

Maryland Register

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before July 7, 2014, 5 p.m.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 July 7, 2014.

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. 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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Martin O'Malley, Governor; **John P. McDonough**, Secretary of State; **Brian Morris**, Acting Administrator; **Gail S. Klakring**, Senior Editor; **Mary D. MacDonald**, Editor, Maryland Register and COMAR; **Elizabeth Ramsey**, Editor, COMAR Online, and Subscription Manager; **Tami Cathell**, Help Desk, COMAR and Maryland Register Online.

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CLOSING DATES AND ISSUE DATES through JANUARY 23, 2015

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

* 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.

COMAR Online

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

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

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

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.

REGULATIONS CODIFICATION SYSTEM

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

09.12.01.01D(2)(c)(iii)
 Title Chapter Section Paragraph
 Subtitle Regulation Subsection Subparagraph

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

Table of Pending Proposals

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

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15 DEPARTMENT OF AGRICULTURE

15.15.11.05 • 41:12 Md. R. 704 (6-13-14)
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 15.20.07.02 • 40:21 Md. R. 1840 (10-18-13) (ibr)
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18 DEPARTMENT OF ASSESSMENTS AND TAXATION

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20 PUBLIC SERVICE COMMISSION

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 20.51.02.02,.08 • 41:14 Md. R. 840 (7-11-14)
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22 STATE RETIREMENT AND PENSION SYSTEM

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26 DEPARTMENT OF THE ENVIRONMENT

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26.03.13.01,.03,.04 • 41:7 Md. R. 433 (4-4-14)
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 26.08.04.09,.09-1 • 41:10 Md. R. 577 (5-16-14)
 26.12.01.01 • 41:12 Md. R. 707 (6-13-14) (ibr)
 26.12.03.01—.04 • 41:11 Md. R. 633 (5-30-14)

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 36.06.06.01 • 41:12 Md. R. 723 (6-13-14)

The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court dated June 4, 2014, **GWYN CARA HOERAUF**, 19743 Teakwood Circle, Germantown, Maryland 20874, has been suspended for thirty (30) days by consent, effective July 7, 2014 from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772(d)).

* * * * *

This is to certify that by an Order of the Court dated July 9, 2014, **JILL H. BERMAN**, 608 Baltimore Avenue, Towson, Maryland 21204, has been disbarred by consent, from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772 (d)).

[14-15-42]

NOTICE TO MEMBERS OF THE MARYLAND BAR

The following banks have been approved by the Attorney Grievance Commission of Maryland to receive escrow accounts of attorneys under the Chapter 600 Rules on Attorney Trust Accounts (formerly BU Rules) effective January 1, 1989. If your bank does not appear on this list, we suggest you contact it immediately.

(Revised July 22, 2014)

APPROVED INSTITUTIONS

Access National Bank
Amalgamated Bank
American Bank
Bank of America
Bank of Delmarva
Bank of Georgetown
Bank of Glen Burnie
Bank of Ocean City
Bay Bank
Bay-Vanguard Federal Savings Bank
BB&T
BlueRidge Bank
Burke & Herbert Bank & Trust Company
Calvin B. Taylor Banking Company, Inc.
Capital Bank
Capital One Bank
Cardinal Bank, N.A.
Cecil Bank
Centreville National Bank of Maryland
CFG Community Bank
Chain Bridge Bank, NA
Chesapeake Bank & Trust Company
Chesapeake Bank of Maryland
Citibank, N.A.
ColomboBank
Columbia Bank

Community Bank of the Chesapeake
Congressional Bank
County First Bank
Damascus Community Bank
EagleBank
Eastern Savings Bank
Easton Bank & Trust
Essex Bank
Farmers Bank of Willards
Farmers & Merchants Bank
First Citizens Bank
First Mariner Bank
First National Bank of Pennsylvania
First Shore Federal Savings & Loan
First United Bank & Trust
First Virginia Community Bank
Fraternity Federal Savings & Loan Association
Frederick County Bank
Hamilton Bank
Harbor Bank of Maryland
Harford Bank
Hebron Savings Bank
Hopkins Federal Savings Bank
Howard Bank
HSBC Bank USA, N.A.
Industrial Bank
Jefferson Security Bank
John Marshall Bank
Madison Square Federal Savings
MainStreet Bank
M & T
Middletown Valley Bank
Midstate Community Bank
Monument Bank
National Bank of Cambridge
National Capital Bank of Washington
National Penn Bank
NBRS Financial
New Windsor State Bank
Northwest Savings Bank
OBA Bank
Old Line Bank
Orrstown Bank
Patapsco Bank
Peoples Bank
Peoples Bank, A Codorus Valley Co.
PNC Bank
Premier Bank, Inc.
Presidential Bank
Prince George's Federal Savings Bank
Provident State Bank
Queenstown Bank of Maryland
Regal Bank & Trust
Revere Bank
Sandy Spring Bank
Santander Bank, N.A.
Severn Savings Bank, FSB
Shore Bank
Sonabank, N.A.
Standard Bank
SunTrust
Susquehanna Bank

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Sykesville Federal Savings Bank
Talbot Bank
TD Bank
United Bank
Virginia Commerce Bank
Virginia Partners Bank
Washington First Bank
Wells Fargo Bank, N.A.
Woodsboro Bank

The following bank has either terminated their agreement, merged with another bank, or had their agreement terminated since the previous list was published.

BankAnnapolis

[14-15-26]

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 31 MARYLAND INSURANCE ADMINISTRATION

Opportunity for Public Comment

Review of COMAR 31.01-31.05

In accordance with the Regulatory Review and Evaluation Act, State Government Article, §§10-130—10-139, Annotated Code of Maryland, the Maryland Insurance Administration (MIA) is reviewing and evaluating certain regulations codified within Title 31 of the Code of Maryland Regulations, under Subtitle 01 entitled General Provisions; Subtitle 02, Powers and Duties – Hearings; Subtitle 03, Insurance Producers and Other Insurance Professionals; Subtitle 04, Insurers; and Subtitle 05, Assets, Liabilities, Reserves, and Investments of Insurers. The purpose of the review and evaluation is to determine whether existing regulations continue to accomplish the purposes for which they were adopted, clarify ambiguous or unclear language, and repeal obsolete or duplicative provisions.

Regulations being reviewed include:

- 31.01.01 General
- 31.01.03 Procedure
- 31.01.04 Definitions Section Reference List
- 31.01.05 Penalties Section Reference List

- 31.02.01 Scope
- 31.02.03 Hearings Arising from Cancellation, Nonrenewal, Increase in Premium, or Reduction of Coverage under a Motor Vehicle Liability Insurance Policy
- 31.02.04 Penalties
- 31.02.05 Public Information Act Requests
- 31.02.06 Procedures for Quasi-Legislative Hearings

- 31.03.01 Temporary Licenses
- 31.03.02 Insurance Producers – Continuing Education Requirements
- 31.03.03 Fiduciary Responsibility of Insurance Producers: Premium Accounts – Commingling of Funds
- 31.03.04 Regulation Restricting Licensed Insurance Producers to Placing Maryland Risks for State Citizens with Authorized Insurers
- 31.03.05 Bail Bonds
- 31.03.07 Installment Vendors Doing Business in Maryland (Such as Auto Dealers, Boat Dealers, Appliance Dealers, Loan Companies)

- 31.03.09 Staggered System for Renewal of Licenses
- 31.03.10 Advisers
- 31.03.11 Motor Vehicle Rental Companies – Limited Lines License
- 31.03.13 Producer Registers and Documentation of Appointments

- 31.04.01 Examination of Insurers
- 31.04.03 Home and Executive Offices
- 31.04.05 Period of Organization or Proof of Financial Worth Before Admission of Foreign Stock and Mutual Insurance Companies
- 31.04.06 Conflict of Interests
- 31.04.09 Custody Agreements and the Use of Clearing Corporations
- 31.04.10 Domestic Insurers – Insider Trading
- 31.04.12 Insurer Transactions with Unappointed Persons – General Business Practices
- 31.04.16 Filing of Underwriting Standards
- 31.04.17 Filing of Forms for Approval
- 31.04.18 Form Filings Under Maryland Insurance Acquisitions Disclosure and Control Act
- 31.04.19 Filing of Forms Under File and Use Method

- 31.05.02 Certificate of Valuation – Life Insurers
- 31.05.04 Valuation Standards for Individual Annuity and Pure Endowment Contracts
- 31.05.05 Valuation Standards for Group Annuity and Pure Endowment Contracts
- 31.05.06 Investments of Life Insurers and Property and Casualty Insurers in High Yield/High Risk Obligations
- 31.05.07 Life and Health Reinsurance Agreements
- 31.05.08 Credit for Reinsurance
- 31.05.09 Mortgage Loans
- 31.05.10 Financial Guaranty Insurance

Interested parties may submit comments to Katrina Lawhorn, Regulations Coordinator, and transmitted by mail to 200 St. Paul Place, Suite 2700, Baltimore, MD 21202; by fax to (410) 468-2020; or by email to InsuranceRegReview@mdinsurance.state.md.us. Comments must be received by September 29, 2014.

[14-15-28]

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 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 04 BOATING

08.04.08 Boat Livery Operation

Authority: Natural Resources Article, §§8-704(b), 8-712, and 8-712.2, Annotated Code of Maryland

Notice of Emergency Action

[14-226-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations .01 and .02 and the adoption of new Regulations .03 and .04 under COMAR 08.04.08 Boat Livery Operations.

Emergency status began: June 27, 2014.

Emergency status expires: December 23, 2014.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Economic Impact on Small Businesses

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

This regulation will allow commercial livery operators the opportunity to continue with their business plans for the summer of 2014 and simultaneously study the effects on the vessels on the waters of the State. This should have a positive economic impact on the local economy.

.01 Boat Livery Operation.

- (text unchanged)
- Record.

(1) Livery boat owners shall keep a record of each boat rented. The record shall show the:

- (text unchanged)
- Name and address of [the person renting and the number of persons on board at the time of departure] *persons operating or riding*;

(c) *Number of persons on board at the time of departure*;

[(c)] (d) — [(d)](e) (text unchanged)

- (text unchanged)

C. (text unchanged)

D. *All livery boat owners and/or their agents must follow all federal, State and local regulations.*

.02 Personal Watercraft Livery Operations.

A. In addition to Regulation .01 of this chapter, personal watercraft livery operators shall:

(1) (text unchanged)

(2) Advise renters [or] *and* operators to read COMAR 08.18.02.

(3) Within 30 days of the effective date of COMAR 08.18.02, add to the rental contract a statement that the renter [or] *and* operator [has] *have* read and [understands] *understand* the personal watercraft regulations. This statement shall be signed by the renter [or] *and* operator, retained in the files of the livery operator for at least 30 days, and be made available to the Department upon request.

B. A personal watercraft livery owner, livery owner's agent, or employee may not lease or rent a personal watercraft unless the [renter] *operator* is 16 years old or older and, if born after July 1, 1972, possesses a boating safety certificate as required in Natural Resources Article, §8-712.2, Annotated Code of Maryland.

C. (text unchanged)

D. In order to comply with the agreement in §C of this regulation, the livery operator shall:

(1) – (3) (text unchanged)

(4) Provide guides certified by the Department to oversee the [renters] *operators* of personal watercraft in those waters of the State determined by the Department as necessitating the use of guides for the safety of the public.

.03 JetPack Livery Operation.

A. *In addition to Regulation .01 of this chapter, JetPack Vessel livery operators shall:*

(1) *Prominently display the JetPack Vessel regulations in COMAR 08.18.40.*

(2) *Advise renters and riders to read COMAR 08.18.40 as applicable.*

(3) *Within 30 days of the effective date of COMAR 08.18.40, add to the rental contract a statement that the renter and rider have read and understand the JetPack Vessel regulations. This statement shall be signed by the renter and rider, retained in the files of the livery operator for at least 30 days, and be made available to the Department upon request.*

B. *A JetPack Vessel livery owner, livery owner's agent, or employee may not lease or rent a JetPack Vessel unless the rider is 16 years old or older and, if born after July 1, 1972, possesses a boating safety certificate as required in Natural Resources Article, §8-712.2, Annotated Code of Maryland.*

C. A rider of a JetPack Vessel rented from a livery operator is exempt from the requirements of Natural Resources Article, §8-712.2, Annotated Code of Maryland, if the livery operator has entered into a valid agreement with the Department.

D. In order to comply with the agreement in §C of this regulation, the livery operator shall:

(1) Provide boating education materials to all riders of JetPack Vessels;

(2) Administer a written test to each rider of a JetPack Vessel;

(3) Require a minimum score on the test of 90 percent; and

(4) Provide guides certified by the Department to oversee the riders of JetPack Vessels in those waters of the State determined by the Department as necessitating the use of guides for the safety of the public.

E. A JetPack Vessel livery owner, livery owner's agent, or employee may not operate or give permission to operate a JetPack Vessel on the waters of the State unless the Rescue Vessel used in livery operations has an international orange flag 12" x 12" in size mounted on a pole that is 24 inches above the water. The flag must be visible, and remain visible, until the rider is safely secured on the rescue vessel and out of the jet propelled device.

F. A JetPack Vessel livery owner, livery owner's agent, or employee may not operate or give permission to operate a JetPack Vessel on the waters of the State unless the rider is trained in the proper use of the JetPack Vessel by the manufacturer of the vessel or its authorized representative.

G. All livery operated JetPack Vessels must have an operator that is not the rider.

H. If the livery owner or the livery owner's agent or employee operates the JetPack Vessel, the livery owner or the livery owner's agent or employee shall be licensed by the United States Coast Guard as an operator of an uninspected passenger vessel as defined in 46 U.S.C. §2101(42)(B).

I. A JetPack Vessel livery owner, livery owner's agent, or employee may not operate or give permission to operate a JetPack Vessel on the waters of the State in Navigational channels, (Federal or State) marked or unmarked channels.

J. All JetPack Vessel Livery observers must possess a valid First Aid and CPR Certificate.

.04 Prohibited Areas.

A. Personal watercraft (PWC) and JetPack Vessels owned or leased by a livery vessel owner operating in Worcester County may not operate:

(1) In the Atlantic Ocean and the Ocean City Inlet at any time.

All of the waters east of a line beginning at a point at the west end of the Second Street seawall, at or near Lat. 38° 19.572' N., Long. 75° 5.473' W., then running 230° (True) to a point on the shore of Assateague Island, at or near Lat. 38° 19.445' N., Long. 75° 5.668' W.

(2) At any time in the following areas:

(a) Herring and Turville Creeks. All of the waters of Herring and Turville Creeks west of a line beginning at a point on the south shore of an unnamed gut, at or near Lat. 38° 21.711' N., Long. 75° 7.072' W., then running 26° (True) to a point on the north shore of the gut, at or near Lat. 38° 21.745' N., Long. 75° 7.051' W.; and south of a line beginning at a point on the east shore of Herring Creek, at or near Lat. 38° 21.964' N., Long. 75° 7.251' W., then running 272° (True) to a point on the west shore of Herring Creek, at or near Lat. 38° 21.971' N., Long. 75° 7.609' W.

(b) Manklin Creek and St. Martin River. All of the waters of Manklin Creek and St. Martin River west of a line beginning at a point on the south shore of Manklin Creek, at or near Lat. 38° 22.401' N., Long. 75° 7.481' W., then running 10° (True) to a point at the eastern corner of a bulkhead, at or near Lat. 38° 22.738' N.,

Long. 75° 7.406' W., then running 34° (True) to a point on the shore on the southwest side of Isle of Wight, at or near Lat. 38° 23.392' N., Long. 75° 6.838' W.

