver to click on the internet address or hyperlink address, the political committee notifies the State Board in writing of the accompanying information or opinion contained in that application software, including any updates, with the appropriate authority line information required under Election Law Article, §13-401(a), Annotated Code of Maryland, within 24 hours after the publication or distribution of the application software and accompanying information or opinion.

(c) By the end of the next business day of receipt from a political committee of accompanying information or opinion related to application software, the State Board shall make that information or opinion along with the required authority line available to the public.

#### **.05 Retention.**

A. *Retention of Campaign Materials — In General.* Except as provided in §§B and C of this regulation, a political committee shall retain a sample copy of each item of campaign material for at least 1 year after the general election next following the date when the campaign material item was published or distributed.

B. *Retention of Electronic Media Advertisement.* For each item of campaign material that is an electronic media advertisement, the political committee shall retain a sample copy for at least 1 year after the general election next following the date when the campaign material item was published or distributed in:

- (1) A paper format; or
- (2) A non-rewriteable electronic medium that can produce paper facsimile upon request.

C. *Retention of Other Electronic Communications.* For each message or communication published or distributed by means of social media, a micro-blog, application software, or bar code, the political committee or candidate shall retain a detailed log of the date and content of the text message or communications posted by the candidate or political committee for at least 1 year after the general election next following the date of the message or communication.

### **33.13.10 Prohibitions**

Authority: Election Law Article, §§2-102(b)(4) [and], 13-218, 13-225, 13-236, 13-237, and 13-245, Annotated Code of Maryland

#### **.02 Prohibited Contributions.**

A. *In General.* A person may not make any contribution through use of a legal entity that was not created for a bona fide purpose unrelated to contributions. This prohibition does not apply to contributions made through a political committee registered under [Title 13 of the] Election Law Article, *Title 13, Annotated Code of Maryland.*

B. *Entity Receiving State Funds.* An entity that receives over 50 percent of its funds from the State to cover its operating expenses during a single year may not make any contributions to a political committee for the rest of the election cycle in which the State funding occurred.

C. *Video Lottery Operation Licensee or Applicant.* Except as provided in §E of this regulation, a person may not make any contributions to a political committee for the rest of the election cycle once that person holds or controls at least a 5 percent interest in the property or business that is:

- (1) An applicant for a video lottery operation license; or
- (2) A holder of a video lottery operation license.

D. *Video Lottery Operation Licensee or Applicant — Same Owners.* If the person in §C of this regulation is a corporation, any wholly owned corporations or other corporations owned by identical shareholders of the person may not make any contributions to a political committee for the rest of the election cycle.

E. *Video Lottery Operation Licensee or Applicant — Exception.* If the person in §C of this regulation is an individual, the prohibition does not apply to any legal entity owned or controlled by that individual if the legal entity:

(1) Is organized for legitimate business purposes unrelated to gaming; and

(2) Does not have a direct interest or ownership in the property or business of an applicant or holder of a video lottery operation license.

#### **.03 Prohibited Expenditures.**

A. *Electoral Purpose.* A political committee may only make expenditures that are for an electoral purpose.

B. *Prohibited Expenditures.* Except as provided in §C of this regulation, a political committee may not make an expenditure of campaign funds, directly or indirectly, in any amount for:

(1) The personal use or the personal benefit of a candidate, the candidate's family, or any other individual;

(2) The mortgage, rent, or utilities for the personal residence of a candidate or candidate's family;

(3) A political endorsement;

(4) Expenses relating to the necessary and ordinary course of holding political office, except if related to legislative newsletters pursuant to Election Law Article, §13-408, Annotated Code of Maryland; or

(5) Expenses not relating to the electoral purposes of the political committee, except if permissible under Election Law Article, §13-247, Annotated Code of Maryland.

C. *Permissive Expenditures.* A political committee may make a direct expenditure to a political or advocacy committee or organization not regulated by Election Law Article, Title 13, Annotated Code of Maryland, only if:

(1) The expenditure serves an electoral purpose;

(2) The amount does not exceed \$6,000; and

(3) The recipient of the expenditure is a:

- (a) Non-federal out-of-State political committee;
- (b) Municipal political committee located in Maryland;
- (c) Political club; or
- (d) Federal candidate.

LINDA H. LAMONE  
State Administrator of Elections

## **Subtitle 15 PRECINCTS, POLLING PLACES, AND FACILITIES**

### **33.15.02 New or Changed Precincts**

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

#### **Notice of Proposed Action**

[13-156-P]

The State Board of Elections proposes to amend Regulation .05 under **COMAR 33.15.02 New or Changed Precincts**. This action was considered by the State Board of Elections at its April 25, 2013, meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

#### **Statement of Purpose**

The purpose of this action is to establish when certain notices must be made to voters.

#### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

## PROPOSED ACTION ON REGULATIONS

1010

### 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 Charlson, Director, Election Management and Reform, State Board of Elections, P.O. Box 6486, Annapolis, MD 21401-0486, or call 410-269-2843, or email to nikki.charlson@maryland.gov, or fax to 410-974-2019. Comments will be accepted through July 1, 2013. A public hearing has not been scheduled.

### .05 Notice to Voters.

A. (text unchanged)

B. How and When—General. Except as provided in §§C and D of this regulation, the local board shall mail this notice to the affected voters [at least] *no later than* 30 days after the change.

C. (text unchanged)

*D. How and When — Redistricting and Reapportionment. For changes due to redistricting or reapportionment, the local board shall mail this notice to the affected voters according to the schedule established by the State Administrator.*

LINDA H. LAMONE  
State Administrator of Elections

## Subtitle 16 PROVISIONAL VOTING

### 33.16.05 Canvass of Ballots — Procedures

Authority: Election Law Article, 2-102(b)(4), 2-202(b), 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

#### Notice of Proposed Action

[13-157-P]

The State Board of Elections proposes to amend Regulation .02 under **COMAR 33.16.05 Canvass of Ballots — Procedures**. This action was considered by the State Board of Elections at its April 25, 2013, meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to clarify when a provisional canvass shall be held if the scheduled start of the canvass falls on a State holiday.

#### 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 Charlson, Director, Election Management and Reform, State Board of Elections, P.O. Box 6486, Annapolis, MD 21401-0486, or call 410-269-2843, or email to nikki.charlson@maryland.gov, or fax to 410-974-2019.

Comments will be accepted through July 1, 2013. A public hearing has not been scheduled.