B. A person who violates any provision of this regulation is subject to the penalties and fines of Natural Resources Article, §8-2001, Annotated Code of Maryland.

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

08.18.02 Personal Watercraft

Authority: Natural Resources Article, §§8-704 and 8-712.2, Annotated Code of Maryland

Notice of Emergency Action

[14-227-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations .04 and .05 and the repeal of existing Regulation .06 under COMAR 08.18.02 Personal Watercraft.

Emergency status began: June 27, 2014.

Emergency status expires: December 23, 2014.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Economic Impact on Small Businesses

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

This regulation will allow commercial livery operators the opportunity to continue with their business plans for the summer of 2014 and simultaneously study the effects on the vessels on the waters of the State. This should have a positive economic impact on the local economy.

.04 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) "Restricted Visibility" means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms or any other similar causes.

[(3)](4) (text unchanged)

.05 Restrictions.

A.—D. (text unchanged)

E. A person may not operate or give permission to operate a personal watercraft on the waters of the State [between sunset and sunrise.]:

(1) Between sunset and sunrise; or

(2) In or near an area of restricted visibility.

F.—J. (text unchanged)

K. On Maryland waters other than the Atlantic Ocean, a person may not operate or give permission to operate a personal watercraft on the waters of the State at any time at a speed in excess of 6 knots within 100 feet of a shore, wharf, pier, piling, mooring ball, buoy, bridge structure or abutment, or people in the water.

L.—M. (text unchanged)

N. [A personal watercraft livery owner, or the livery owner's agent or employee shall:

(1) Prominently display these regulations governing personal watercraft.

(2) Advise renters to read the regulations.

(3) Within 30 days of the effective date of these regulations, add to the rental contract a statement that the renter or operator has read and understands the personal watercraft regulations. This statement shall be signed by the renter or operator, retained in the files of the livery operator for at least 30 days, and be made available to the Department upon request.] *Any person who leases, rents, or otherwise receives consideration for the use of personal watercraft shall comply with COMAR 08.04.08.*

O.— P. (text unchanged)

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

08.18.40 JetPack Vessel

Authority: Natural Resources Article, §§8-701(m), 8-704, and 8-712.2, Annotated Code of Maryland

Notice of Emergency Action

[14-228-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulations .01—.07 under a new chapter, **COMAR 08.18.40 JetPack Vessel**.

Emergency status began: June 27, 2014.

Emergency status expires: December 23, 2014.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Economic Impact on Small Businesses

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

This regulation will allow commercial livery operators the opportunity to continue with their business plans for the summer of 2014 and simultaneously study the effects on the vessels on the waters of the State. This should have a positive economic impact on the local economy.

.01 Scope.

A. *The regulations of this chapter govern the use of JetPack Vessels on all waters of the State.*

B. *JetPack Vessels shall comply with all laws and regulations governing Class A vessels including but not limited to registration, operation, and navigation.*

C. *JetPack Vessels operated for recreational or commercial ("for hire") uses are subject to all boating safety laws, unless otherwise noted in these regulations.*

.02 Purpose.

The purpose of this chapter is to develop comprehensive safety standards and registration requirements for JetPack Vessels operated on the waters of the State.

.03 Exceptions.

This chapter does not apply to:

A. *JetPack Vessels used solely for the purpose of emergency rescue operations and associated emergency training programs; and*

B. *If approved by the Department of Natural Resources or the U.S. Coast Guard JetPack Vessels engaged in a:*

- (1) *Professional exhibition;*
- (2) *Regatta;*
- (3) *Motorboat race or other boat race;*
- (4) *Marine parade; or*
- (5) *Tournament or exhibition.*

.04 Definitions.

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

B. *Terms Defined.*

(1) *Boat Unit.*

(a) *"Boat unit" refers to the portion of the JetPack Vessel that contains the jet pump and water intake valve or valves.*

(b) *"Boat unit" includes:*

(i) *A separately registered personal watercraft that is attached to the jet propelled device via a high pressure water hose; or*

(ii) *A streamlined hull consisting of an engine and water pump that is connected to the jet propelled device via a high pressure water hose.*

(c) *The hull is not required to have seating for an operator or passenger.*

(2) *"Class A vessel" means a motorboat less than 16 feet in length as defined by the U.S. Coast Guard in 46 CFR §24.10-17.*

(3) *"Department" refers to the Maryland Department of Natural Resources.*

(4) *"Helmet" means a water sport helmet.*

(5) *"Instructor" is any person that provides instruction regarding the operation and use of the JetPack Vessel.*

(6) *"JetPack Vessel" refers to a system whereby a jet propelled device is attached via a high pressure water hose to a boat unit that contains a jet pump. The boat unit intakes water and pumps it through the high pressure water hose to the jet propelled device capable of elevating a rider from the surface of the water.*

(7) *"Jet Propelled Device" refers to the portion of the JetPack Vessel where the rider is seated or standing including but not limited to jet propelled boards, jetpacks and water bikes.*

(8) *"Observer" means a person other than the rider that is responsible for the safety of the rider and all equipment involved in the JetPack Vessel operation.*

(9) *"Operate" means to navigate or otherwise use a vessel and or move or support a person in the water or air.*

(10) *"Operator" is the person that controls the thrust of the jet propelled device. The operator may also serve as the rider.*

(11) *"Owner" means the person or entity that registers the JetPack Vessel.*

(12) *"Personal watercraft" means a Class A vessel which:*

(a) *Has an inboard motor which uses an internal combustion engine powering a water jet pump as its primary source of motive propulsion;*

(b) *Is designed with the concept that the operator and passenger ride on the outside surfaces of the vessel as opposed to riding inside the vessel;*

(c) *Has the probability that the operator and passenger may, in the normal course of use, fall overboard; and*

(d) Is designed with no open load-carrying area which would retain water.

(13) "Porpoise like motion" means the intentional operation of the jet propelled device under the surface of the water for a lateral distance of more than 2 feet and then resurfacing.

(14) "Rescue vessel" means a fully navigable motorized vessel sufficient to carry all of the people involved in the JetPack Vessel activity.

(15) "Restricted Visibility" means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms or any other similar causes.

(16) "Rider" means the person actually on the jet propelled device. The rider may also serve as the operator.

.05 Restrictions.

A. A person may not operate or give permission to operate a JetPack Vessel in a reckless or negligent manner as set forth in COMAR 08.18.01.05.

B. A person may not lease, hire, rent, operate, or give permission to operate a JetPack Vessel unless the observer, operator, and rider are 16 years old or older.

C. A person may not operate or give permission to operate a JetPack Vessel unless:

(1) An observer is on a navigable rescue vessel that is located at least 100 feet, but no more than 300 feet, away from the rider;

(2) The observer is responsible for the safety of only one rider at a time; and

(3) The observer meets Maryland requirements for a vessel operator.

D. All JetPack Vessels and Rescue Vessels must have an "international orange" flag with a minimum size of 12"x 12" mounted on a pole that is at least 24 inches above the water. The flag must be visible, and remain visible, until the rider is safely secured on the rescue vessel and out of the jet propelled device.

E. All riders and instructors must display "international orange" markings of at least 12" x 12." The required markings may include a vest or flag that is attached to the rider and instructor.

F. A person may not operate or give permission to operate a JetPack Vessel on the waters of the State unless the rider is wearing a helmet and a high impact Type I, Type II, or Type III personal flotation device approved by the U.S. Coast Guard.

G. A person may not operate or give permission to operate a JetPack Vessel in any area of water with a depth of less than 6 feet unless the jet propelled device and rider maintain contact with the water at all times.

H. A person may not operate or give permission to operate a JetPack Vessel in properly identified speed zones unless the jet propelled device and rider maintain contact with the water at all times. Properly identified speed zones include 6 knot zones and minimum wake zones.

I. A person may not operate or give permission to operate a JetPack Vessel on the waters of the State within 100 feet in all directions, including vertically, of any bridge, structure, shore, wharf, pier, piling, mooring ball, buoy, vessel, or people in the water, unless the jet propelled device and rider maintain contact with the water at all times. This distance restriction does not apply to the instructor, the boat unit, or the operator.

J. The rider is prohibited from picking up any other person or using a tandem harness to include a second rider.

K. A person may not operate or give permission to operate a JetPack Vessel on the waters of the State in a porpoise like motion except as provided in COMAR 08.18.40.06.

L. A person may not operate or give permission to operate a JetPack Vessel on the waters of the State:

(1) Between sunset and sunrise; or

(2) In or near an area of restricted visibility.

M. A JetPack Vessel operator, observer and rider born after July 1, 1972 shall carry a certificate of Boater Safety Education pursuant to Natural Resources Article, §8-712.2, Annotated Code of Maryland.

N. A person may not act as an observer, rider, operator, instructor or give permission to operate or observe a JetPack Vessel on the waters of the State if they are:

(1) Under the influence of alcohol;

(2) Impaired by alcohol;

(3) So far impaired by any drug, combination of drugs, or combination of one or more drugs and alcohol that the person cannot operate a vessel safely; or

(4) Impaired by any controlled dangerous substance, as defined in Criminal Law Article, §5-101, Annotated Code of Maryland, unless the person is entitled to use the controlled dangerous substance under the laws of the State.

O. A person may not operate or give permission to operate on the waters of the State a JetPack Vessel unless it is equipped with an engine cutoff switch.

P. All JetPack Vessels must be registered in accordance with COMAR 08.04.03.

Q. Any person who leases, rents, or otherwise receives consideration for the use of JetPack Vessels shall comply with COMAR 08.04.08.

.06 Special Operating Conditions.

In addition to the restrictions set forth in COMAR 08.18.40.05, a person may not operate or give permission to operate a JetPack Vessel in a porpoise like motion unless the water depth is a minimum of 25 feet.

.07 Registration of Boat Units.

A. Boat units are vessels as defined by Natural Resources Article, §8-701(s), Annotated Code of Maryland.

B. All boat units shall have a valid:

(1) Hull identification number; and

(2) Vessel registration

JOSEPH P. GILL
Secretary of Natural Resources

Title 10
DEPARTMENT OF HEALTH
AND MENTAL HYGIENE
Subtitle 37 HEALTH SERVICES COST
REVIEW COMMISSION

10.37.10 Rate Application and Approval Procedures

Authority: Health-General Article, §§19-207 and 19-214; Insurance Article, §§14-502 and 14-504; State Government Article, §10-304(b); Annotated Code of Maryland

Notice of Extension of Emergency Status

[14-087-E-1]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .26-1 under COMAR 10.37.10 Rate Application and Approval Procedures.

Emergency status has been extended to: August 1, 2014.

Emergency action was published in: 41:8 Md. R. 468 (April 18, 2014).

JOHN M. COLMERS

Chairman

Health Services Cost Review Commission

Title 14
INDEPENDENT AGENCIES
Subtitle 26 MARYLAND ENERGY
ADMINISTRATION

14.26.01 Jane E. Lawton Conservation Program

Authority: State Government Article, §§9-20A-04 and 9-20A-09, Annotated Code of Maryland

Notice of Emergency Action

[14-220-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations .01—.04, .06—.09, .12—.15, and .17 and to new Regulation .18 under COMAR 14.26.01 Jane E. Lawton Conservation Program.

Emergency status began: July 1, 2014.

Emergency status expires: August 29, 2014.

Editor's Note: The text of this document will not be printed here because it appears as a Notice of Proposed Action on pages 911—915 of this issue, referenced as [14-220-P].

ABIGAIL R. HOPPER

Director

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 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.10 Horseshoe Crabs

Authority: Natural Resources Article, §§4-206, 4-215, and 4-701, Annotated Code of Maryland

Notice of Final Action

[14-141-F]

On July 15, 2014, the Secretary of Natural Resources adopted amendments to Regulation **.01** under **COMAR 08.02.10 Horseshoe Crabs**. This action, which was proposed for adoption in 41:11 Md. R. 607—608 (May 30, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.15 Striped Bass

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

Notice of Final Action

[14-145-F]

On July 15, 2014, the Secretary of Natural Resources adopted amendments to Regulation **.05** under **COMAR 08.02.15 Striped Bass**. This action, which was proposed for adoption in 41:11 Md. R. 608—609 (May 30, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.01 General

Authority: Natural Resources Article, §10-205, Annotated Code of Maryland

Notice of Final Action

[14-142-F]

On July 15, 2014, the Secretary of Natural Resources adopted amendments to Regulation **.01** under **COMAR 08.03.01 General**. This action, which was proposed for adoption in 41:11 Md. R. 609 (May 30, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.04 Forest Wildlife

Authority: Natural Resources Article, §§10-205 and 10-408, Annotated Code of Maryland

Notice of Final Action

[14-144-F]

On July 15, 2014, the Secretary of Natural Resources adopted amendments to Regulations **.06** and **.20** and new Regulation **.24** under **COMAR 08.03.04 Forest Wildlife**. This action, which was proposed for adoption in 41:11 Md. R. 609—610 (May 30, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.06 Furbearer Wildlife

Authority: Natural Resources Article, §§10-205 and 10-408, Annotated Code of Maryland

Notice of Final Action

[14-143-F]

On July 15, 2014, the Secretary of Natural Resources adopted amendments to Regulation **.03** under **COMAR 08.03.06 Furbearer Wildlife**. This action, which was proposed for adoption in 41:11 Md. R. 610 (May 30, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

JOSEPH P. GILL
Secretary of Natural Resources

**Subtitle 18 BOATING — SPEED
LIMITS AND OPERATION OF
VESSELS**

08.18.26 Susquehanna River

Authority: Natural Resources Article, §§8-703 and 8-704, Annotated Code of Maryland

Notice of Final Action

[14-139-F]

On July 15, 2014, the Secretary of Natural Resources adopted amendments to Regulations **.01—.06** under **COMAR 08.18.26 Susquehanna River**. This action, which was proposed for adoption in 41:11 Md. R. 610—611 (May 30, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

JOSEPH P. GILL
Secretary of Natural Resources

**Subtitle 18 BOATING — SPEED
LIMITS AND OPERATION OF
VESSELS**

08.18.27 Tred Avon River

Authority: Natural Resources Article, §§8-703 and 8-704, Annotated Code of Maryland

Notice of Final Action

[14-138-F]

On July 15, 2014, the Secretary of Natural Resources adopted amendments to Regulations **.01—.03** under **COMAR 08.18.27 Tred Avon River**. This action, which was proposed for adoption in 41:11 Md. R. 611—612 (May 30, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

JOSEPH P. GILL
Secretary of Natural Resources

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

**Subtitle 12 DIVISION OF LABOR AND
INDUSTRY**

09.12.81 Elevator, Escalator, and Chairlift Safety

Authority: Public Safety Article, §§12-805, 12-806, 12-809, and 12-812, Annotated Code of Maryland

Notice of Final Action

[14-122-F]

On July 9, 2014, the Commissioner of Labor and Industry adopted amendments to Regulation **.01** under **COMAR .09.12.81 Elevator, Escalator, and Chairlift Safety**. This action, which was proposed

for adoption in 41:10 Md. R. 570—571 (May 16, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

J. RONALD DEJULIIS
Commissioner of Labor and Industry

**Subtitle 13 BOARD FOR
PROFESSIONAL LAND SURVEYORS**

**09.13.08 Continuing Professional Competency
Requirements**

Authority: Business Occupations and Professions Article, §§15-314(f), 15-315, and 15-316, Annotated Code of Maryland

Notice of Final Action

[14-128-F]

On July 2, 2014, the Board for Professional Land Surveyors adopted amendments to Regulation **.12** under **COMAR 09.13.08 Continuing Professional Competency Requirements**. This action, which was proposed for adoption in 41:10 Md. R. 571 (May 16, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

JOHN V. METTEE III
Chairman
State Board for Professional Land Surveyors

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

**Subtitle 37 HEALTH SERVICES COST
REVIEW COMMISSION**

**10.37.01 Uniform Accounting and Reporting
System for Hospitals and Related Institutions**

Authority: Health-General Article, §§19-207 and 19-212, Annotated Code of Maryland

Notice of Final Action

[14-120-F]

On July 9, 2014, the Health Services Cost Review Commission adopted amendments to Regulation **.03** under **COMAR 10.37.01 Uniform Accounting and Reporting System for Hospitals and Related Institutions**. This action, which was proposed for adoption in 41:9 Md. R. 530 (May 2, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

JOHN M. COLMERS
Chairman
Health Services Cost Review Commission

Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION

10.37.10 Rate Application and Approval Procedures

Authority: Health-General Article, §§19-207, 19-212, and 19-219, Annotated Code of Maryland

Notice of Final Action

[14-119-F]

On July 9, 2014, the Health Services Cost Review Commission adopted amendments to Regulation **.26** under **COMAR 10.37.10 Rate Application and Approval Procedures**. This action, which was proposed for adoption in 41:9 Md. R. 530—531 (May 2, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

JOHN M. COLMERS
Chairman
Health Services Cost Review Commission

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 05 MARYLAND PORT ADMINISTRATION

11.05.05 The World Trade Center Baltimore Building and Grounds

Authority: Transportation Article, §§6-101 [[and]], 6-201.2(b)(2), and 6-204(c), (i), (j), and (l), Annotated Code of Maryland; Executive Order 01.01.1992.20

Notice of Final Action

[14-009-F]

On June 17, 2014, the Deputy Executive Director of the Maryland Port Administration adopted amendments to Regulations **.02**, **.03**, and **.06** and new Regulations **.09** and **.10** under **COMAR 11.05.05 The World Trade Center Baltimore Building and Grounds**. This action, which was proposed for adoption in 41:1 Md. R. 37—40 (January 10, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

M. KATHLEEN BROADWATER
Deputy Executive Director
Maryland Port Administration

Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY

11.07.01 Transportation of Hazardous Materials

Authority: Transportation Article, §§4-205, 21-1403, and 21-1411, Annotated Code of Maryland

Notice of Final Action

[14-002-F]

On June 26, 2014, the Chairman and members of the Maryland Transportation Authority adopted amendments to Regulations **.01**,

.02, **.05**, and **.06** under **COMAR 11.07.01 Transportation of Hazardous Materials**. This action, which was proposed for adoption in 41:1 Md. R. 40—41 (January 10, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

BRUCE GARTNER
Executive Director
Maryland Transportation Authority

Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY

11.07.03 Permits for Towing, Road Service, and Storage of Vehicles

Authority: Transportation Article, §§4-204, 4-205, 4-208, 4-208.1, 21-1403, 21-1407, and 26-301 et seq., Annotated Code of Maryland

Notice of Final Action

[14-003-F]

On June 26, 2014, the Chairman and members of the Maryland Transportation Authority adopted amendments to Regulations **.01** and **.03** under **COMAR 11.07.03 Permits for Towing, Road Service, and Storage of Vehicles**. This action, which was proposed for adoption in 41:1 Md. R. 41 (January 10, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

BRUCE GARTNER
Executive Director
Maryland Transportation Authority

Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY

11.07.08 Towing of Vehicles on Maryland Transportation Authority Property

Authority: Transportation Article, §§4-204, 4-205, 4-208, 4-208.1, 21-1403, 21-1407, and 26-301 et seq., Annotated Code of Maryland

Notice of Final Action

[14-004-F]

On June 26, 2014, the Chairman and members of the Maryland Transportation Authority adopted amendments to Regulation **.01** under **COMAR 11.07.08 Towing of Vehicles on Maryland Transportation Authority Property**. This action, which was proposed for adoption in 41:1 Md. R. 41—42 (January 10, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

BRUCE GARTNER
Executive Director
Maryland Transportation Authority

Title 14 INDEPENDENT AGENCIES

Subtitle 09 WORKERS' COMPENSATION COMMISSION

Notice of Final Action
[14-118-F]

On July 10, 2014, the Workers' Compensation Commission adopted the repeal of:

- (1) Regulations .11—.17, .26, and .27 under **COMAR 14.09.01 General and Administrative**; and
- (2) Regulation .01-1 under **COMAR 14.09.02 Requirements for Filing and Amending Claims**.

This action, which was proposed for adoption in 41:9 Md. R. 532 (May 2, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

R. KARL AUMANN
Chairman
Workers' Compensation Commission

Subtitle 31 OFFICE FOR CHILDREN

14.31.05 Licensing and Monitoring of 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
[14-094-F]

On June 19, 2014, the Children's Cabinet adopted amendments to Regulations .08 and .09 under **COMAR 14.31.05 Licensing and Monitoring of Residential Child Care Programs**. This action, which was proposed for adoption in 41:8 Md. R. 486—487 (April 18, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

ANNE SHERIDAN
Executive Director
Governor's Office for Children

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
[14-098-F]

On June 19, 2014, the Children's Cabinet adopted amendments to Regulations .17 and .18 under **COMAR 14.31.06 Standards for Residential Child Care Programs**. This action, which was proposed

for adoption in 41:8 Md. R. 487—489 (April 18, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

ANNE SHERIDAN
Executive Director
Governor's Office for Children

Title 22

STATE RETIREMENT AND PENSION SYSTEM

Subtitle 01 GENERAL REGULATIONS

22.01.03 Domestic Relations Orders

Authority: State Personnel and Pensions Article, §§21-110 and 21-502, Annotated Code of Maryland

Notice of Final Action
[14-126-F]

On July 15, 2014, the Board of Trustees for the State Retirement and Pension System adopted amendments to Regulations .02 — .06, .08, and .09 under **COMAR 22.01.03 Domestic Relations Orders**. This action, which was proposed for adoption in 41:10 Md. R. 573—575 (May 16, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

R. DEAN KENDERDINE
Executive Director
State Retirement Agency

Subtitle 04 MEMBERSHIP

22.04.02 Membership in the Employees' System or the Teachers' System — General

Authority: State Personnel and Pensions Article, §§21-108, 21-110, 22-207, 23-205, and 23-209, Annotated Code of Maryland

Notice of Final Action
[14-132-F]

On July 15, 2014, the Board of Trustees for the State Retirement and Pension System adopted amendments to Regulations .02 and .04 under **COMAR 22.04.02 Membership in the Employees' System or the Teachers' System — General**. This action, which was proposed for adoption in 41:11 Md. R. 632—633 (May 30, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

R. DEAN KENDERDINE
Executive Director
State Retirement Agency

Title 33 STATE BOARD 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 Final Action
[14-103-F]

On July 10, 2014, the State Board of Elections adopted amendments to Regulation .07 under **COMAR 33.10.02 AccuVote-TS**. This action, which was proposed for adoption in 41:8 Md. R. 491—492 (April 18, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 13 CAMPAIGN FINANCING

33.13.14 Public Financing

Authority: Election Law Article, §§2-102(b)(4) and 13-505(b)(7), Annotated Code of Maryland

Notice of Final Action
[14-102-F]

On July 10, 2014, the State Board of Elections adopted new Regulations .01 — .04 under a new chapter, **COMAR 33.13.14 Public Financing**. This action, which was proposed for adoption in 41:8 Md. R. 492—493 (April 18, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 14 ADMINISTRATION OF PUBLIC FINANCING ACT

Notice of Final Action
[14-075-F]

On July 10, 2014, the State Board of Elections adopted amendments to:

- (1) Regulation .04 under **COMAR 33.14.01 Definitions; General Provisions;**
- (2) Regulations .01, .02, .04, and .06 under **COMAR 33.14.02 Eligibility Requirements and Procedures;** and
- (3) Regulation .02 under **COMAR 33.14.03 Limitations on Campaign Expenditures.**

This action, which was proposed for adoption in 41:6 Md. R. 396-397 (03/21/2014), has been adopted as proposed.

Effective Date: August 4, 2014.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 17 EARLY VOTING

33.17.04 Early Voting Center Equipment and Materials

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

Notice of Final Action
[14-099-F]

On July 10, 2014, the State Board of Elections adopted amendments to Regulation .03 under **COMAR 33.17.04 Early Voting Center Equipment and Materials**. This action, which was proposed for adoption in 41:8 Md. R. 493 (April 18, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 18 VIOLATIONS

33.18.01 Civil Penalties

Authority: Election Law Article, §13-604.1, Annotated Code of Maryland

Notice of Final Action
[14-074-F]

On July 10, 2014, the State Board of Elections adopted new Regulations .01— .05 under a new chapter, **COMAR 33.18.01 Civil Penalties**, under a new subtitle, **Subtitle 18 Violations**. This action, which was proposed for adoption in 41:6 Md. R. 397—398 (March 21, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 20 DISCLOSURE BY PERSONS DOING PUBLIC BUSINESS

33.20.01 Definitions

Authority: Election Law Article, §§2-102(b)(4) and 14-109, Annotated Code of Maryland

Notice of Final Action
[14-101-F]

On July 10, 2014, the State Board of Elections adopted new Regulations .01 and .02 under a new chapter, **COMAR 33.20.01 Definitions**. This action, which was proposed for adoption in 41:8 Md. R. 493—494 (April 18, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

LINDA H. LAMONE
State Administrator of Elections

**Subtitle 20 DISCLOSURE BY PERSONS
DOING PUBLIC BUSINESS**

33.20.02 Statement of Contributions Requirements

Authority: Election Law Article, §§2-102(b)(4) and 14-109, Annotated Code of Maryland

Notice of Final Action

[14-100-F]

On July 10, 2014, the State Board of Elections adopted new Regulations **.01 — .04** under a new chapter, **COMAR 33.20.02 Statement of Contributions Requirements**. This action, which was proposed for adoption in 41:8 Md. R. 494 — 495 (April 18, 2014), has been adopted as proposed.

Effective Date: August 4, 2014.

LINDA H. LAMONE
State Administrator of Elections

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 05

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 19 HOMEBUYER EDUCATION AND COUNSELING

05.19.03 Foreclosure Prevention and Housing Counseling Grant Programs

Authority: Commercial Law Article, §12-1303; Housing and Community Development Article, §§2-102 and 4-507; Real Property Article, §7-105.1; Annotated Code of Maryland

Notice of Proposed Action

[14-213-P]

The Secretary of Housing and Community Development proposes to adopt new Regulations .01—.12 under a new chapter, **COMAR 05.19.03 Foreclosure Prevention and Housing Counseling Grant Programs**.

Statement of Purpose

The purpose of this action is to describe policies and procedures for making operating assistance grants under the National Foreclosure Mitigation Counseling Program, operating assistance grants under the Maryland Housing Counseling Fund (MHCF), and other housing counseling programs.

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 describes policies and procedures for making operating assistance grants under the National Foreclosure Mitigation Counseling Program, operating assistance grants under the Maryland Housing Counseling Fund

(MHCF), and other housing counseling programs. Local governments will benefit from assistance provided to homeowners under the program. To the extent that assistance prevents a foreclosure from taking place, local governments may benefit by avoiding the lost revenue and negative community impacts associated with foreclosure. Nonprofit organizations that provide housing counseling and foreclosure mitigation counseling may benefit from operating assistance to provide counseling services.

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

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

C. To the extent that assistance prevents a foreclosure from taking place, local governments may benefit by avoiding the lost revenue and negative community impacts associated with foreclosure.

E. Nonprofit organizations that provide housing counseling and foreclosure mitigation counseling may benefit from operating assistance to provide counseling services.

F. Homeowners will benefit from assistance provided under the program that prevents a foreclosure from taking place.

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 Papagni, Program Officer, Division of Neighborhood Revitalization, Department of Housing and Community Development, 100 Community Place, Crownsville, MD 21032, or call 410-209-5807, or email to papagni@mdhousing.org, or fax to 410-685-8270. Comments will be accepted through August 25, 2014. A public hearing has not been scheduled.

.01 General.

These regulations describe the policies and procedures for making:

A. Operating assistance grants under the National Foreclosure Mitigation Counseling Program (NFMC);

B. Operating assistance grants under the Maryland Housing Counseling Fund (MHCF); and

C. Other housing counseling grants.

.02 Objective.

The objectives of the Programs are to:

A. Make NFMC operating assistance grants to eligible entities that:

(1) Provide housing counseling assistance to owner-occupants of single-family properties, primarily in areas of the State with high rates of defaults and foreclosures; and

(2) Provide housing counseling assistance in other areas when there is a demonstrated need for such assistance;

B. Make MHCF operating assistance grants to eligible entities that provide housing counseling services to owner-occupants of single-family properties facing mortgage default or foreclosure across the State; and

C. Make other operating and housing counseling assistance grants to eligible entities as resources become available.

.03 Definitions.

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

B. Terms Defined.

(1) "Act" means Housing and Community Development Article, Annotated Code of Maryland.

(2) "Department" means the Department of Housing and Community Development, a principal department of the State.

(3) "Eligible entities" means professional nonprofit housing counseling agencies, legal service providers, United States Department of Housing and Urban Development (HUD) certified housing counseling agencies and other eligible entities appearing on the list of nonprofit and government agencies that provide housing counseling, which list is maintained by the Department pursuant to Commercial Law Article, §12-1303(b), Annotated Code of Maryland.

(4) "Foreclosure mediation" means a conference at which the parties in a foreclosure action, their attorneys, additional representatives of the parties, or a combination of those persons appear before an impartial individual to discuss the positions of the parties in an attempt to reach agreement on a loss mitigation program for the mortgagor or grantor as set forth in the Real Property Act.

(5) "Fund" means the Housing Counseling and Foreclosure Mediation Fund established under Housing and Community Development Article, §4-507, Annotated Code of Maryland.

(6) "Housing counseling services" means professional pro bono housing counseling services, including foreclosure prevention assistance, foreclosure mediation assistance, legal counseling, post-mitigation and foreclosure counseling, credit repair, financial literacy counseling, and loss mitigation and analysis assistance provided to mortgagors or grantors by the Eligible Entities.

(7) "Local government" means any municipal corporation subject to the provisions of the State Constitution, Article XI-E, or any one of the 23 counties of the State or Baltimore City.

(8) "Loss mitigation analysis" means an evaluation of the facts and circumstances of a loan secured by owner-occupied single-family property to determine, as defined in the Real Property Act:

(a) Whether a mortgagor or grantor qualifies for a loan modification; and

(b) If there will be no loan modification, whether any other loss mitigation program may be made available to the mortgagor or grantor.

(9) "Nonprofit organization" means a corporation, foundation, or other legal entity, no part of the net earnings of which inures to the benefit of any private shareholder or individual holding an interest in the entity.

(10) "Operating assistance grants" means NFMC and MHCF grants, or grants funded with other resources, made to eligible entities pursuant to this chapter.

(11) "Programs" means the National Foreclosure Mitigation Program and the Maryland Housing Counseling Fund Grant Programs, or other housing counseling grant programs implemented by the Department.

(12) "Real Property Act" means Real Property Article, §7-105.1, Annotated Code of Maryland.