### .02 Start of Canvass.

A. When Required.

*(1) [The] Except as provided in §A(2) of this regulation, the local board shall start to canvass the provisional ballots at 10 a.m. on the second Wednesday after an election.*

*(2) If the start of a provisional canvass falls on a legal holiday, the board shall convene the provisional canvass on the next regular business day.*

B. (text unchanged)

LINDA H. LAMONE  
State Administrator of Elections

# Special Documents

## DEPARTMENT OF THE ENVIRONMENT

### ADVANCE NOTICE OF PROPOSED RULEMAKING (ANPRM) — 2013 TRIENNIAL REVIEW OF WATER QUALITY STANDARDS

The Clean Water Act (CWA) requires that States review their water quality standards every three years (Triennial Review) and revise the standards as necessary. A water quality standard consists of three parts:

**Designated Uses** that set goals for a water body. Examples are support of aquatic life, drinking water supply or a coldwater fishery such as trout.

**Criteria** that support the designated uses. There are numerous criteria for chemical substances, bacteria, acidity and physical characteristics (e.g., temperature). Examples include dissolved oxygen sufficient to support aquatic life or metals in sufficiently low concentrations that they will not interfere with aquatic life.

**Antidegradation policy.** Maryland has a policy in place, and updates the list of high quality waters each triennium as needed.

The Maryland water quality standards are found in the Code of Maryland regulations (COMAR) at 26.08.01 – 26.08.02. Maryland regulations may be accessed online at the Division of State Documents web site: [www.dsd.state.md.us](http://www.dsd.state.md.us). Click on COMAR Online and enter the appropriate regulatory reference.

MDE has successfully used the ANPRM process during previous Triennial Reviews. The ANPRM is an informal, non-regulatory tool used to solicit input from stakeholders, prior to initiating the formal rule-making process. This gives stakeholders an opportunity to present recommendations, voice concerns, and provide input to the State's water quality standards for MDE to consider for amendment and addition.

With this ANPRM, Maryland is soliciting public input on its current review of the Water Quality Standards. Issues that the MDE believes should be addressed are presented below for public review. MDE will consider additional issues if the necessary data are available to make the appropriate determination. A subsequent promulgation of new water quality standards may include issues not included in this proposal.

Comments on the following proposal and on additional issues that the public thinks should be addressed during this Triennial Review period should be submitted to John Backus at [jbackus@mde.state.md.us](mailto:jbackus@mde.state.md.us) or by mail to Mr. Backus, Science Services Administration, Maryland Department of the Environment, 1800 Washington Blvd, Baltimore MD 21230.

#### Schedule

Depending on the comments received in response to this notice, MDE plans to formally propose new and revised regulations by fall of 2013, and submit a final notice on these regulations by the end of the year.

#### PROPOSED WATER QUALITY STANDARDS AMENDMENTS

##### DESIGNATED USES

During the current review of Maryland's water quality standards, careful consideration has been given to ensure waterbodies have appropriate designated uses assigned to them and that the meaning of those uses is clear. Maryland currently assigns a "Designated Use" to each waterbody. For example, a waterbody may be given the designated use "Use I-P - Water Contact Recreation, and Protection of Nontidal Warmwater Aquatic Life, and Public Water Supply". This description gives the overall goal of the waterbody but does not provide, in detail, all of the specific designated uses such as agricultural water supply, industrial water supply, fishing, etc. The name "Use I-P" is more accurately, a group or class of designated uses. Therefore, in the interest of consistency and clarity, MDE is proposing to rename "Use" to "Class". For example, Use I-P will become Class I-P.

##### DEFINITIONS

Proposed definition for "Class" - "Class" means the combination of waterbody type (e.g. non-tidal) and designated uses given to each waterbody.

##### STREAM SEGMENT DESIGNATIONS

###### Designated Use Changes

MDE has biological and temperature data identifying certain waterbodies whose designated use (class) may not be accurately captured. Certain waterbodies that are currently designated as warmwater (Use I) or recreational trout waters (Use IV) maintain either a coldwater regime or have coldwater obligate species, including trout, which are indicative of a natural coldwater environment. The CWA requires that the waterbody's existing use be protected through appropriate designation. Table 1 shows those waterbodies for which MDE has data to support redesignation (reclassification).

See Table 1 - Proposed Redesignations to Use III and III-P Class waters.

###### Stream Segment Coordinates

Regulation .08 (Stream Segment Designations) includes geographical coordinates as well as narrative language describing and defining the extent of each waterbody and where the specific designated uses apply. In a few cases, the narrative descriptions or coordinates describing a waterbody location need to be corrected and/or improved. In addition, multiple geographical coordinate systems are being used in this regulation. MDE plans to standardize the coordinate system and use only latitude and longitude in decimal degree format.

**WATER QUALITY CRITERIA****Toxic Substances**

MDE is proposing amendments and additions to the toxic substance criteria found in COMAR 26.08.02.03-2. These include an update to the Selenium criteria (a formula), the addition of new criteria for the pesticides Carbaryl and Diazinon and the organic compound nonylphenol. These new and revised criteria reflect updates to EPA's National Recommended Water Quality Criteria. In addition, a correction to the criteria for alpha-BHC is necessary. The criteria currently are published incorrectly in COMAR. The criteria should apply only to human health.

**Acute Selenium Criterion Amendment:**

$$\frac{1}{\frac{f_1}{185.9\mu g/l} + \frac{f_2}{12.82\mu g/l}}$$

Where f1 and f2 are the fractions of total selenium that are treated as selenite and selenate, respectively.

**Ammonia Criteria**

Formulas for the acute and chronic criteria for ammonia, found in the footnotes for their respective tables, were found to have errors - likely a result of transcribing and formatting into COMAR. MDE will propose corrections and formatting changes to these formulas, which are used to calculate specific criteria based on the resources present.

**Ammonia Criteria Corrections**

The acute water quality criteria for total ammonia where salmonids may be present were calculated using the following equation, which may also be used to calculate unlisted values: Acute water quality criteria for ammonia (salmonids present):

$$= \frac{0.275}{1 + 10^{7.204-pH}} + \frac{39.0}{1 + 10^{pH-7.204}}$$

The acute water quality criteria for total ammonia where salmonids are absent were calculated using the following equation, which may also be used to calculate unlisted values: Acute water quality criteria for ammonia (salmonids absent):

$$= \frac{0.411}{1 + 10^{7.204-pH}} + \frac{58.4}{1 + 10^{pH-7.204}}$$

The freshwater chronic water quality criteria for total ammonia where fish early life stages may be present were calculated using the following equation, which may also be used to calculate unlisted values:

Freshwater chronic water quality criterion for ammonia (fish early life stages present):

$$= \left( \frac{0.0577}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}} \right) \times \text{MIN}(2.85, 1.45 \times 10^{0.028 \times (25-T)})$$

The freshwater chronic water quality criteria for total ammonia where fish early life stages are absent were calculated using the following equation, which may also be used to calculate unlisted values:

Freshwater chronic water quality criterion for ammonia (fish early life stages absent):

$$= \left( \frac{0.0577}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}} \right) \times 1.45 \times 10^{0.028 \times (25-\text{MAX}(T,7))}$$

**Color**

The current water quality criterion for color applies to all waters except those designated as Use I-P. When this criterion was initially adopted, it should have applied to all waters. However, Use I-P waters were inadvertently excluded. This correction will be proposed.