(13) "Secretary" means the Secretary of Housing and Community Development.

(14) "Single-family property" means residential property of four or fewer single-family dwelling units in which at least one unit is occupied by an individual who, as defined in the Real Property Act:

(a) Has an ownership interest in the property; and

(b) Uses the property as the individual's primary residence.

(15) "State" means the State of Maryland.

.04 Eligible Grantees.

Eligible entities shall meet the following requirements to qualify for an operating assistance grant:

A. Have all requisite legal capacity and due authority to enter into the grant;

B. Satisfy all legal requirements to operate in the State; and

C. Meet the performance standards of the Department, as follows:

(1) Not have defaulted on a prior grant or loan from the Department; and

(2) Not be currently barred or suspended from any of the Department's programs.

.05 Eligible Use of Grant Funds.

A. NFMC grants may be used for costs associated with providing housing counseling services primarily in areas of the State with high rates of defaults and foreclosures, or in other areas, based on demonstrated need, to owner-occupants of single-family properties who are:

(1) Delinquent or are at risk of becoming delinquent on their mortgages; and

(2) At risk of default and foreclosure.

B. MHCF grants may be used for costs associated with providing housing counseling services to owner-occupants of single-family properties across the State who are:

(1) Delinquent or are at risk of becoming delinquent on their mortgages; and

(2) At risk of default and foreclosure.

C. Eligible costs include:

(1) Staff salaries and benefits;

(2) A portion of general operating costs of the grantee reasonably associated with the approved activities of the grantee, including travel, administrative overhead, telephone, postage, office supplies, publications, and services;

(3) Costs directly associated with undertaking approved activities; and

(4) Other costs approved by the Department in its sole discretion.

D. Ineligible Costs. No funds made available under NFMC or MHCF may be provided directly to lenders, homeowners, or occupants to discharge outstanding mortgage balances or for any other direct debt reduction payments unless it is permitted by the source of the grant funds made available to the Department.

.06 Grant Allocation and Criteria.

A. Allocations.

(1) The amount of funds available in the fiscal year for grants shall be determined as of July 1 of each fiscal year.

(2) Initial determinations may be adjusted if appropriated funds available for the Programs are increased or decreased after July 1 in any fiscal year.

(3) The Department shall notify eligible entities of allocations, fund availability, and application cycles by advertisement posted on the Department's website and other statewide housing partners' websites, direct mailings, press releases, or other methods selected by the Department.

B. Grants. Applications for grants shall be evaluated on the following factors, to the extent applicable:

(1) The need for services provided by the applicant in the applicant's service area;

(2) The geographic area and client base demographics served by the applicant;

(3) The applicant's experience and performance in carrying out existing housing counseling and foreclosure prevention activities;

(4) The ability of the applicant to use the grant to improve the ability of the applicant to provide Programs services;

(5) Whether the applicant's proposed services have measurable outcomes;

(6) The applicant's staffing and capacity, including bilingual and technology capacity and client management software capacity;

(7) The applicant's other funding resources dedicated to carrying out the approved activities;

(8) The level of activities, number of clients served, and anticipated outcomes that the applicant proposes to achieve; and

(9) Other factors considered relevant by the Department.

.07 Grant Terms and Conditions.

The Department shall establish grant terms and conditions in accordance with the terms of the funding source.

.08 Application and Processing Procedures.

A. Grant Applications.

(1) Applications for grants shall be on forms approved by the Department.

(2) The applications shall include the following information and supporting documentation:

(a) Organizational documents of the applicant;

(b) A description of the services to be funded with the applicable grant;

(c) A description of the geographic area in which the applicant will concentrate its efforts;

(d) An operating budget for the services, including the use of funds and the identification and description of leveraged funds and other resources;

(e) The term and amount of funds the applicant is seeking; and

(f) Other documentation the Department considers necessary to evaluate the grant request.

B. Grant Awards.

(1) Applications for grants shall be evaluated based on the criteria set forth in Regulation .06B of this chapter by the Department's Division of Neighborhood Revitalization, which shall make recommendations to the Secretary for awards of grants.

(2) The Secretary or the Secretary's designee may disapprove or approve a grant either on the terms recommended by the Division of Neighborhood Revitalization or on other terms and conditions as the Secretary considers appropriate.

(3) Following approval by the Secretary, the Department shall enter into a grant agreement with each successful applicant.

.09 Administration of Grants.

A. Recipients of grants shall maintain accurate financial records, in forms acceptable to the Department, of all transactions which relate to the grants, and make these records available to the Department for review on request for a period of not less than 3 years following the expiration of the grant agreements.

B. Grantees receiving grants shall submit periodic progress reports, in forms required by the Department and on schedules specified in the grant agreements, which clearly show progress of the grantee in relation to the grantee's strategic plan and proposed goals and objectives.

C. Grantees that do not show adequate progress in meeting goals may not be approved for funding in the subsequent years of the grants.

D. All grantees under the Programs shall make their books, accounts, records, administrative offices, and personnel, whether full-time, part-time, consultants, or volunteers, available to the Department during reasonable working hours for the duration of the grant period and for a period of not less than 3 years following the expiration of the grant agreements.

.10 Assurance of Compliance with Law.

A. Grantees may not discriminate against any person on the basis of race, color, religion, national origin, sex, marital status, physical or mental handicap, or age in any aspect of their projects.

B. Each grantee shall comply with applicable federal, State, and local laws regarding discrimination and equal opportunity in employment, housing, and credit practices including:

(1) Titles VI and VII of the Civil Rights Act of 1964;

(2) Title VIII of the Civil Rights Act of 1968, as amended;

(3) For nonresidential properties, the Americans with Disabilities Act of 1990; and

(4) The Department's Minority Business Enterprise Program, as amended.

C. Grantees shall comply with the provisions of the Governor's Executive Order 01.01.1989.18 regarding a drug and alcohol free workplace and any regulations promulgated under it.

D. Covenants implementing these requirements, including affirmative action measures, shall be included in appropriate agreements between the Department and the grantee.

.11 Programs Administration.

A. Except for waivers under §D of this regulation, any action or decision required or permitted to be taken or made by the Department under these regulations may be taken or made by the Assistant Secretary, Division of Neighborhood Revitalization, or the Assistant Secretary's designee.

B. The Department may terminate a grant or refuse to make additional disbursements under a grant agreement if it finds that the grantee is not complying with any of the requirements of a Program or the grant agreement.

C. The Department may establish from time to time operational handbooks or manuals governing matters relating to the Programs, including descriptive statements of Programs' procedures which do not directly affect the rights of the public or the procedures available to the public.

D. The Secretary may waive or vary particular provisions of these regulations if:

(1) The waiver or variance is not inconsistent with the authorizing provisions of the Act or the Real Property Act;

(2) In the written determination of the Secretary, the application of the regulations in a specific case or in an emergency situation would be inequitable or contrary to the purposes of the Act or the Real Property Act; and

(3) The Office of the Attorney General approves the waiver for form and legal sufficiency.

.12 False Statements.

A person may not knowingly make or cause to be made any false statement or report in any documents required to be furnished to the Department by any agreement relating to the Programs.

RAYMOND A. SKINNER
Secretary of Housing and Community Development

**Title 08
DEPARTMENT OF NATURAL
RESOURCES**

Subtitle 02 FISHERIES SERVICE

08.02.04 Oysters

Authority: Natural Resources Article, §§4-215, 4-1009.1, and 4-1013
Annotated Code of Maryland

Notice of Proposed Action

[14-218-P]

The Secretary of Natural Resources proposes to repeal existing Regulation .09, adopt new Regulation .09, and amend Regulation .13 under COMAR 08.02.04 Oysters.

Statement of Purpose

The purpose of this action is to expand a harvest reserve area and fix hand tong lines.

The proposed action expands, almost doubles, the Evans Harvest Reserve Area in order to bolster protection of spat on shell planted within the area from poaching. As currently set, the Evans area is not much larger than the planted area, hence it is easily prone to poaching by people working a nearby productive oyster bar. Expanding the area facilitates protection of the plantings.

The action also fixes coordinates for hand tong lines. Previously, some of the hand tong-only lines overlapped with sanctuary lines or power dredge area lines. This action corrects those overlaps. Individuals using hand tongs are not losing area in which to hand tong because they either

were already prohibited from the area, in the case of sanctuaries, or they were already allowed in the area, in the case of power dredge areas. With this action, the Department hopes to eliminate confusion about which gears are allowed in the named areas.

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 may have a positive economic impact on the regulated industry based on the increased size of the harvest reserve area.

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

D. On regulated industries or trade groups:

Increased Size of Harvest Reserve Area (+) 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.)

D. The watermen may see a positive economic impact if they are able to harvest oysters in an expanded harvest reserve area. However, the long term economic impacts cannot yet be determined.

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 Oyster HRA and Hand Tong Regulations, Regulatory Staff, Department of Natural Resources, Fisheries Service B-2, 580 Taylor Avenue, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through August 25, 2014. A public hearing has not been scheduled.

.09 Areas Reserved for Hand TONGING, Exceptions.

Except in areas established as oyster sanctuaries in Regulation .15A of this chapter or power dredge areas in Regulation .12B of this chapter, oysters may be taken only by hand tongs in the following areas, except that scooping, dredging, or scraping by hand may be permitted by the Department in certain areas reserved for hand tonging when watermen are denied access to oyster taking because of icing conditions.

A. Wicomico River, Charles and St. Mary's Counties: All the waters north of a line beginning at the southern tip of Cobb Island,

defined by Lat. 38°15.307' N, Long. 76°50.532' W; then running 46° True to a point defined by Lat. 38° 16.193' N, Long. 76° 49.359' W, then running 22° True to a point defined by, Lat. 38° 16.272' N, Long. 76° 49.318' W, then running 18° True to a point defined by, Lat. 38° 16.645' N, Long. 76° 49.164' W, then running 41° True to a point defined by, Lat. 38° 16.943' N, Long. 76° 48.839' W, then running 104° True to a point at or near the shore southeast of Bushwood Wharf defined by, Lat. 38° 16.800' N, Long. 76° 48.128' W.

B. Breton Bay and St. Clement Bay: All the waters northerly of a line beginning at or near Huggins Point, defined by Lat. 38°13.988' N, Long. 76°41.137' W; then running 236° True to a point defined by Lat. 38°13.103' N, Long. 76°42.810' W; then running 336° True to a point defined by Lat. 38°13.777' N, Long. 76°43.186' W; then running 256° True to a point defined by Lat. 38°13.440' N, Long. 76°44.929' W; then running 298° True to a point at or near the shore defined by Lat. 38°13.475' N, Long. 76°45.013' W ; and south of a line beginning at a point at or near the shore at Huggins Point defined by Lat. 38°13.980' N, Long. 76°41.138' W; then running 274° True to a point at or near the shore at Kaywood Point defined by Lat. 38°14.040' N, Long. 76°42.299' W.

C. St. George Creek: All the waters northwesterly of a line beginning at a tower on St. George Island defined by Lat. 38°7.738' N, Long. 76°29.582' W; then running 32° True to a point at or near shore defined by Lat. 38°8.316' N, Long. 76°29.130' W , except for all of the waters of the Piney Point Oyster Sanctuary enclosed by a line beginning at a point at or near the mean low water line on the shore defined by Lat. 38°09.922'N, Long. 76°31.275'W; then running 48° True about 78 meters to a point defined by Lat. 38°09.950'N, Long. 76°31.235'W; then running 118° True about 386 meters a point defined by Lat. 38°09.850'N, Long. 76°31.003'W; then running 175° True about 207 meters to a point defined by Lat. 38°09.738'N, Long. 76°30.993'W; then running 270° True about 100 meters to a point at or near the mean low water line on the shore defined by Lat. 38°09.738'N, Long. 76°31.062' W; then running northwesterly along the mean low water line of the shore, excluding all creeks and coves less than 100 yards in width, to the point of beginning.

D. South River: All the waters:

(1) Upstream of a line beginning at or near the northeast tip of Turkey Point defined by Lat. 38°54.545' N, Long. 76°29.679' W; then running 62° True to a point defined by Lat. 38°54.642' N, Long. 76°29.448' W; then running 7° True to a point defined by Lat. 38°55.649' N, Long. 76°29.293' W; then running 26° True to a point defined by Lat. 38°55.732' N, Long. 76°29.242' W; and

(2) Downstream of a line beginning at a point defined by Lat. 38°55.910' N, Long. 76°31.927' W; then running northeasterly approximately 42° True to a point defined by Lat. 38°56.495' N, Long. 76°31.235' W.

E. Chester River: All the waters:

(1) Upstream of a line beginning at a point at or near the shore north of Ringgold Point, defined by Lat. 39° 03.759' N, Long. 76° 12.625' W, then running 126° True to a point at or near the shore north of Piney Point, defined by Lat. 39° 02.813' N, Long. 76° 10.980' W; and

(2) Downstream of a line beginning at a point at or near the shore at Grays Inn Point defined by Lat. 39°5.415' N, Long. 76°11.556' W; then running 146° True to a point at or near the shore of Gordon Point defined by Lat. 39°3.757' N, Long. 76°10.109' W.

F. Eastern Bay and Shipping Creek: All the waters northerly of a line beginning at or near the southwest tip of Turkey Point defined by Lat. 38°54.125' N, Long. 76°17.980' W; then running 254° True to a point defined by Lat. 38°53.932' N, Long. 76°18.851' W; then running 283° True to a point defined by Lat. 38°54.057' N, Long. 76°19.554' W; then running 283° True to a point defined by Lat. 38°54.173' N, Long. 76°20.205' W; and southerly of a line beginning

at a point at or near the shore at Turkey Point defined by Lat. 38°54.129' N, Long. 76°17.978' W; then running 303° True to a point at or near the shore at the west entrance of Cox Creek, defined by Lat. 38°54.686' N, Long. 76°19.083' W.

G. Crab Alley Bay: All the waters northerly of a line beginning at or near Normans Point defined by Lat. 38°55.138' N, Long. 76°15.349' W; then running 241° True to a point at or near the southeast tip of Turkey Point defined by Lat. 38°54.177' N, Long. 76°17.573' W.

H. Prospect Bay: All the waters:

(1) South of a line beginning at a point at or near the MD Route 18 Bridge, defined by Lat. 38°58.212' N, Long. 76°14.771' W; then running 286° True to a point at or near the west end of the bridge defined by Lat. 38°58.242' N, Long. 76°14.906' W; and

(2) North of a line beginning at or near the shore of Cabin Creek defined by Lat. 38°56.510' N, Long. 76°13.610' W; then running 178° True to a point defined by Lat. 38°55.096' N, Long. 76°13.567' W; then running 272° True to a point at or near shore at Normans Point defined by Lat. 38°55.138' N, Long. 76°15.349' W.

I. Miles River: All the waters:

(1) Upstream of a line beginning at or near the shore of Rich Neck defined by Lat. 38°51.390' N, Long. 76°15.174' W; then running 113° True to a point defined by Lat. 38°50.298' N, Long. 76°11.810' W; and

(2) Downstream of a line beginning at a point at or near shore at the east entrance of Spencer Creek, defined by Lat. 38°46.539' N, Long. 76°11.920' W; then running 46° True to a point at or near the north shore of the Miles River, defined by Lat. 38°47.076' N, Long. 76°11.205' W.

J. Poplar Island Narrows: All the waters:

(1) North of a line beginning at or near the south end of the Poplar Island dike defined by Lat. 38°44.650' N, Long. 76°22.279' W; then running 154° True to a point defined by Lat. 38°43.588' N, Long. 76°21.619' W; then running 71° True to a point defined by Lat. 38°43.908' N, Long. 76°20.436' W; and

(2) South of a line beginning at a point defined by Lat. 38°46.416' N, Long. 76°20.020' W; then running 274° True to a point at or near Lowes Point defined by Lat. 38°46.553' N, Long. 76°22.343' W.

K. Broad Creek: All the waters north of a line beginning at a point at or near the shore at Nelson Point defined by Lat. 38°42.549' N, Long. 76°16.281' W; then running 61° True to a point at or near the south side of Bridge Creek, defined by Lat. 38°43.440' N, Long. 76°14.196' W.

L. Irish Creek: All the waters north of a line beginning at a point at or near the shore at Holland Point defined by Lat. 38°41.879' N, Long. 76°13.611' W; then running 186° True to a point defined by Lat. 38°41.838' N, Long. 76°13.617' W; then running 92° True to a point at or near the shore at Lucy Point defined by Lat. 38°41.825' N, Long. 76°13.178' W.

M. Tred Avon River: All the waters:

(1) North of a line beginning at or near the southeastern tip of Benoni Point defined by Lat. 38°40.247' N, Long. 76°11.982' W; then running 96° True to a point at or near the shore at the north side of Boone Creek, defined by Lat. 38°40.070' N, Long. 76°10.117' W;

(2) West of a line beginning at a point at or near the shore on the east side of Town Creek, defined by Lat. 38°41.835' N, Long. 76°9.923' W; then running 255° True to a point defined by Lat. 38°41.823' N, Long. 76°9.981' W; then running 0° True to a point at or near the shore of the east side of Plaindealing Creek, defined by Lat. 38°42.576' N, Long. 76°9.978' W; and

(3) West of a line beginning at a point defined by Lat. 38°40.965' N, Long. 76°10.407' W; then running 239° True to a point defined by Lat. 38°40.909' N, Long. 76°10.528' W; then running 210° True to a point defined by Lat. 38°40.830' N, Long.

76°10.586' W; then running 183° True to a point defined by Lat. 38°40.741' N, Long. 76°10.593' W; then running 154° True to a point defined by Lat. 38°40.641' N, Long. 76°10.531' W.

N. Choptank River: All the waters north of a line beginning at or near Howell Point defined by Lat. 38°36.746' N, Long. 76°6.626' W; then running 209° True to a point defined by Lat. 38°36.295' N, Long. 76°6.938' W; then running 170° True to a point defined by Lat. 38°36.006' N, Long. 76°6.871' W; then running 90° True to a point defined by Lat. 38°36.012' N, Long. 76°5.958' W; then running 88° True to a point defined by Lat. 38°36.030' N, Long. 76°5.082' W; then running 131° True to a point defined by Lat. 38°34.833' N, Long. 76°3.344' W; then running 30° True to a point at or near the north shore of the Choptank River, defined by Lat. 38°35.484' N, Long. 76°2.860' W.

O. Little Choptank River: All the waters:

(1) South of a line beginning at a point at or near shore on Hills Point Neck defined by Lat. 38°32.678' N, Long. 76°16.528' W; then running 245° True to a point at or near the northeast tip of James Island defined by Lat. 38°31.373' N, Long. 76°20.092' W; and

(2) West of a line beginning at a point at or near the shore of Susquehanna Point defined by Lat. 38°30.642' N, Long. 76°15.492' W; then running 329° True to a point at or near shore at the south end of Ragged Point Island, defined by Lat. 38°31.886' N, Long. 76°16.440' W.

P. Fishing Bay: All the waters northerly of a line beginning at a point at or near shore defined by corner 9 of Natural Oyster Bar 24-7, defined by Lat. 38°19.480' N, Long. 76°01.888' W; then running approximately 182° True to a point defined by corner 10 of Natural Oyster Bar 24-7, defined by Lat. 38°19.452' N, Long. 76°01.888' W; then running approximately 144° True to a point at or near shore defined by corner 5 of Natural Oyster Bar 24-6, defined by Lat. 38°18.557' N, Long. 76°01.065' W.

Q. Nanticoke River: All the waters:

(1) North of a line beginning at or near Sandy Point, defined by Lat. 38°14.803' N, Long. 75°56.385' W; then running approximately 96° True to a point at or near the shore north of Jones Creek, defined by Lat. 38°14.635' N, Long. 75°54.352' W; and

(2) South of a line beginning at a point at or near the shore at Sandy Point defined by Lat. 38°14.803' N, Long. 75°56.403' W; then running 43° True to a point at or near the shore at Roaring Point defined by Lat. 38°15.870' N, Long. 75°55.155' W; except

(3) All the waters of the Roaring Point Oyster Sanctuary enclosed by a line beginning at a point defined by Lat. 38°15.120' N, Long. 75°54.788' W; then running approximately 358° True to a point defined by Lat. 38°15.337' N, Long. 75°54.798' W; then running approximately 88° True to a point defined by Lat. 38°15.123' N, Long. 75°54.717' W; then running approximately 177° True to a point defined by Lat. 38°15.338' N, Long. 75°54.732' W; then running approximately 267° True to the point of beginning.

R. Holland Straits: All the Somerset County waters in Holland Straits:

(1) Southeast of a line beginning at or near Sedgy Point defined by Lat. 38°05.484' N, Long. 76°03.352' W; then running approximately 306° True to a point at or near Pry Island defined by Lat. 38°05.705' N, Long. 76°03.734' W; then running 21° True to a point defined by Lat. 38°6.664' N, Long. 76°3.283' W; then running 27° True to a point defined by Lat. 38°8.845' N, Long. 76°1.873' W; then running 140° True to a point at or near Sound Point defined by Lat. 38°7.883' N, Long. 76°0.852' W;

(2) North of a line in Pungers Creek beginning at a point defined by Lat. 38°7.165' N, Long. 76°1.877' W; then running 257° True to a point defined by Lat. 38°7.139' N, Long. 76°2.022' W;

(3) North of a line in Little Pungers Creek beginning at a point defined by Lat. 38°6.760' N, Long. 76°2.325' W; then running 175° True to a point defined by Lat. 38°6.691' N, Long. 76°2.317' W; and

(4) North of a line in Pry Cove beginning at a point defined by Lat. 38°5.173' N, Long. 76°2.098' W; then running 267° True to a point defined by Lat. 38°5.169' N, Long. 76°2.187' W.

S. Island Creek, Choptank River: All the waters northeasterly of a line beginning at a point at or near the shore at the north side of Island Creek, defined by Lat. 38°39.697' N, Long. 76°9.699' W; then running 120° True to a point at or near the shore at the south side of Island Creek, defined by Lat. 38°39.517' N, Long. 76°9.300' W.

T. La Trappe Creek, Choptank River: All the waters:

(1) Northerly of a line beginning at a point at or near the shore of Martin Point defined by Lat. 38°37.716' N, Long. 76°7.324' W; then running 109° True to a point at or near the west shore of Grubin Neck defined by Lat. 38°37.609' N, Long. 76°6.927' W; and

(2) Southerly of a line beginning at or near the south entrance of an unnamed cove on the east side of La Trappe Creek defined by Lat. 38°38.157' N, Long. 76°06.462' W; then running approximately 269° True to a point at or near the north entrance of an unnamed cove on the west side of La Trappe Creek defined by Lat. 38°38.162' N, Long. 76°06.937' W.

.13 Harvest Reserve Area — Definition and Listing.

A. (text unchanged)

B. Harvest Reserve Areas.

(1)—(3) (text unchanged)

(4) Evans Reserve. The reserve consists of all of the waters of Tangier Sound [(Natural Oyster Bar 29-1)] enclosed by a line beginning at a point defined by [Lat. 38°12.746' N, Long. 75°54.004' W, then running approximately 91° True to a point defined by Lat. 38°12.74' N, Long. 75°53.564' W, then running approximately 182° True to a point defined by Lat. 38°12.486' N, Long. 75°53.575' W, then running approximately 259° True to a point defined by Lat. 38°12.44' N, Long. 75°53.863' W, then running approximately 340° True to the point of beginning.] Lat. 38°12.347' N, Long. 75°54.217' W, then running 316° True to a point at or near Lat. 38°12.685' N, Long. 75°54.627' W, then running 80° True to a point at or near Lat. 38°12.781' N, Long. 75°53.945' W, then running 74° True to a point at or near Lat. 38°12.829' N, Long. 75°53.731' W, then running 106° True to a point at or near Lat. 38°12.708' N, Long. 75°53.180' W, then running 228° True to a point at or near Lat. 38°12.401' N, Long. 75°53.608' W, then running 264° True to the point of beginning.

(5)—(8) (text unchanged)

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

Notice of Proposed Action

[14-219-P]

The Secretary of Natural Resources proposes to:

(1) Amend Regulation .06 under COMAR 08.02.19 Nuisance and Prohibited Species; and

(2) Amend Regulation .01, repeal existing Regulation .02, and adopt new Regulations .02 and .03 under COMAR 08.02.25 Gear.

Statement of Purpose

The purpose of this action is to define, clarify, and modify recreational fishing gears and the manner in which those gears may be used. The Department proposed recreational fishing gear regulations in 2013 in order to standardize rules across the State and make those rules more understandable for recreational anglers. In the intervening year, the Department has taken note of certain gear definitions that are not functioning as planned and certain rules for gear use that are either vague or in contrast to how the recreational fishing sector prefers to use the gear. Because the purpose of the

recreational gear regulations was to clarify the rules for recreational fishing, rather than for conservation, the Department is modifying some of the rules both based on feedback from stakeholder groups that had been negatively affected by the standardization and from fisheries managers that have noted issues with how the gear has been used.

This regulation creates two separate recreational gear regulations: one for nontidal waters and one for tidal waters. Changes to gear use in nontidal waters include prohibiting the use of projectile gears in Youth and Blind and Youth, Elderly, and Blind Trout Management Areas and prohibiting the use of jugs. Changes to gear use in tidal waters include allowing the use of dip nets, changing the rules for jug fishing by reducing the allowable number from 25 to 10 and to only allowed their use from July 1 to the last day in February in the tidal tributaries of the Chesapeake Bay, and allowing for an unlimited number of rods in tidal waters. Changes statewide include a prohibition of recreational finfish trotlines, allowing the use of minnow traps from any property so long as permission is first obtained, and allowing the use of crossbows to take snakeheads. The use of crossbows had previously been prohibited in the Nuisance and Prohibited Species regulation due to a statute which has since been removed from the Annotated Code of Maryland. The distance a minnow trap may be set from a property has been reduced from 100 yards to 100 feet. A number of definitions have also been amended or added to the regulation.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This proposed action may have an indeterminable, positive economic impact on the Department, recreational fishermen, and retail outlets that sell fishing tackle.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency: Increased recreational opportunities	(R+)	Indeterminable
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups: Stores selling fishing tackle	(+)	Indeterminable

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

A. The Department may see increased recreational fishing participation, and, consequently, an increase in revenue, through the elimination of the three rods per person regulation and allowing an unlimited number of rods per person. The amount of the increase in revenue is largely contingent upon the number of anglers who would

not buy a license when faced with a three-rod limit (or would fish in other jurisdictions with more lenient rod restrictions), but would purchase a license if they were allowed to use four or more rods while fishing. While it is also possible that in locations where angler congestion is an issue (e.g., public piers and shorelines), an unlimited number of rods per person could result in less anglers being able to comfortably fish in that location, that issue has historically not been a problem.

E. Any store selling fishing tackle may potentially see a positive economic impact from these regulations. Without a limit on the number of rods an individual may use, recreational anglers may be more likely to purchase additional fishing rods and reels, as well as other additional tackle. While it is difficult to isolate the impact of the three-rod limit in tidal waters on small business revenue, tackle shops noted a decline in sales in rods, reels, and other tackle after the implementation of this regulation. With no limit on the number of rods, individuals are more likely to supplement their collection of rods, replace old or broken rods, and purchase additional items such as fishing line, leaders, and terminal tackle such as lures, resulting in a positive economic impact to the tackle industry.

Economic Impact on Small Businesses

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

The proposed action removes the three-rod-per-person limit in tidal waters that was put in place last year. Based on conversations with industry, the new rod limit coincided with and contributed to reductions in retail sales of rods, reels, and terminal tackle. To the extent the three-rod limit was a causal influence on the reduction in rod sales, this reduced level of retail sales would be expected to persist if the three-rod limit was maintained. Likewise, to the extent that the reduction in retail sales was attributable to the three-rod-per-person limit, retail stores are likely to see sales return to baseline levels with the removal of the three-rod-per-person limit.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Recreational Gear Regulations, Regulatory Staff, Department of Natural Resources, Fisheries Service B-2, 580 Taylor Avenue, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through August 25, 2014. A public hearing has not been scheduled.

08.02.19 Nuisance and Prohibited Species

Authority: Natural Resources Article, §4-205.1, Annotated Code of Maryland

.06 Snakehead Prohibitions.

A.—C. (text unchanged)

D. *Except as described in §E of this regulation, an individual may only possess a snakehead if, upon capture, the:*

- (1) *Head of the snakehead is immediately removed;*
- (2) *Body is gutted;*
- (3) *Gill arches are removed from both sides of the fish; or*
- (4) *Fish is filleted.*

[D.] E. (text unchanged)

[E. Taking of Snakeheads.

(1) Notwithstanding Natural Resources Article, §4-710(g), Annotated Code of Maryland, an individual may shoot and take snakeheads with a bow and arrow, but not a crossbow, and snag these fish by means of hooks.

(2) Snakeheads may be taken by any means, as described in COMAR 08.02.11.04P.]

08.02.25 Gear

Authority: Natural Resources Article, §4-221, Annotated Code of Maryland

.01 Gear Definitions.

- A. (text unchanged)
- B. Terms Defined.

- (1) (text unchanged)
- (2) “Bow [and arrow]” means [a projectile with a thin straight shaft that is intended to be shot from a weapon operated by hand which is composed of a curved piece of material with a taut cord to propel the arrow] *bow and arrow or crossbow*.
- (3)—(5) (text unchanged)
- [(6)] (6) “Crossbow” means a weapon for shooting a projectile with a thin straight shaft with an attached line that consists of a short bow mounted crosswise by the end opposite the stock.]
- [(7)] (6) “Dip net” means a mesh bag of netting which is suspended from a circular, oval, or a rectangular frame attached to a long handle or rope [which is fished by hand].
- [(8)] (7) “Eel pot” means an enclosure constructed of wire having:
 - (a) (text unchanged)
 - (b) If the mesh is smaller than 1/2 inch by 1/2 inch, an escape panel installed in an exterior wall of the retention chamber *measuring at least 16 square inches* made of 1/2 inch by 1/2 inch mesh [measuring at least 16 square inches].
- [(9)] (7) “Finfish trotline” means a single line from which hang, at intervals, multiple short lines which terminate with single baited hooks.]
- [(10)] (8) (text unchanged)
- [(11)] (9) “Fyke net” means a [fixed] *stationary* finfish entrapment net device, without a pound or crib, consisting of:
 - (a)—(f) (text unchanged)
- [(12)] (10) “Gig” means [a hand-thrown] *an* implement with a shaft and three-pronged barbed point [used for catching fish] *which is either thrust or thrown by hand*.
- [(13)] (11) (text unchanged)
- [(14)] (12) “Gill net, anchored” means a gill net that is stationary in the water and secured to the bottom by [conventional anchors or heavy] weights on either end or along the bottom line which prevent the gill net from drifting freely with the tide or current.
- [(15)] (13)—[(21)] (19) (text unchanged)
- (20) “Hook unit” means a lure with multiple hooks.
- [(22)] (21)—[(23)] (22) (text unchanged)
- [(24)] (23) “Jug” means a method of fishing[, where the fish take the bait voluntarily,] that uses lines suspended from floating [plastic] containers or devices.
- [(25)] (24) “Landing net” means a mesh bag which is suspended from a circular, oval, or rectangular frame attached to a short handle which is operated by hand to capture a fish [attached to a line] *which is being caught by other means*.
- [(26)] (25)—[(27)] (26) (text unchanged)
- [(28)] (27) “Noodling” means a method of catching fish using one’s [hand or foot] *hands or feet* while in the water.
- [(29)] (28)—[(32)] (31) (text unchanged)
- [(33)] (32) “Rod and reel” means a pole with a line and usually a *line winding* mechanism, attached at the bottom of the pole, and is turned by a crank so that the line is wound around a barrel.
- [(34)] (33)—[(36)] (35) (text unchanged)
- [(37)] (36) “Spear” means a shaft with [a] *one* sharp point and/or [barbs] *a barb* for capturing a fish by piercing its body [which may also be known as a gig].
- [(38)] (37)—[(39)] (38) (text unchanged)
- (39) “Tip up” means a device used in ice fishing in which a signal flag is raised when a fish takes the bait.