**Restoration Variances**

"Restoration Variance", as defined in COMAR 26.08.01.01 "means a temporary exception to the water quality standards allowing nonattainment of designated uses granted in situations where no enforcement action will be taken if the nonattainment is due to the existence of one or more of the justifications in 40 CFR §131.10(g). Restoration variances will be reviewed every 3 years at a minimum as required by the Clean Water Act and EPA regulations."

The following Chesapeake Bay Segments have been assigned restoration variances:

- Chesapeake Bay Mainstem Segment 4 mesohaline (CB4MH)
- Patapsco River mesohaline (PATMH)
- Lower Chester River Mesohaline (CHSMH)
- Eastern Bay Mesohaline (EASMH)

COMAR 26.08.02.02 C.(8)(h) further explains, "The percentage of allowable exceedance for restoration variances is based on water quality modeling and incorporates the best available data and assumptions. The restoration variances are temporary, and will be reviewed at a minimum every three years, as required by the Clean Water Act and EPA regulations. The variances may be modified based on new data or assumptions incorporated into the water quality model."

A combination of the Chesapeake Bay observed Water Quality data and the Chesapeake Bay Modeling framework is used to support the development of Maryland's Chesapeake Bay water quality standards (i.e. those standards associated with Use II waters), criteria, TMDL, and Watershed Implementation Plan. Since the development of the Bay TMDL (2010), and subsequent Phase I (2010) and Phase II (2012) Watershed Implementation Plans, the existing data and modeling tools continue to confirm the same water quality variances that are adopted into Maryland's water quality standards. Therefore, amendments to the restoration variances are not warranted at this time.

#### ANTIDEGRADATION

Based on recent biological monitoring information, eight high quality (Tier II) waters will be added to the current list of 236 high quality waters. See Table 2. Proposed additions to list of Tier II Waters

#### FUTURE WATER QUALITY STANDARDS

##### Chloride Criterion for Maryland Surface Water

The State of Maryland currently does not have numeric criteria for chloride. The United States Environmental Protection Agency published recommended numeric criteria for chloride ion in 1988. Updated numeric criteria (based on expanded toxicity information and relationships between chloride toxicity and other water quality parameters) have been adopted by other states. Currently, there is a need for Maryland to adopt numeric chloride criteria to aid in TMDL development and distinguish impaired waters from non-impaired waters. As a first step, MDE has developed a draft numeric acute chloride criterion that is based on the updated numeric criteria. The criterion is 1) recalculated to exclude toxicity values derived using taxa that inhabit brackish water; 2) modified to incorporate ionic matrix of Maryland streams; and 3) re-derived the equation using only calcium ion (not hardness or sulfate) as the primary ameliorating factor. This criterion may be ready for proposal during the current Triennial Review. If so, all associated technical and data reports will be made available to the public and interested stakeholders.

**TABLE 1 -STREAM SEGMENT DESIGNATIONS**

**Proposed redesignations to Use III and III-P Class waters.**

COMAR Description	Current Use (Class)	Proposed Use (Class)	COMAR Limits	LAT	LONG
Shade Run and all tributaries	I	III		39.684455	-79.164149
Spiker Run and all tributaries	I	III		39.680001	-79.169868
North Branch Casselman River and all tributaries	I	III		39.668538	-79.177741
Puzzley Run and all tributaries	I	III		39.721853	-79.232254
Unnamed tributary to the Casselman River and all tributaries to this unnamed tributary	I	III	Headwaters begin near intersection of Route 40 and Chestnut Ridge Road	39.709365	-79.117389
Mill Run and all tributaries	I-P	III-P	Upstream from Route 220 McMullen Highway	39.533653	-78.886174
Piney Creek and all tributaries	I-P	III-P	Upstream from Frostburg Watershed boundary	39.721323	-78.960085
North Branch Potomac River	I-P	III-P	Mainstem only, From Jennings Randolph Dam downstream to confluence with Laurel Run near Bloomington	39.474259	-79.105488
Wet Stone Branch and all tributaries	IV-P	III-P		39.647146	-76.431712
Unnamed tributary to Deer Creek and all tributaries to this unnamed tributary	IV-P	III-P	Near Rock Ridge Road	39.637940	-76.424561
Little Deer Creek and all tributaries	IV-P	III-P		39.660788	-76.439732
Elbow Branch and all tributaries	IV-P	III-P		39.618468	-76.169240
Unnamed tributary to the South Branch Patapsco River at Marriottsville and all tributaries to this unnamed tributary	I	III		39.351956	-76.898985
Cowen Run and all tributaries	I	III		39.430809	-76.522574
Piney Branch and all tributaries	I	III		39.357049	-76.996543
Lanes Run and all tributaries	IV-P	III-P	Upstream of confluence with Indian Springs Run	39.666906	-77.994074
White Sulfur Run and all tributaries	IV-P	III-P		39.660897	-78.458186
Fifteenmile Creek and all tributaries	IV-P	III-P	Upstream of the intersection of Fifteenmile Creek Road and Route 40	39.682419	-78.457543
Terrapin Run and all tributaries	IV-P	III-P	Upstream from Route 68	39.668854	-78.433389