(40) “Trap” means a single, bait finfish entrapment device, without associated wings or leads, and consisting of:

(a) An enclosure of various shapes covered with mesh [webbing] of not greater than 1/2-inch square mesh size for tidal waters and 1/4-inch square mesh for nontidal waters;

(b)—(c) (text unchanged)

(41)—(42) (text unchanged)

.02 Recreational Gear — Nontidal Waters.

A. Recreational Gear.

(1) *An individual may only use the gear specified in this regulation to catch fish for recreational purposes from nontidal waters.*

(2) *An individual shall comply with all seasons, creel limits, size limits, and other species-specific regulations as specified under this subtitle and Natural Resources Article, Title 4, Annotated Code of Maryland.*

B. Traps.

(1) *An individual may not take or attempt to take fish with a trap in any trout management area described in COMAR 08.02.11.01C, D, G, and H.*

(2) *An individual may not use more than one trap.*

(3) *A trap shall be:*

(a) *Marked with the individual’s*

(i) *Name and address; or*

(ii) *DNRid number; and*

(b) *Checked daily.*

(4) *A trap shall be set:*

(a) *In front of the individual’s property, or property belonging to another if an individual has received the landowner’s permission, within 100 feet of the shore, and:*

(i) *Attached by a line to the property or a privately owned pier or dock; or*

(ii) *Marked by a buoy or pole and sign; or*

(b) *By attaching the trap to a boat that is not docked.*

C. Active Line Fishing Gear.

(1) *Individuals catching fish in nontidal waters may only use the following active line fishing gear:*

(a) *Hook and line;*

(b) *Rod and reel; and*

(c) *Handline.*

(2) *The gear listed in §C(1) of this regulation shall be used in a manner in which the individual is handling the gear or actively in control of the gear.*

(3) *No more than two hook units per line may be used on the gear listed in §C(1) of this regulation.*

(4) *Except when ice fishing, a maximum of three or a combination of three of the gear listed in §C(1) of this regulation may be used by an individual fishing in nontidal waters.*

(5) *When ice fishing, a maximum of five tip ups or rods may be used.*

(6) *Snagging is not legal in State waters.*

D. Nonactive Line Fishing Gear.

(1) *Individuals catching fish in nontidal waters may only use the following nonactive line fishing gear:*

(a) *Bank pole; and*

(b) *Bush-bob.*

(2) *Nonactive line fishing gear shall be marked with the individual’s:*

(a) *Name and address; or*

(b) *DNRid number.*

(3) *Bush-bobs and bank poles may only be used in accordance with Natural Resources Article, §4-617, Annotated Code of Maryland.*

E. Nets.

(1) *Individuals catching fish in nontidal waters may only use the following nets:*

- (a) *Seines;*
- (b) *Dip nets; and*
- (c) *Landing nets.*

(2) *Except for a landing net, a nonresident may not use nets in nontidal waters.*

(3) *Except for a landing net, nets may not be used in waters described in COMAR 08.02.11.01B—H.*

(4) *A person may not bait a net.*

(5) *Seines in nontidal waters:*

- (a) *Shall have mesh no greater than 1/4 inch;*
- (b) *May not exceed 6 feet in width and 4 feet in height;*
- (c) *Shall only be used to catch minnows and other bait fish;*
- (d) *May not be used within 50 yards of the base of any dam or the mouth of any river or tributary; and*

(e) *Shall only be emptied from shore.*

(6) *Dip nets in nontidal waters:*

(a) *May not be used to fish for any trout species, walleye, striped bass, striped bass hybrid, northern pike, largemouth bass, small mouth bass, muskellunge, or muskellunge hybrids including tiger musky; and*

(b) *Shall be used in accordance with Natural Resources Article, §4-617, Annotated Code of Maryland.*

(7) *Landing nets in nontidal waters may be used to land a fish which is being caught by other means.*

F. Projectile Gear.

(1) *Individuals catching fish in nontidal waters may only use the following projectile gear:*

- (a) *Bow;*
- (b) *Gig;*
- (c) *Spear; and*
- (d) *Spear gun.*

(2) *Projectile gear shall have a retrieval line attached to it.*

(3) *An individual may use projectile gear to take any fish except for the following species:*

- (a) *All trout species;*
- (b) *Walleye;*
- (c) *Striped bass;*
- (d) *Striped bass hybrids;*
- (e) *Northern pike;*
- (f) *Muskellunge;*
- (g) *Muskellunge hybrids, including tiger musky;*
- (h) *Largemouth and smallmouth bass;*
- (i) *Snapping turtles; and*
- (j) *Any species listed as threatened or endangered under*

COMAR 08.03.08.

(4) *An individual may not take or attempt to take any fish with a projectile gear in any trout management area described in COMAR 08.02.11.01B—H.*

(5) *An individual may not take or attempt to take any fish with a projectile gear in State-controlled community ponds or lakes.*

(6) *Additional Restrictions.*

(a) *Except as provided in §F(6)(b) of this regulation, a person may not shoot projectile gear within 100 yards of any:*

- (i) *Human being;*
- (ii) *Private or public swimming area;*
- (iii) *International diving flag;*
- (iv) *Occupied duck blind; or*
- (v) *Vessel other than the vessel occupied by the individual using the projectile gear.*

(b) *The distance restriction in §F(6)(a) of this regulation does not apply if the person using the projectile gear receives*

permission from all affected parties within that area prior to engaging in fishing activities.

G. Hand Gear. Individuals catching fish in nontidal waters may only use the following hand gear:

- (1) *Hand; and*
- (2) *Noodling.*

.03 Recreational Gear — Tidal Waters.

A. Recreational Gear.

(1) *An individual may only use the gear specified in this regulation to catch fish for recreational purposes from tidal waters.*

(2) *An individual using gear in accordance with this chapter shall comply with all seasons, creel limits, size limits, and other species-specific rules as specified under this subtitle and Natural Resources Article, Title 4, Annotated Code of Maryland.*

B. Traps.

(1) *An individual may not use more than one trap.*

(2) *A trap shall be:*

- (a) *Marked with the individual's DNRid number; and*
- (b) *Checked daily.*

(3) *A trap shall be set:*

(a) *In front of the individual's property, or property belonging to another if an individual has received the landowner's permission, within 100 feet of the shore, and:*

(i) *Attached by a line to the property or a privately owned pier or dock; or*

(ii) *Marked by a buoy or pole and sign; or*

(b) *By attaching the trap to a boat that is not docked.*

C. Active Line Fishing Gear.

(1) *Individuals catching fish in tidal waters may only use the following active line fishing gear:*

- (a) *Hook and line;*
- (b) *Rod and reel; and*
- (c) *Handline.*

(2) *The gear listed in §C(1) of this regulation shall be used in a manner in which the individual is handling the gear or actively in control of the gear.*

(3) *No more than two hook units per line may be used on the gear listed under §C(1) of this regulation.*

(4) *Snagging is not legal in State waters.*

(5) *Additional restrictions on active line fishing gear used to catch striped bass may be found at COMAR 08.02.15.03.*

D. Nonactive Line Fishing Gear.

(1) *The only nonactive line fishing gear that an individual may use to catch fish in tidal waters is a jug.*

(2) *An individual may use up to 10 jugs.*

(3) *Jugs:*

(a) *Shall have no more than 2 hooks per line and no more than one line per jug;*

(b) *May only be used in tidal tributaries of the Chesapeake Bay;*

(c) *May only be used from July 1 through the last day of February;*

(d) *Shall be marked with the individual's DNRid number;*

(e) *Shall be attended between the hours of sunset and sunrise; and*

(f) *May be used to take any fish except for the following species:*

- (i) *Largemouth and smallmouth bass;*
- (ii) *Striped bass;*
- (iii) *All shark species;*
- (iv) *Snapping turtles; or*

(v) *Any species listed as threatened or endangered under COMAR 08.03.08.*

E. Nets.

(1) *Individuals catching fish in tidal waters may only use the following nets:*

- (a) *Cast nets;*
- (b) *Seines;*
- (c) *Dip nets; and*
- (d) *Landing nets.*

(2) *Cast nets shall have a radius not exceeding 10 feet.*

(3) *Seines in tidal waters:*

- (a) *Shall have mesh no greater than 1/4 inch;*
- (b) *May not exceed 50 feet in width and 5 feet in height;*
- (c) *Shall only be used to catch minnows and other bait fish;*
- (d) *May not be emptied from a boat; and*
- (e) *May not be emptied on the shore or in water less than 12 inches deep.*

(4) *An individual may use a landing net to land a fish which is being caught by other means.*

(5) *A person may not bait a net.*

F. Projectile Gear.

(1) *Individuals catching fish in tidal waters may only use the following projectile gear:*

- (a) *Bow;*
- (b) *Spear; and*
- (c) *Spear gun.*

(2) *Projectile gear shall have a retrieval line attached to it.*

(3) *An individual may use projectile gear to take any fish except for the following species:*

- (a) *All trout species;*
- (b) *Walleye;*
- (c) *Striped bass;*
- (d) *Striped bass hybrids;*
- (e) *Northern pike;*
- (f) *Muskellunge;*
- (g) *Muskellunge hybrids, including tiger musky;*
- (h) *Largemouth and smallmouth bass;*
- (i) *Snapping turtles;*
- (j) *All shark species;*
- (k) *American lobster; and*

(l) *Any species listed as threatened or endangered under COMAR 08.03.08.*

(4) *Additional Restrictions.*

(a) *Except as provided in §F(4)(b) of this regulation, a person may not shoot projectile gear within 100 yards of any:*

- (i) *Human being;*
- (ii) *Private or public swimming area;*
- (iii) *International diving flag;*
- (iv) *Occupied duck blind; or*
- (v) *Vessel other than the vessel occupied by the individual using the projectile gear.*

(b) *The distance restriction in §F(4)(a) of this regulation does not apply if the person using the projectile gear receives permission from all affected parties within that area prior to engaging in fishing activities.*

G. Hand Gear. Individuals catching fish in tidal waters may only use the following hand gear:

- (1) *Hand; and*
- (2) *Noodling.*

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.23 Shellfish Aquaculture and Leasing

Authority: Natural Resources Article, §§4-11A-02 and 4-11A-12, Annotated Code of Maryland

Notice of Proposed Action

[14-181-P]

IMPORTANT CORRECTION

The Notice of Proposed Action docketed as 14-181-P, which appeared in 41:13 Md. R. 757—758 (June 27, 2014), was published in error. The action has not been proposed by the Department of Natural Resources.

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

08.18.28 West River

Authority: Natural Resources Article, §§ 8-703 and 8-704, Annotated Code of Maryland

Notice of Proposed Action

[14-217-P]

The Secretary of Natural Resources proposes to amend Regulations .01—.04 under COMAR 08.18.28 West River.

Statement of Purpose

The purpose of this action is to update and clarify existing boating laws and coordinates of certain boundaries and to ensure safe boating on Maryland's waterways.

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 Donna Morrow, Division Director, Clean Waterways, Facilities & Regulations Division, Maryland Department of Natural Resources—Boating Services Unit, 580 Taylor Avenue, E/4, Annapolis, Maryland 21401, or call 410-260-8773, or email to dmorrow@dnr.state.md.us, or fax to 410-260-8453. Comments will be accepted through August 25, 2014. A public hearing has not been scheduled.

.01 West River.

The West River encompasses all the waters of the West River and its tributaries southwesterly of a line [from Lat. 38°52'11.08"N., Long. 76°30'34"W., and running 149° True to the opposite shore, Lat. 38°51'11.14"N., Long. 76°29'47.62"W.] beginning at a point, at or near Lat. 38° 52.183' N., Long. 76° 30.575' W., then running 148°

(True) to Curtis Point, at or near Lat. 38° 51.182' N., Long. 76° 29.767' W.

.02 South Creek.

South Creek encompasses all the waters of South Creek and its tributaries southerly of a line beginning at a point at or near the easterly side of Chalk Point, [defined by Lat. 38°50'15.4"N., Long. 76°32'13.7"W., then running approximately 113° True to a point at or near Lat. 38°50'7.1"N., Long. 76°31'48.8"W., then running approximately 5° True to a point at or near the shore, defined by Lat. 38°50'13.2"N., Long. 76°31'48.1"W.] at or near Lat. 38° 50.257' N., Long. 76° 32.230' W., then running 113° (True) to a point, at or near Lat. 38° 50.118' N., Long. 76° 31.813' W., then running 5° (True) to a point, at or near Lat. 38° 50.223' N., Long. 76° 31.802' W.

.03 West River Proper.

The West River proper and its tributaries, except South Creek, encompass the area [beginning at a point at or near the shore of the northern entrance to Tenthouse and Cox Creeks, defined by Lat. 38°50'54.1"N., Long. 76°32'13.7"W., then running approximately 100° True to a point at or near the opposite shore, defined by Lat. 38°50'49.8"N., Long. 76°31'43.1"W.,] upstream of a line beginning at the north entrance of Tenthouse Creek, at or near Lat. 38° 50.902' N., Long. 76° 32.222' W., then running 100° (True) to a point, at or near Lat. 38° 50.832' N., Long. 76° 31.718' W., and north and west of a line beginning at the east side of Chalk Point, at or near Lat. 38° 50.257' N., Long. 76° 32.230' W., then running 113° (True) to a point, at or near Lat. 38° 50.118' N., Long. 76° 31.813' W., then running 5° (True) to a point, at or near Lat. 38° 50.223' N., Long. 76° 31.802' W., and running to the head of the river. This area has a 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays, all year.

.04 Parish Creek.

Parish Creek encompasses the area [beginning at a point at or near the shore, defined by Lat. 38°50'50.7"N., Long. 76°30'24.7"W., then running approximately 168° True to a point at or near the shore, defined by Lat. 38°50'44.4"N., Long. 76°30'23.0"W.,] south of a line beginning at a point, at or near Lat. 38° 50.847' N., Long. 76° 30.410' W., then running 169° (True) to a point, at or near Lat. 38° 50.738' N., Long. 76° 30.383' W., and running to the head of the creek. This area has a 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays, all year.