**SPECIAL DOCUMENTS**

**1014**

Spring Lick and all tributaries	IV-P	III-P		39.656160	-78.396852
Big Run (along Green Ridge) and all tributaries	I-P	III-P		39.524737	-78.533497
Unnamed tributary to the Potomac River that flows through Twigg Hollow and all tributaries to this unnamed tributary	I-P	III-P	Upstream of terminus of Outdoor Club Road	39.579220	-78.460902
Unnamed tributary to the Potomac River that flows through Roby Hollow and all tributaries to this unnamed tributary	I-P	III-P		39.588595	-78.429987
Unnamed tributary to the Potomac River that flows through Devil's Alley and all tributaries to this unnamed tributary	I-P	III-P		39.607699	-78.428234
Unnamed tributary to Sideling Hill Creek at Piney Grove	IV-P	III-P	Upstream of the intersection of Orleans Road and Route 40	39.705681	-78.377356
Unnamed Tributary to Sideling Hill Creek that flows through Swain Hollow and all tributaries to this unnamed tributary	IV-P	III-P		39.678549	-78.340979
Munson Spring Branch and all tributaries	I-P	III-P	Upstream from a point due north of the Route 68 Exit 77	39.705626	-78.246756
Unnamed Tributary to Rattle Run that flows through the Hickory Ridge Unit and all tributaries to this unnamed tributary	IV-P	III-P		39.692248	-78.022278
Unnamed Tributary to Little Conococheague Creek at Polecat Hollow Road and all tributaries to this unnamed tributary	I-P	III-P	From confluence with Little Conococheague parallel to Polecat Hollow Road	39.691872	-77.939952
Middle Creek and all tributaries	I-P	III-P	Upstream of the confluence with an unnamed trib south of Geaslin Drive	39.448829	-77.603343
Unnamed tributary to Talbot Branch and all tributaries to this unnamed tributary	IV-P	III-P	Stream's mouth is located near intersection of Black Ankle Road and Talbot Run Road	39.455887	-77.160651
Unnamed tributary to Talbot Branch and all tributaries to this unnamed tributary	IV-P	III-P	Stream's mouth is located 500 meters east of the intersection of Black Ankle Road and Talbot Run Road	39.454004	-77.154174
Unnamed tributary to Big Pipe Creek and all tributaries	IV-P	III-P	Upstream from confluence with another unnamed tributary just south of Wine Road	39.675821	-76.941553
Unnamed tributary to Broad Creek and all tributaries	I-P	III-P	Upstream of confluence with another unnamed tributary	39.689695	-76.237823
Happy Valley Branch and all tributaries	I	III	Upstream of Route 222 Bainbridge Road	39.602124	-76.094247
Unnamed tributary to the Susquehanna River and all tributaries	I	III		39.579619	-76.087854
Little Morgan Run and all tributaries	I	III	Upstream from confluence with unnamed tributary near Klees Mill Road	39.436989	-76.987892
Bennett Creek and all tributaries	I-P	III-P	Upstream from confluence with Unnamed tributary	39.302446	-77.217707

**TABLE 2 - TIER II WATERS**  
**Proposed additions to list of Tier II Waters:**

Date	Stream Name	County	12-Digit Watershed	From Lat	From Long	To Lat	To Long	Baseline:			
2012	Beaver Run 2	Carroll	021309071057	39.51555	-76.93302	39.50302	-76.91245	Fish IBI:	4.50	Benthic IBI:	4.00
2012	Bens Run 1	Baltimore	021309061018	39.31682	-76.79279	39.31402	-76.79400	Fish IBI:	4.44	Benthic IBI:	4.00
2012	Buffalo Run 3	Garrett	050202010019	39.68781	-79.41738	39.68685	-79.41002	Fish IBI:	4.00	Benthic IBI:	4.25
2012	Cattail Branch UT 1	Harford	021202020328	39.62017	-76.49403	39.63521	-76.49927	Fish IBI:	5.00	Benthic IBI:	4.33
2012	Fisherman Creek 1	Saint Mary's	021401030712	38.21065	-76.40307	38.19762	-76.41925	Fish IBI:	4.67	Benthic IBI:	4.00
2012	Mattawoman Creek 2	Charles, Prince George's	021401110786	38.65234	-76.90833	38.65252	-76.91689	Fish IBI:	4.00	Benthic IBI:	4.14
2012	Swanson Creek 4	Charles	021311010892	38.56522	-76.76043	38.56323	-76.75701	Fish IBI:	4.00	Benthic IBI:	4.60
2012	Zekiah Swamp Run 7	Charles	021401080768	38.61910	-76.82968	38.61393	-76.83266	Fish IBI:	4.17	Benthic IBI:	4.86

[13-11-33]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold its regular business meeting on June 20, 2013, in Harrisburg, Pennsylvania. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice.

DATE: June 20, 2013, at 1:30 p.m.

ADDRESS: North Office Building, Hearing Room 1 (Ground Level), North Street (at Commonwealth Avenue), Harrisburg, Pa. 17120

FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 306; fax: (717) 238-2436.

#### Opportunity to Appear and Comment:

Interested parties are invited to attend the business meeting and encouraged to review the Commission's Public Meeting Rules of Conduct, which are posted on the Commission's web site, [www.srbc.net](http://www.srbc.net). As identified in the public hearing notice referenced below, written comments on the Regulatory Program projects and proposed fee schedule that were the subject of the public hearing, and are listed for action at the business meeting, are subject to a comment deadline of June 3, 2013. Written comments pertaining to any other matters listed for action at the business meeting may be mailed to the Susquehanna River Basin Commission, 1721 North Front Street,

Harrisburg, Pennsylvania 17102-2391, or submitted electronically through <http://www.srbc.net/pubinfo/publicparticipation.htm>. Any such comments mailed or electronically submitted must be received by the Commission on or before June 14, 2013, to be considered.

**SUPPLEMENTARY INFORMATION:** The business meeting will include actions or presentations on the following items: (1) presentation on upgrades to the Commission's Susquehanna Early Warning System program; (2) election of officers for FY-2014; (3) the proposed Water Resources Program; (4) release for public review and comment of the 2013 update of the Comprehensive Plan for the Water Resources of the Susquehanna River Basin; (5) adoption of a FY-2015 budget; (6) amendments to its Regulatory Program Fee Schedule; (7) ratification/approval of contracts and grants; (8) Furman Foods, Inc. and Carrizo (Marcellus) LLC compliance matters; and (9) Regulatory Program projects.

The Regulatory Program projects and the proposed Regulatory Program Fee Schedule listed for Commission action are those that were the subject of a public hearing conducted by the Commission on May 23, 2013, and identified in the notice for such hearing, which was published in 78 FR 24785, April 26, 2013. Please note that the following additional project has been scheduled for rescission action: Project Sponsor and Facility: Albemarle Corporation, Borough of Tyrone, Blair County, Pa. (Docket Nos. 20010203 and 20010203-1).

AUTHORITY: Public Law 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: May 17, 2013.

THOMAS W. BEAUDUY  
 Deputy Executive Director

[13-12-27]

# DEPARTMENT OF STATE POLICE

## HANDGUN ROSTER BOARD

### Proposed Additions to Handgun Roster and Notice of Right to Object or Petition

The following is a list of handguns that the Handgun Roster Board proposes to add to the official handgun roster. These handguns will be officially placed on the Handgun Roster if no timely objection is received or if all timely objections are dismissed.

Under the Public Safety Article, §5-405, Annotated Code of Maryland and COMAR 29.03.03.13 and .14, any person may object to the placement of any of those handguns on the Handgun Roster. Objections must be filed within 30 days after **May 30, 2013**. In addition, any person may petition for the placement of an additional handgun on the Handgun Roster. Forms for objections or petitions may be obtained from: Marlene Jenkins, Administrator, Handgun Roster Board, 1201 Reisterstown Road, Baltimore, MD 21208

Manufacturer	Model Name	Model Number	Caliber
Bersa	Thunder 380 Combat		.380 ACP
Canik 55	L-120		9 X 19 mm
Girsan	MC 1911 S		.45 ACP
Glock	30 S		.45 ACP
Glock	30 Gen4		.45 ACP
Glock	29 Gen4		10 mm
Glock	20 Gen4		10 mm
Glock	33 Gen4		.357 Sig
Heckler & Koch	P2000		.357 Sig
Para USA, Inc.	Expert Commander	96748	.45 ACP
Rock Island Government	Hi-Cap Government	1911 A-2	.22 TCM
Rossi	Plinker	R98106	.22 LR
Sar Arms	SAR B6P		9mm
Sar Arms	K2	170840, 170843	.45 ACP
Sig Sauer/Sigarms Inc.	M11-A1		9 X 19 mm
Sturm Ruger	SR1911 CMD	6702	.45 ACP
Sturm Ruger	22/45 Lite	3903	.22LR
Walther	PPQ M2	2796066	9mm, .40 S&W

[13-11-29]

# General Notices

## Notice of 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 CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS

**Subject:** Public Meeting  
**Date and Time:** June 13, 2013, 10 a.m.  
**Place:** 4201 Patterson Ave., Rm. 108-109, Baltimore, MD  
**Add'l. Info:** This will be an abbreviated General Session meeting of the MD Board of Chiropractic & Massage Therapy Examiners solely to vote for Board Officers, positions commencing July 1, 2013. The Next General Session Meeting is 10 a.m., on June 20, 2013, at which time a final vote will be taken on proposed regulatory revisions to COMAR 10.43.01 et seq. The public is welcome for all General Sessions.  
**Contact:** Emily Jones (410) 764-4665  
[13-11-28]

### BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS

**Subject:** Public Meeting  
**Date and Time:** June 20, 2013, 10 a.m.  
**Place:** 4201 Patterson Ave., Rm. 108/109, Baltimore, MD  
**Contact:** Emily Jones (410) 764-4665  
[13-11-14]

### COMMUNICATIONS TAX REFORM COMMISSION

**Subject:** Public Meeting  
**Date and Time:** June 12, 2013, 1 — 4 p.m.  
**Place:** Louis L. Goldstein Treasury Bldg., 80 Calvert St., Annapolis, MD  
**Contact:** Linda (410) 260-7833  
[13-11-25]

### BOARD OF COSMETOLOGISTS

**Subject:** Public Meeting  
**Date and Time:** July 1, 2013, 10 a.m. — 4:30 p.m.  
**Place:** 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD  
**Add'l. Info:** Centre St. Entrance  
**Contact:** Robert Wood (410) 230-6195  
[13-11-17]

### CRIMINAL JUSTICE INFORMATION ADVISORY BOARD

**Subject:** Public Meeting  
**Date and Time:** June 17, 2013, 1 — 3 p.m.  
**Place:** Judiciary Education and Training Center, 2009-D Commerce Park Dr., Training Rms. I and II, Annapolis, MD  
**Contact:** Robyn Lyles (410) 585-3185  
[13-11-21]

### MARYLAND STATE BOARD OF EDUCATION

**Subject:** Public Meeting  
**Date and Time:** June 25, 2013, 9 a.m. — 5 p.m.; July 23, 2013; 9 a.m. — 5 p.m.  
**Place:** 200 W. Baltimore St., Baltimore, MD

**Add'l. Info:** The State Board of Education is pleased to receive oral public comment at each of its regular monthly meetings. In order to allow the State Board sufficient time for its other business, the total time allotted to public comment will generally be limited to 30 minutes. Individuals seeking to speak to the Board will be given 3 minutes each. Persons desiring to speak to the State Board, must call (410-767-0467) or email (cnecessary@msde.state.md.us) the Board office no earlier than 1 week prior to the meeting to register to speak. Registration will be accepted on a first-come, first-served basis. In order to make the limited time available most effective, speakers are urged to provide multiple written copies of their comments or other material amplifying their views.

**Contact:** Charlene Necessary (410) 767-0467  
[13-11-10]

### ELEVATOR SAFETY REVIEW BOARD

**Subject:** Public Meeting  
**Date and Time:** June 21, 2013, 10 a.m. — 12 p.m.  
**Place:** 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Raquel M. Meyers (410) 230-6379  
[13-11-07]

### STATEWIDE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL (SEMSAC)

**Subject:** Public Meeting  
**Date and Time:** June 6, 2013, 1 — 3 p.m.  
**Place:** 653 W. Pratt St., Ste. 212, Baltimore, MD  
**Add'l. Info:** The State Emergency Medical Services Advisory Council (SEMSAC) meets regularly on the 1st Thursday of each month.  
**Contact:** Leandrea Gilliam (410) 706-4449  
[13-11-09]

### EMERGENCY MEDICAL SERVICES BOARD

**Subject:** Public Meeting  
**Date and Time:** June 11, 2013, 9 — 11 a.m.; part of the meeting may include a closed session  
**Place:** 653 W. Pratt St., Ste. 212, Baltimore, MD  
**Add'l. Info:** The State Emergency Medical Services Board (EMS Board) meets regularly on the 2nd Tuesday of each month.  
**Contact:** Leandrea Gilliam (410) 706-4449  
[13-11-08]

### MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

**Subject:** Listing of Cardiac Interventional Centers Requesting Reverification of Status and Call for Applications from Hospitals Wishing to Be Considered for Designation  
**Place:** 653 W. Pratt St., Baltimore, MD  
**Add'l. Info:** Pursuant to COMAR 30.08.02C, the Maryland Institute for Emergency Medical Services Systems gives notice that the following hospitals have requested reverification as a Cardiac Interventional Center: Anne Arundel Medical Center; Baltimore Washington Medical Center; Carroll Hospital Center; Franklin Square Medical Center; Frederick Memorial Hospital; Holy Cross Hospital; Howard County General Hospital; Johns Hopkins Bayview Medical Center; The Johns Hopkins Hospital; Meritus Medical Center; Peninsula Regional Medical Center; Prince George's Hospital Center; Shady Grove Adventist Hospital; Sinai Hospital; Southern Maryland Hospital Center; St. Agnes Hospital; St.

Joseph Medical Center; Suburban Hospital; University of Maryland Medical Center; Union Memorial Hospital; Upper Chesapeake Medical Center; Washington Adventist Hospital; and Western Maryland Regional Medical Center.