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

08.18.29 Whitehall Bay

Authority: Natural Resources Article, §§8-703 and 8-704, Annotated Code of Maryland

Notice of Proposed Action

[14-216-P]

The Secretary of Natural Resources proposes to amend Regulations .01—.04 under COMAR 08.18.29 Whitehall Bay.

Statement of Purpose

The purpose of this action is to update and clarify existing boating laws and coordinates of certain boundaries and to ensure safe boating on Maryland's waterways.

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 Donna Morrow, Division Director, Clean Waterways, Facilities & Regulations Division, Maryland Department of Natural Resources—Boating Services Unit, 580 Taylor Avenue, E/4, Annapolis, Maryland 21401, or call 410-260-8773, or email to dmorrow@dnr.state.md.us, or fax to 410-260-8453. Comments will be accepted through August 25, 2014. A public hearing has not been scheduled.

.01 Whitehall Bay.

Whitehall Bay encompasses all the waters of Whitehall Bay and its tributaries northerly of a line [from Lat. 38°58'28.89"N., Long. 76°27'15.80"W. (Hackett Point), running 064° True to the opposite shore, Lat. 38°59'12.57"N., Long. 76°25'21.13"W.] beginning at Hackett Point, at or near Lat. 38° 58.477' N., Long. 76° 27.268' W., then running 64° (True) to Greenbury Point, at or near Lat. 38° 59.203' N., Long. 76° 25.357' W.

.02 Meredith Creek.

Meredith Creek encompasses the area beginning at a point, [Lat. 39°00'03.40"N., Long. 76°25'32.86"W., a line running 080° True to the opposite shore, Lat. 38°00'03.96"N., Long. 76°25'28.82"W.], at or near Lat. 39° 0.050' N., Long. 76° 25.552' W., then running 66° (True) to a point, at or near Lat. 39° 0.070' N., Long. 76° 25.493' W., and running to the head of the creek. This area has a 6-knot [(6.9 MPH)] speed limit all year.

.03 Mill Creek.

A. (text unchanged)

B. Martins Cove encompasses the area beginning at a point, [Lat. 39°00'09.55"N., Long. 76°27'27.03"W., a line running 174° True to the opposite shore, Lat. 39°00'02.29"N., Long. 76°27'26.05"W.], at or near Lat. 39° 0.162' N., Long. 76° 27.457' W., then running 172° (True) to a point, at or near Lat. 39° 0.035' N., Long. 76° 27.435' W., and running to the head of the cove. This area has a 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays, all year.

C. Mill Creek proper encompasses the area beginning at a point, [Lat. 39°00'09.55"N., Long. 76°27'27.03"W., a line running 089° True to the opposite shore, Lat. 39°00'09.62"N., Long. 76°27'20.08"W.], at or near Lat. 39° 0.162' N., Long. 76° 27.457' W., then running 97° (True) to a point, at or near Lat. 39° 0.150' N., Long. 76° 27.335' W., and running to the head of the creek. This area has a 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays, all year.

D. The Northern Branch encompasses the area beginning at a point [Lat. 38°59'45.77"N., Long. 76°27'10.77"W., a line running 110° True to the opposite shore, Lat. 38°59'43.38"N., Long. 76°27'02.34"W.], at or near Lat. 38° 59.763' N., Long. 76° 27.175' W., then running 111° (True) to a point, at or near Lat. 38° 59.722' N., Long. 76° 27.033' W., and running to the head of the branch including all tributaries. This area has a 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays, all year.

E. Mill Creek entrance channel encompasses the area upstream of a line beginning at [Lat. 38°59'32.0"N., Long. 76°27'1.0"W., then running 077° True to USCG DB2M 39°59'34.1"N., 76°26'49.5"W.

then running 014° True to Lat. 38°59'42.0"N., Long. 76°26'47.0"W. upstream to Lat. 38°59'36.1"N., Long. 76°27'1.1"W., then running 338° True to USCG DB10M Lat. 38°59'40.6"N., Long. 76°27'3.4"W., then running 024° True to 38°59'43.0"N., Long. 76°27'2.0"W.] a point, at or near Lat. 38° 59.533' N., Long. 76° 27.013' W., then running 77° (True) to USCG DB2M, at or near Lat. 38° 59.567' N., Long. 76° 26.823' W., then running 13° (True) to a point, at or near Lat. 38° 59.700' N., Long. 76° 26.783' W., and downstream of a line beginning at or near Lat. 38° 59.593' N., Long. 76° 27.022' W., then running 342° (True) to a USCG DB 10M, at or near Lat. 38° 59.675' N., Long. 76° 27.055' W., then running 18° (True) to a point, at or near Lat. 38° 59.722' N., Long. 76° 27.035' W. This area has a 6-knot [(6.9 MPH)] speed limit [on weekends and holidays] Saturdays, Sundays, and State holidays during the boating season[, April 15—October 15].

.04 Whitehall Creek.

A. (text unchanged)

B. Minnow Cove encompasses the area beginning at a point, [Lat. 39°00'26.14"N., Long. 76°26'02.15"W., a line running 197° True to the opposite shore, Lat. 39°00'18.59"N., Long. 76°26'05.11"W.], at or near Lat. 39° 0.437' N., Long. 76° 26.037' W., then running 198° (True) to a point, at or near Lat. 39° 0.307' N., Long. 76° 26.092' W., and running to the head of the cove. This area has a 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays, all year.

C. Ridout Creek encompasses the area beginning at a point, [Lat. 39°00'42.01"N., Long. 76°26'06.69"W., a line running 172° True to the opposite shore, Lat. 39°00'37.42"N., Long. 76°26'05.89"W.], at or near Lat. 39° 0.700' N., Long. 76° 26.117' W., then running 185° (True) to a point, at or near Lat. 39° 0.617' N., Long. 76° 26.127' W., and running to the head of the creek. This area has a 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays, all year.

D. Whitehall Creek proper encompasses the area beginning at a point, [Lat. 39°00'42.01"N., Long. 76°26'06.69"W., a line running 068° True to the opposite shore, Lat. 39°00'45.25"N., Long. 76°25'56.45"W.], at or near Lat. 39° 0.702' N., Long. 76° 26.118' W., then running 69° (True) to a point, at or near Lat. 39° 0.755' N., Long. 76° 25.937' W., and running to the head of the creek. This area has a 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays, all year.

JOSEPH P. GILL
Secretary of Natural Resources

Title 09

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

**Subtitle 13 BOARD FOR
PROFESSIONAL LAND SURVEYORS**

09.13.05 Fees

Authority: Business Occupations and Professions Article, §§15-208 and 15-209; Business Regulation Article, §§2-106, 2-106.1, and 2-106.2; Annotated Code of Maryland

Notice of Proposed Action

[14-225-P]

The Board for Professional Land Surveyors proposes to amend Regulation .03 under **COMAR 09.13.05 Fees and Costs**. This action

was considered by the Board at a public meeting held on October 31, 2013, notice of which was published in 40:21 Md. R. 1849 (October 18, 2013), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to increase the examination administration service fee paid by a candidate to take one or all of the following land surveying examinations: (1) national uniform Principles of Surveying; (2) State-specific Maryland Law and Ethical Issues; or (3) State-specific Road Grade and Storm Drain Design.

Since 1999, the Board administered the Fundamentals of Surveying examination and the Principles of Surveying examination, as well as the two State-specific examinations mentioned above. The examination administration fee was set at that time at \$60 based on the Board's assumed expenses associated with the administration of all examinations. The Board will not administer the Fundamentals of Surveying examination as of January 1, 2014; thereafter that examination will be offered only in a computer-based format by the National Council of Examiners of Engineering and Surveying. The Board will continue to administer the Principles of Surveying examination, as well as the State-specific examinations.

There are at least two reasons that make the fee increase necessary: (1) the Board is losing a substantial revenue stream due to the computerization of the Fundamentals of Surveying exam; and (2) while the Board has not raised administration fees from the time they were initially set, the costs associated with the administration of the exams, such as facility rental, payments to proctors, etc., have increased in the last 15 years.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. In the past 2 years, an average of approximately 60 candidates per year have taken the Fundamentals of Surveying and the Principles of Surveying exams. This number is anticipated to drop due to the computerization of the Fundamentals of Surveying exam. The candidates who take the Principles of Surveying exam in pencil and paper format will pay an additional \$40 to take that exam.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency: Occupational and Professional Design Boards Fund	(R+)	\$40 per candidate
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups: Exam candidates	(+)	\$40 per candidate
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 fee previously paid by an exam candidate to take the exam was \$60. With an increase to \$100, the Fund will receive an additional \$40 per candidate.

D. An exam candidate will pay \$40 more to take one or more parts of the Principles of Surveying exam in pencil and paper format.

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 Pamela J. Edwards, Executive Director, Board for Professional Land Surveyors, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to pam.edwards@maryland.gov, or fax to 410-333-0021. Comments will be accepted through August 31, 2014. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board for Professional Land Surveyors during a public meeting to be held on October 1, 2014, at 10 a.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.03 Fees and Costs.

A. — E. (text unchanged)

F. An applicant for the appropriate licensing examination shall pay to the Board or its designee the testing service fee of [\$60] \$100 in connection with the testing services.

JOHN V. METTEE III
Chair

State Board for Professional Land Surveyors

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

**Subtitle 09 MEDICAL CARE
PROGRAMS**

10.09.10 Nursing Facility Services

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

Notice of Proposed Action

[14-222-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .07, .07-1, and .17 under **COMAR 10.09.10 Nursing Facility Services**.

Statement of Purpose

The purpose of this action is to:

(1) Extend the cost threshold of 10 percent for providers to request an interim rate change due to higher costs in the Administrative/Routine, Other Patient Care and Capital cost centers to December 31, 2014;

(2) Maintain current reimbursement rates for nursing home providers for the period July 1, 2014 — December 31, 2014 consistent with the Program’s budget for Fiscal Year 2015;

(3) Extend the Interim Working Capital Fund for 1 year from May 1, 2014 to May 1, 2015; and

(4) Classify costs incurred for legal services for establishing financial eligibility or to obtain representation or guardianship of nursing facility residents or their property as nonallowable costs.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Maintaining current reimbursement rates for nursing home providers for the 6-month period July 1, 2014 through December 31, 2014 will result in a decrease of \$46,801,056 in forecasted payments. Extending the Interim Working Capital fund for 1 year will result in \$112,413 in lost interest income to the State.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
(1)	(E-)	\$46,801,056
(2)	(R-)	\$112,413
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	\$46,688,643
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(1). Maintaining current reimbursement rates for nursing home providers will eliminate a forecasted \$17.29 per day increase in nursing home rates for 2,706,828 projected days of care for the 6-month period July 1, 2014 — December 31, 2014, a total of \$46,801,056 in decreased expenditures.

A(2). The maximum outstanding Interim Working Capital fund is projected to be \$11,207,660 at 1.003 percent interest, resulting in \$112,413 in lost interest revenue to the State for 1 year.

D. Maintaining current reimbursement rates for nursing home providers will eliminate a forecasted \$17.29 per day increase in nursing home rates for 2,706,828 projected days of care for the 6-month period July 1, 2014 — December 31, 2014, a reduction of \$46,801,056. Interim Working Capital funds received by providers must be returned to the State, but providers will benefit by not incurring an interest expense of \$112,413 during the period that funds are held. The net cost to nursing home providers therefore totals \$46,688,643.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows. Thirty-eight nursing homes, which qualify as small businesses, are expected to account for 386,500 Medicaid days during the period July 1, 2014 — December 31, 2014. A loss in forecasted revenue of \$17.29 per day will result in \$6,682,585 in loss revenue during the 6-month period.

Savings in interest expense related to the Interim Working Capital fund will have a minimum impact on nursing homes that qualify as 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 West Preston Street, Room 512, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through August 25, 2014. A public hearing has not been scheduled.

.07 Payment Procedures — Maryland Facilities.

A. The Department shall pay the provider the sum of the rates calculated under the provisions of Regulations .08—.11 of this chapter. All interim per diem rates shall remain unchanged during the rate year unless documentation is submitted by the provider to the Department or its designee to demonstrate that a recalculation of the provider’s interim per diem rate for the Administrative and Routine, Other Patient Care, or Capital cost center would change by 5 percent (10 percent during the period July 1, 2009 through [June 30,] *December 31, 2014*), or more or unless otherwise authorized by the Department. A provider may request an interim rate change in the Nursing Service cost center by submitting documentation to the Department or its designee to demonstrate that a recalculation of the provider’s interim per diem rate would change by 2 percent or more. For the cost of power wheelchairs or power wheelchair repairs, there is no requirement of a percent change in the Capital cost center. The revised interim per diem rates shall be applicable from the first whole month after submission of the request for revision to the end of the rate year. A provider may not request an interim rate change more than two times during the same rate year. Interim and maximum per diem rates shall be increased or decreased as necessary to the extent these adjustments are required by State law or Title XIX of the Social Security Act.

B.—C-2. (text unchanged)

C-3. *With the exception of interim rate changes allowed in accordance with §A of this regulation for services provided during the period July 1, 2014 through December 31, 2014, interim and maximum reimbursement rates shall remain unchanged from those in effect for the period July 1, 2013 through June 30, 2014.*

D. (text unchanged)

.07-1 Interim Working Capital Fund.

A.—H. (text unchanged)

I. The Interim Working Capital Fund expires on May 1, [2014] 2015. Providers shall repay all outstanding funds to the Department by May 1, [2014] 2015. The Department may grant repayment extensions of not longer than 60 days under extraordinary circumstances.

.17 Selected Costs — Not Allowable.

The following costs are not allowable in establishing interim and final per diem payment rates:

A.—U. (text unchanged)

V. A percentage of the legal, accounting, and other professional expenses related to an appeal as described in [§Q] §U of this regulation, based upon the proportion of additional reimbursement denied to the total additional reimbursement sought on appeal, if a facility prevails on some but not all issues raised in the appeal or action; [and]

W. Any charges assessed by the Department for recovery of overpayments[.]; and

X. *Costs incurred for legal services relating to establishing Medical Assistance Program financial eligibility for nursing facility services or obtaining representation or guardianship of nursing facility residents or their property.*

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

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.33 Health Homes

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

Notice of Proposed Action

[14-221-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .04 under COMAR 10.09.33 Health Homes.

Statement of Purpose

The purpose of this action is to clarify requirements for providers regarding access to real-time pharmacy data.

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 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through August 25, 2014. A public hearing has not been scheduled.

.04 Conditions for Health Home Provider Participation.

To be eligible as a health home, a provider shall:

A.—D. (text unchanged)

E. At the time of enrollment as a health home, be [enrolled] *registered* or be able to provide documentation of starting the process of [enrollment] *registration* with CRISP in order to receive hospital encounter alerts[and pharmacy data];

[(1) CRISP in order to receive hospital encounter alerts; and

(2) The State’s ASO in order to access real-time pharmacy data for participants;]

F. *At the time of enrollment as a health home, be registered or be able to provide documentation of starting the process of registration with one of the following organizations in order to receive access to real-time pharmacy data for participants:*

(1) CRISP; or

(2) *The State's ASO*;
[F.] G.—[O.] P. (text unchanged)

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

Subtitle 35 POSTMORTEM EXAMINERS COMMISSION

10.35.01 Medical Examiner Cases

Authority: Health-General Article, §§5-301 et seq., [10-714] and 18-213; Estates and Trusts Article, §§4-509 [and 4-509.1], Annotated Code of Maryland

Notice of Proposed Action

[14-223-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01, .02, .08, .14, .19, and .20 and adopt new Regulation .21 under **COMAR 10.35.01 Medical Examiner Cases**.