Any person with knowledge of any reason why any of the above listed hospitals should not be reverified and redesignated is requested to submit a written statement of the reason to MIEMSS by June 28, 2013.

In addition, pursuant to COMAR 30.08.02.03C, hospitals not designated who wish to be considered for designation as a Cardiac Interventional Center should submit a written letter of intent to the office listed above. Letters of intent are due to MIEMSS by July 30, 2013. For more information contact Lisa Myers, Director Cardiac and Special Programs at (410) 706-4740 or email [lmvers@miemss.org](mailto:lmvers@miemss.org).

**Contact:** Leandrea Gilliam (410) 706-4449

[13-11-48]

#### BOARD FOR PROFESSIONAL ENGINEERS

**Subject:** Public Meeting

**Date and Time:** June 13, 2013, 9 a.m.

**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

**Contact:** Pamela J. Edwards (410) 230-6262

[13-11-34]

#### FIRE PREVENTION COMMISSION

**Subject:** Public Meeting

**Date and Time:** June 18, 2013, 11:30 a.m.

**Place:** Roland E. Powell Convention Center, 4001 Coastal Hwy., Ocean City, MD

**Contact:** Heidi Ritchie (877) 890-0199

[13-11-26]

#### DEPARTMENT OF HEALTH AND MENTAL HYGIENE/LABORATORIES ADMINISTRATION

**Subject:** Call for Pharmacist Nominations for Drug Utilization Review(DUR) Board

**Add'l. Info:** The Maryland Department of Health and Mental Hygiene Drug Utilization Review (DUR) Board is currently recruiting for two pharmacists to serve on the Maryland DUR Board beginning in September 2013.

The implementation of the Omnibus Budget Reconciliation Act of 1990 requires that the Maryland Department of Health and Mental Hygiene establish a DUR

#### GENERAL NOTICES

Board. The DUR Board is comprised of both physicians and pharmacists and has been in operation since November 1992. The activities of the DUR Board include:

- Overseeing retrospective and prospective DUR within the Maryland Medicaid Program.
- Approving DUR criteria and standards.
- Making recommendations concerning education and other types of interventions based on prospective and retrospective DUR findings.
- Preparing an annual report for submission to the Centers for Medicare and Medicaid (CMS) describing the nature and scope of the DUR program, summarizing educational/interventional strategies used, and estimating cost savings generated.
- Reviewing individual recipient profiles and make recommendations to restrict patients who might be abusing Medicaid prescription drugs.

The DUR Board has quarterly 3-hour meetings in the Baltimore area. Meetings are normally scheduled on a Thursday morning during the months of March, June, September, and December.

The membership of the Maryland DUR Board includes health care professionals who have recognized knowledge and expertise in one of the following areas:

- (1) The clinically appropriate prescribing of outpatient drugs.
- (2) The clinically appropriate dispensing and monitoring of outpatient drugs.
- (3) Drug use review, evaluation and intervention.
- (4) Medical quality assurance.

For an application packet, please contact Gina Homer at The Maryland Medicaid Pharmacy Program at 410-767-1749 or via email at [Gina.Homer@Maryland.gov](mailto:Gina.Homer@Maryland.gov).

The application deadline is June 14, 2013.

**Contact:** Gina Homer (410) 767-1749

[13-11-18]

#### BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS (HVACR)

**Subject:** Public Meeting

**Date and Time:** June 12, 2013, 9:30 a.m. — 12 p.m.

**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

**Contact:** Steve Smitson (410) 230-6169

[13-11-02]

#### DEPARTMENT OF HUMAN RESOURCES

**Subject:** Public Hearing

**Date and Time:** June 18, 2013, 10 a.m. — 12 p.m.

**Place:** Govans - Northern Community Action Center, 5225 York Rd., Community Rm., Baltimore, MD

**Add'l. Info:** A public hearing will be held to solicit comments for the Low-Income Home Energy Assistance Program (LIHEAP) State Plan that will be submitted to the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services, Division of Energy Assistance. Written comments regarding the Plan must be submitted no later than 4 p.m., June 27, 2013, to Greg Sileo, Director, Office of Home Energy Programs, Department of Human Resources, Family Investment Administration, 311 W. Saratoga Street, Baltimore, MD 21201.

**Contact:** Greg Sileo (410) 767-7415

[13-11-22]

#### DEPARTMENT OF HUMAN RESOURCES

**Subject:** Public Hearing

**Date and Time:** June 20, 2013, 10 a.m. — 12 p.m.

**Place:** Talbot County Neighborhood Service Center, 126 Port St., Conference Rm., Easton, MD

**Add'l. Info:** A public hearing will be held to solicit comments for the Low-Income Home Energy Assistance Program (LIHEAP) State Plan that will be submitted to the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services, Division of Energy Assistance. Written comments regarding the Plan must be submitted no later than 4 p.m., June 27, 2013, to Greg Sileo, Director, Office of Home Energy Programs, Department of Human Resources, Family Investment Administration, 311 W. Saratoga Street, Baltimore, MD 21201.

**Contact:** Cardeaner Robinson (410) 763-6745

[13-11-23]

## GENERAL NOTICES

### MARYLAND INSURANCE ADMINISTRATION

**Subject:** Public Hearing

**Date and Time:** July 24, 2013, 9:30 a.m.  
**Place:** Maryland Insurance Administration, 200 St. Paul Pl., 24th Fl. Hearing Rm., Baltimore, MD

**Add'l. Info:** The purpose of the hearing is to gather information to help inform the Commissioner's determinations regarding premium rate filings submitted by American Progressive Life and Health Insurance Company of New York and Genworth Life Insurance Company ("Insurers") for certain guaranteed renewable long-term care insurance products.

Those who wish to testify at the hearing must notify the MIA in writing by July 15, 2013. Such notice should be directed to Maria Fisher, Executive Assistant to the Commissioner, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, Maryland 21202, [maria.fisher@maryland.gov](mailto:maria.fisher@maryland.gov).

Any written testimony or exhibits also should be submitted to Ms. Fisher's attention no later than July 15, 2013. Individuals who require reasonable accommodations to participate in the hearing should contact Ms. Fisher at 410-468-2013 within 7 days prior to the hearing.

**Contact:** Maria Fisher (410) 468-2013  
[13-11-30]

### MARYLAND INSURANCE ADMINISTRATION

**Subject:** Public Meeting

**Date and Time:** July 31, 2013, 2 p.m. — 4 p.m.

**Place:** 200 St Paul Pl., 24th Fl. Hearing Rm., Baltimore, MD

**Add'l. Info:** Meeting of the Workgroup on Access to Habilitative Services Benefits

**Contact:** Tinna Damaso Quigley (410) 468-2202  
[13-11-38]

### MARYLAND INSURANCE ADMINISTRATION

**Subject:** Public Meeting

**Date and Time:** August 7, 2013, 9:30 a.m. — 11:30 a.m.

**Place:** 200 St. Paul Pl., 24th Fl. Hearing Rm., Baltimore, MD

**Add'l. Info:** Meeting of the Workgroup on Access to Habilitative Services Benefits

**Contact:** Tinna Damaso Quigley (410) 468-2202  
[13-11-39]

### MARYLAND INSURANCE ADMINISTRATION

**Subject:** Public Meeting

**Date and Time:** August 22, 2013, 9:30 — 11:30 a.m.

**Place:** 200 St. Paul Pl., 24th Fl. Hearing Rm., Baltimore, MD

**Add'l. Info:** Meeting of the Workgroup on Access to Habilitative Services Benefits

**Contact:** Tinna Damaso Quigley (410) 468-2202

[13-11-40]

### MARYLAND INSURANCE ADMINISTRATION

**Subject:** Public Meeting

**Date and Time:** September 18, 2013, 9:30 a.m. — 11:30 a.m.

**Place:** 200 St. Paul Pl., 24th Fl. Hearing Rm., Baltimore, MD

**Add'l. Info:** Meeting of the Workgroup on Access to Habilitative Services Benefits

**Contact:** Tinna Damaso Quigley (410) 468-2202

[13-11-41]

### STATE ADVISORY BOARD FOR JUVENILE SERVICES

**Subject:** Public Meeting

**Date and Time:** June 18, 2013, 2 — 4 p.m.

**Place:** Maryland Judiciary Education and Conference Center, 2011D Commerce Park Dr., Annapolis, MD

**Contact:** Tim Gilbert (410) 627-5318

[13-11-42]

### BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS

**Subject:** Public Meeting

**Date and Time:** June 17, 2013, 1:30 p.m.

**Place:** 50 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

**Contact:** Pamela J. Edwards (410) 230-6262

[13-11-36]

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Public Meeting

**Date and Time:** June 20, 2013, 1 p.m.

**Place:** Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD

**Contact:** Valerie Wooding (410) 764-3460

[13-11-11]

1019

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Formal Start of Review — Notice of Docketing

**Add'l. Info:** The Maryland Health Care Commission (MHCC) hereby gives notice of docketing of the following applications for renewal of a waiver to provide primary percutaneous intervention in a hospital without on-site cardiac surgery:

Shady Grove Adventist Hospital (Docket No. 13-15-0070 WR)

MedStar Southern Maryland Hospital Center (Docket No. 13-16-0071 WR)

The MHCC shall review the applications under COMAR 10.24.17. Please refer to the Docket Numbers listed above in any correspondence on the applications. The applications are available for review in the office of the MHCC during regular business hours by appointment. All correspondence should be addressed to Paul Parker, Director, Center for Hospital Services, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215.

**Contact:** Paul Parker (410) 764-3261

[13-11-43]

### MARYLAND PUBLIC BROADCASTING COMMISSION

**Subject:** Public Meeting

**Date and Time:** June 26, 2013, 5:30 p.m.

**Place:** Maryland Public Television, 11167 Owings Mills Blvd., Owings Mills, MD

**Contact:** Sharon Abernathy (410) 581-4141

[13-11-32]

### BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

**Subject:** Public Meeting

**Date and Time:** June 19, 2013, 9:30 a.m.

**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD

**Contact:** Patricia A. Hannigan (410) 764-4750

[13-11-12]

### BOARD OF OCCUPATIONAL THERAPY PRACTICE

**Subject:** Public Meeting

**Date and Time:** June 21, 2013, 8:30 a.m. — 2 p.m.

**Place:** Spring Grove Hospital Center, 55 Wade Ave., Catonsville, MD

**Add'l. Info:** Health Occupations Article, Title 10, Annotated Code of Maryland, and COMAR 10.46 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. Sign interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 1-800-735-2255.

**Contact:** Marilyn Pinkney (410) 402-8556  
[13-11-16]

#### BOARD OF PILOTS

**Subject:** Public Meeting  
**Date and Time:** June 14, 2013, 10:30 a.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Pamela J. Edwards (410) 230-6262

[13-11-35]

#### BOARD OF PLUMBING

**Subject:** Public Meeting  
**Date and Time:** June 20, 2013, 10 a.m. — 12:30 p.m.  
**Place:** 500 North Calvert St., Rm. 302, Baltimore, MD  
**Contact:** Brenda Clark (410) 230-6164  
[13-11-15]

#### BOARD OF PODIATRIC MEDICAL EXAMINERS

**Subject:** Public Meeting  
**Date and Time:** June 13, 2013, 1 p.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Sheri Henderson (410) 764-4785  
[13-11-03]

#### BOARD OF PODIATRIC MEDICAL EXAMINERS

**Subject:** Public Meeting  
**Date and Time:** July 11, 2013, 1 p.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Sheri Henderson (410) 764-4785  
[13-11-04]

#### BOARD OF PODIATRIC MEDICAL EXAMINERS

**Subject:** Public Meeting  
**Date and Time:** September 12, 2013, 1 p.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Sheri Henderson (410) 764-4785  
[13-11-05]

#### GENERAL NOTICES

#### BOARD OF EXAMINERS OF PSYCHOLOGISTS

**Subject:** Public Meeting  
**Date and Time:** June 14, 2013, 9 a.m. — 12 p.m.  
**Place:** 4201 Patterson Ave., Conf. Rm. 110, Baltimore, MD  
**Add'l. Info:** Sign language interpreters/other appropriate accommodations for qualified individuals with disabilities will be provided upon request. Proposed changes to COMAR may be discussed.  
**Contact:** Dorothy Kutcherman (410) 764-4703  
[13-11-24]

#### RACING COMMISSION

**Subject:** Public Meeting  
**Date and Time:** June 18, 2013, 12:30 — 1 p.m.  
**Place:** Laurel Park, Laurel, MD  
**Contact:** J. Michael Hopkins (410) 296-2682  
[13-11-20]

#### COMMISSION OF REAL ESTATE APPRAISERS AND HOME INSPECTORS

**Subject:** Public Meeting  
**Date and Time:** June 11, 2013, 10:30 a.m. — 12 p.m.  
**Place:** 500 N. Calvert St., Baltimore, MD  
**Contact:** Patti Schott (410) 230-6165  
[13-11-01]

#### STATE RETIREMENT AGENCY

**Subject:** Public Meeting  
**Date and Time:** June 18, 2013, 10 a.m.  
**Place:** SunTrust Bldg., 120 E. Baltimore St., 16th Fl. Boardroom, Baltimore, MD  
**Add'l. Info:** Meeting date and location are subject to change. Anyone interested in attending should contact the Retirement Agency for confirmation. Please note that the meeting may include a closed session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 410-625-5609 or 1-800-735-2258 (TTY).  
**Contact:** Angie Jenkins (410) 625-5609  
[13-11-13]

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Title 10	Health & Mental Hygiene (All parts) **	\$272	\$180	_____	_____
Title 10	Part 1 **	\$48	\$32	_____	_____
Title 10	Part 2 **	\$75	\$50	_____	_____
Title 10	Part 3 **	\$75	\$50	_____	_____
Title 10	Part 4 **	\$50	\$35	_____	_____
Title 10	Part 5 **	\$69	\$50	_____	_____
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Title 12	Public Safety and Correctional Services	\$67	\$43	_____	_____
Title 13A	Board of Education	\$63	\$42	_____	_____
Title 13B	Higher Education Commission	\$25	\$15	_____	_____
Title 14	Independent Agencies	\$87	\$60	_____	_____
Title 15	Agriculture	\$48	\$30	_____	_____
Title 16	Juvenile Service	\$23	\$15	_____	_____
Title 17	Budget and Management	\$28	\$16	_____	_____
Title 18	Assessments and Taxation	\$20	\$12	_____	_____
Title 19A	State Ethics Commission	\$24	\$14	_____	_____
Title 20	Public Service Commission	\$49	\$32	_____	_____
Title 21	State Procurement Regulations	\$48	\$30	_____	_____
Title 22	State Retirement and Pension System	\$22	\$13	_____	_____
Title 23	Board of Public Works	\$18	\$11	_____	_____
Title 24	Business and Economic Development	\$34	\$20	_____	_____
Title 25	State Treasurer	\$16	\$9	_____	_____
Title 26	Environment (All parts) **	\$189	\$125	_____	_____
Title 26	Part 1 **	\$54	\$35	_____	_____
Title 26	Part 2 **	\$83	\$52	_____	_____
Title 26	Part 3 **	\$57	\$38	_____	_____
Title 26	Part 4 **	\$37	\$24	_____	_____
Title 27	Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays	\$18	\$10	_____	_____
Title 28	Office of Administrative Hearings	\$16	\$9	_____	_____
Title 29	State Police	\$30	\$18	_____	_____
Title 30	MD Institute for Emergency Medical Services Systems	\$25	\$17	_____	_____
Title 31	Maryland Insurance Administration	\$68	\$45	_____	_____
Title 32	Aging	\$25	\$15	_____	_____
Title 33	State Board of Elections	\$42	\$25	_____	_____
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Title 07	Human Resources	\$104	\$70	_____	_____
Title 08	Natural Resources	\$102	\$70	_____	_____
Title 09	Labor, Licensing and Regulation	\$116	\$75	_____	_____
Title 10	Health & Mental Hygiene (All Parts)**	\$345	\$230	_____	_____
Title 10	Part 1 **	\$65	\$40	_____	_____
Title 10	Part 2 **	\$99	\$70	_____	_____
Title 10	Part 3 **	\$99	\$70	_____	_____
Title 10	Part 4 **	\$69	\$42	_____	_____
Title 10	Part 5 **	\$91	\$62	_____	_____
Title 11	Transportation (All parts) **	\$137	\$85	_____	_____
Title 11	Part 1 (Transportation)**	\$55	\$35	_____	_____
Title 11	Parts 2 & 3 (MVA) **	\$102	\$70	_____	_____
Title 12	Public Safety and Correctional Services	\$86	\$55	_____	_____
Title 13A	Board of Education	\$83	\$60	_____	_____
Title 13B	Higher Education Commission	\$34	\$20	_____	_____
Title 14	Independent Agencies	\$112	\$75	_____	_____
Title 15	Agriculture	\$63	\$40	_____	_____
Title 16	Juvenile Service	\$32	\$20	_____	_____
Title 17	Budget and Management	\$38	\$25	_____	_____
Title 18	Assessments and Taxation	\$28	\$18	_____	_____
Title 19A	State Ethics Commission	\$33	\$20	_____	_____
Title 20	Public Service Commission	\$64	\$42	_____	_____
Title 21	State Procurement Regulations	\$65	\$42	_____	_____
Title 22	State Retirement and Pension System	\$33	\$18	_____	_____
Title 23	Board of Public Works	\$26	\$15	_____	_____
Title 24	Business and Economic Development	\$47	\$25	_____	_____
Title 25	State Treasurer	\$23	\$12	_____	_____
Title 26	Environment (All parts) **	\$241	\$160	_____	_____
Title 26	Part 1 **	\$72	\$42	_____	_____
Title 26	Part 2 **	\$109	\$72	_____	_____
Title 26	Part 3 **	\$76	\$50	_____	_____
Title 26	Part 4 **	\$51	\$30	_____	_____
Title 27	Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays	\$26	\$15	_____	_____
Title 28	Office of Administrative Hearings	\$23	\$12	_____	_____
Title 29	State Police	\$40	\$22	_____	_____
Title 30	MD Institute for Emergency Medical Services Systems	\$34	\$20	_____	_____
Title 31	Maryland Insurance Administration	\$90	\$62	_____	_____
Title 32	Aging	\$34	\$18	_____	_____
Title 33	State Board of Elections	\$57	\$35	_____	_____
Title 34	Planning	\$42	\$25	_____	_____
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#### Part 1

- 01 Procedures
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- 04 Fiscal
- 05 Freestanding Ambulatory Care Facilities
- 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
- 24 Maryland Health Care Commission
- 25 Maryland Health Care Commission
- 26 Board of Acupuncture
- 27 Board of Nursing
- 28 Board of Examiners in Optometry
- 29 Board of Morticians and Funeral Directors
- 30 Commission on Kidney Disease
- 31 Health Occupation Boards
- 32 Board of Physicians
- 33 Board of Examiners of Nursing Home Administrators
- 34 Board of Pharmacy
- 35 Postmortem Examiners Commission
- 36 Board of Examiners of Psychologists

#### Part 5

- 37 Health Services Cost Review Commission
- 38 Board of Physical Therapy Examiners
- 39 Board of Nursing – Certified Nursing Assistants
- 40 Board of Podiatric Medical Examiners
- 41 Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists
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#### Volume 2 and Volume 3

- 11 Motor Vehicle Administration – Administrative Procedures
- 12 MVA – Licensing of Businesses and Occupations
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- 18 MVA – Financial Responsibility Requirements
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- 20 MVA – Motorcycle Safety Program
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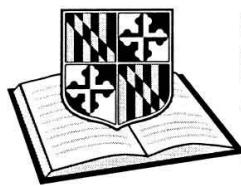
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