Statement of Purpose

The purpose of this action is to update the regulations to meet current practice standards.

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 would:

- (1) Increase revenues in Fiscal Year 2015 by increasing certain fees relating to how medical examiner reports are processed, copied, and released; and
- (2) Increase body transportation reimbursement fees by 10 percent per mile from \$3 to \$3.30 per mile for transports over 30 miles.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
(1) Fees for medical examiners records	(R+)	FY15 \$8,875 & FY16 \$12,529
(2) Body transportation	(E+)	FY15 \$27,801 & FY16 \$39,249
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1) Insurance companies and attorneys	(-)	FY15 \$8,875 & FY16 \$12,529
(2) Body transportation providers	(+)	FY15 \$27,801 & FY16 \$39,249

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(1). and D(1). The cost for the autopsy report for family members and others will remain the same. The proposed action would increase fees to reflect how other reports, such as X-rays, CT scans, tissue slides, and photographs, are electronically copied and distributed on either CDs or DVDs. Since moving into the new facility methods of death investigation and how records are processed, stored, and released have been upgraded. For example, prior to moving into the new building full body X-rays and CT scans were unavailable. The requested report fee increases reflect those changes. The proposed action is estimated to increase General Fund revenues in Fiscal Year 2016 by an additional 15 percent over Fiscal Year 2013 revenues (\$83,528) to \$12,529.

A(2). and D(2). The proposed action would increase the rate paid to body transportation service providers by 10 percent from \$3 per mile to \$3.30 per mile. The minimum fee of \$100 on transports less than 30 miles would remain the same. Since 2008 there has not been any increase in body transportation reimbursement fees. Approximately 58 percent of all cases transported to the Office of the Chief Medical Examiner (OCME) are from distances greater than 30 miles. Several body transportation service providers have stated that due to increased costs they may stop transporting remains. This increase would assist in off-setting some of those operating costs of transporting remains to OCME.

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 A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through August 25, 2014. A public hearing has not been scheduled.

.01 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1)—(2) (text unchanged)
 - (3) Medical Examiner.

(a) “Medical examiner” means a Chief Medical Examiner, [deputy medical examiner] *Deputy Chief Medical Examiner*, or assistant medical examiner who is a pathologist authorized to carry out the provisions of Health-General Article, §5-301, Annotated Code of Maryland.

(b) “Medical examiner” also means [a:] *an individual authorized by the State to investigate deaths defined as medical examiners cases in Health-General Article, §5-301, Annotated Code of Maryland, including a:*

(i) Deputy medical examiner who assists those examiners in [§B(1)(a)] *§B(3)(a)* of this regulation, *is a physician*, and [who] is appointed by the Postmortem Examiners Commission in accordance with Health-General Article, §5-306, Annotated Code of Maryland; and

(ii) [Physician authorized by the State to investigate deaths defined as medical examiner cases in Health-General Article, §5-301, Annotated Code of Maryland] *Forensic investigator who assists those examiners in §B(3)(a) of this regulation, has training or experience in trauma or death investigation, and is appointed in accordance with Health-General Article, §5-306, Annotated Code of Maryland.*

(4)—(5) (text unchanged)

.02 Report of Medical Examiner Cases to the Police or Sheriff.

A. Whenever a physician, funeral director, or other person has knowledge of the occurrence of a death that may have been the result of violence or suicide, or may have occurred by casualty or suddenly when the person was in apparent health, or not attended by a physician, or when the death may have occurred in any suspicious or unusual manner, the physician, funeral director, or other person having this knowledge shall report it without delay to the police or sheriff who has jurisdiction in the city or county where the death occurred.

B. *The medical examiner may investigate any location believed to be associated with the death investigation regardless of the location of the body pursuant to applicable law.*

C. *A health care facility may not refuse the medical examiner access to a body which is the subject of a medical examiner case at any time.*

.08 The Hospital Agent.

A. (text unchanged)

B. Responsibilities.

[(1) If, during routine autopsy by a hospital pathologist, evidence is encountered which indicates that the death should be under the jurisdiction of the medical examiner, the death then shall become a medical examiner case, and the hospital agent immediately shall notify the police or sheriff, who will in turn notify the medical examiner.

Agency note: The hospital pathologist shall discontinue the autopsy pending the arrival of the medical examiner.]

[(2)] (1) Notification of Police. [Whenever] *In accordance with Regulation .02 of this chapter, whenever a hospital in Maryland has a medical examiner case, the hospital agent shall report the case to the local law enforcement agency with jurisdiction in that subdivision of the State. The local law enforcement agency so notified shall transmit the information to the medical examiner’s investigator on duty.*

(2) *A health care facility may not refuse the medical examiner access to a body which is the subject of a medical examiner case at any time. In order to prevent destruction or alteration of evidence, once death is determined, the hospital should follow medical examiner guidance as to management of the decedent. The medical examiner shall respond to the location of the body, investigate the case, and arrange for transportation of the body.*

(3) Preliminary Hospital Reports. The hospital agent designated in accordance with Regulation .08 of this chapter shall submit promptly to the medical examiner, *for each medical examiner case, the following information [on the]:*

(a) *The name and age, if known, of each [medical examiner case, with the] decedent;*

(b) *The date and time of admission; [time]*

(c) *Time of death; [diagnosis]*

(d) *Diagnosis, if made; [place] and*

(e) *Place, date, time, and manner of accident, or violence, if any[;], and other information that the Medical Examiner [seeks] may request.*

(4) *Medical Examiner Requests. The hospital agent shall promptly respond to a medical examiner request for records and specimens. Failure to provide requested information within 24 hours will result in a report to the Office of Health Care Quality.*

(5) *If, during a routine autopsy by a hospital pathologist, evidence is encountered which indicates that the death should be under the jurisdiction of the medical examiner:*

(a) *The death then shall become a medical examiner case;*

(b) *The hospital agent immediately shall notify the police or sheriff, who will in turn notify the medical examiner; and*

(c) *The hospital pathologist shall discontinue the autopsy pending the arrival of the medical examiner.*

[(4)] (6) Clinical and Autopsy Reports from Hospitals. Whenever a medical examiner case is autopsied in a hospital, the hospital agent shall submit to the medical examiner, without delay, a clinical summary report, preferably filled out by the physician most familiar with the case, and a provisional anatomical diagnosis, and later a copy of the *final autopsy [protocol] report.*

.14 Release of Medical Examiner’s Records.

A. Individual files of the Chief Medical Examiner are [not public records but are private] *confidential* medical records protected from disclosure under the provisions of State Government Article, §§4-301 and 10-611 et seq., Annotated Code of Maryland.

B. (text unchanged)

C. *Records request by court order or subpoena shall be subject to the fee schedule set forth herein.*

[C.] D. Fee Schedule.

[(1) A fee of \$30 for a first degree relative may be charged.

(2) A fee of \$120 for all others may be charged for providing a requested autopsy report and included toxicology report.]

(1) *Autopsy reports may be sent electronically to the requestor. The fees schedule is the same for paper or electronic reports and is as follows:*

(a) *A fee of \$30 for a first-degree relative may be charged; and*

(b) *A fee of \$120 for all others may be charged for providing a requested autopsy report and included consultation reports.*

[(3)] (2) Requests for other information or material shall be accompanied by a court order or subpoena unless the Custodian of Records determines compelling circumstances exist warranting the release of materials. If releasable, the contents of the file will be copied at a cost of \$1 per page with a minimum charge of \$25 excluding any item independently listed in [§C] §D of this regulation.

[(4)] (3) Photographs are [\$20 each] *copied electronically. There is a \$50 processing fee for each CD, plus \$5 per each image copied. X-rays and CT scans are copied electronically. There is a \$50 processing fee for each CD, plus \$25 per X-ray.*

[(5) Duplicate glass slides are \$20 each if available. If glass slides were not originally made, there is an additional charge of \$10 per slide.]

(4) *Slides are copied electronically. There is a \$50 processing fee for each CD, plus \$20 for each image copied. Slides may be viewed in the Office of the Chief Medical Examiner facility at a rate of \$200 for the first hour and \$50 for every 15 minute increment thereafter, partial or whole. The reviewer will have access to the medical examiner during the review.*

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

[(7)] (6) If any or all of the items listed in [§C] §D of this regulation are requested in digital format (CD or DVD), an additional fee of \$60 shall apply.

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

[D.] E. (text unchanged)

.19 Deputy Medical Examiners/Forensic Investigators.

A.—B. (text unchanged)

C. Each deputy medical examiner appointed shall be a physician. [If necessary, a deputy medical examiner may deputize another physician in the county to act as deputy medical examiner.]

D. (text unchanged)

E. [For] *Entitled Fees.*

(1) *As provided in the State budget, for each medical examiner's case investigated, the deputy medical examiner or forensic investigator is entitled to a fee of \$80[, as provided in the State budget].*

(2) *If the case does not meet the requirements of Health-General Article, §5-309, Annotated Code of Maryland, and is declined, the deputy medical examiner or forensic investigator is entitled to a decline fee of \$10.*

(3) *The deputy medical examiner is entitled to \$25 for certifying the death and completing the death certificate. [If the deputy medical examiner, or forensic investigator as the examiner's designee, is called as a witness before a grand jury or in a criminal case, the examiner or investigator is entitled to:*

- (1) *The fee that the court sets; and*
- (2) *Any additional compensation the county provides.]*

.20 Body Transportation Reimbursement.

A.—E. (text unchanged)

F. Payment.

(1) *Providers of body transportation services shall be paid as provided in the State budget, [§3] \$3.30 per mile, one way, by the shortest route, plus any tolls, with a minimum of \$100 if the distance is less than 30 miles from the scene of death to a designated location. The shortest route may be verified by the OCME.*

(2)—(3) (text unchanged)

(4) *The [provider is responsible for completing the] Office of the Chief Medical [Examiner's] Examiner is responsible for completing the Transportation of Bodies Report for payment.*

(5) (text unchanged)

.21 Fees for Other Services.

A. *When a deputy medical examiner, or forensic investigator as the examiner's designee, is called as a witness before a grand jury or in a criminal case, the examiner or investigator is entitled to:*

- (1) *The fee that the court sets; and*
- (2) *Any additional compensation that a county or court provides.*

B. *When any deputy medical examiner or forensic investigator is called as a witness in a civil case they are entitled to:*

- (1) *\$20 per hour; and*
- (2) *Any additional compensation that a county or court provides.*

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

Title 14
INDEPENDENT AGENCIES
Subtitle 26 MARYLAND ENERGY
ADMINISTRATION

14.26.01 Jane E. Lawton Conservation Program

Authority: State Government Article, §§9-20A-04 and 9-20A-09, Annotated Code of Maryland

Notice of Proposed Action

[14-220-P]

The Maryland Energy Administration proposes to amend Regulations **.01—, .04, .06—, .09, .12—, .15,** and **.17** and adopt new Regulation **.18** under **COMAR 14.26.01 Jane E. Lawton Conservation Program.**

Statement of Purpose

The purpose of this action is to amend the current regulations of the Jane E. Lawton Energy Conservation Program in order to implement SB875/HB1165 from the 2014 Legislative Session. This action amends the: (1) definition of an eligible business; (2) definition of energy cost savings; (3) definition of a project; (4) minimum borrower obligations under the program; and (5) requirements related to the publication and utilization of template loan documents by the Maryland Energy Administration. This action also implements the Maryland Energy Administration's expanded authority to offer credit enhancements under the Jane E. Lawton Energy Conservation Program by setting forth application requirements and applicable review processes. Additionally, it sets forth the requirements for entities to receive and/or benefit from credit enhancements under the Jane E. Lawton Energy Conservation Program.

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 Frederick H. Hoover, Director, Energy Programs, Maryland Energy Administration, 60 West Street, Suite 300, Annapolis, MD 21401, or call 410-260-7655, or email to fred.hoover@maryland.gov, or fax to 410-974-2250. Comments will be accepted through August 25, 2014. A public hearing has not been scheduled.

.01 Purpose.

This chapter describes the policies and procedures for making loans to *and offering credit enhancements that benefit* local governments, nonprofits, and eligible businesses from the Jane E. Lawton Conservation Loan Fund.

.02 Scope.

[The Jane E. Lawton Conservation Loan Program authorizes the Maryland Energy Administration to make low interest loans to nonprofit organizations, businesses, and local jurisdictions to promote energy efficiency, reduce consumption of fossil fuels, and enhance energy-related economic development and stability in business, commercial, and industrial sectors.]

To promote energy efficiency, reduce consumption of fossil fuels, and enhance energy-related economic development and stability in the commercial and industrial, nonprofit, and government sectors, the Jane E. Lawton Conservation Loan Program authorizes the Maryland Energy Administration to:

A. *Make low-interest loans to eligible nonprofit organizations, businesses, and local jurisdictions; and*

B. *Enhance the credit of financings offered by eligible banks and other financial institutions to benefit eligible nonprofit organizations, businesses, and local jurisdictions.*

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

- (1) — (2) (text unchanged)

(3) “Borrower” means [an eligible] a local jurisdiction, nonprofit organization, or eligible business that applies and qualifies for a loan under [this] the Program.

(4) (text unchanged)

(5) “Credit enhancement” means a financial arrangement designed to improve the accessibility or affordability of a financing.

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

[(6)] (7) Eligible Business.

(a) “Eligible business” means a commercial enterprise or business that is in good standing with the State Department of Assessments and Taxation and is:

(i) [That is incorporated] Incorporated in the State; or

(ii) [Whose principal owners are State residents and the business of which is primarily carried out] Registered to do business in the State.

(b) (text unchanged)

[(7)] (8) “Energy cost savings” means the actual reduction in operating expenses [realized by a borrower as a result of the improved energy efficiency generated by an energy conservation] resulting from the installation, operation, and maintenance of a project financed under the Program.

[(8)] (9) (text unchanged)

(10) “Loan” means an issuance of debt by the Administration to a qualified borrower under the Program.

[(9)] (11) — [(10)] (12) (text unchanged)

[(11)] (13) “Nonprofit organization” means a corporation, foundation, school, hospital, or other legal entity, no part of the net earnings or assets of which inure to the benefit of[, or to be distributed to, its directors, officers, members, or other private persons, except that the corporation or entity may pay reasonable compensation for services rendered] any private shareholder or individual holding an interest in the entity.

[(12)] (14) (text unchanged)

[(13)] (15) Project.

(a) “Project” means one or more improvements or modifications that enhance the energy efficiency and reduce the operating expenses of a structure located in Maryland.

[(b) “Project” includes start-up opportunities for new businesses if the loan would enhance the energy efficiency of the borrower’s business.]

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

.04 Eligibility and Requirements for Loans.

A. A loan under the Program may be made to:

(1) (text unchanged)

(2) Eligible nonprofit organizations [located within the State]; and

(3) (text unchanged)

B. [In addition to any other conditions required by the Administration, a loan applicant shall meet the following minimum conditions to be eligible to apply for a loan under the Program] A borrower for a loan under the Program shall:

(1) (text unchanged)

(2) [Be able to provide a contribution to the project that is of a type and amount acceptable to the Administration] Provide a complete application to the Administration before the expiration of any applicable deadlines; [and]

(3) If the borrower is a business entity, be in good standing [and qualified to do business in the State.] with the State Department of Assessments and Taxation and be:

(a) Incorporated in the State; or

(b) Registered to do business in the State;

(4) Pay any fees required by the Administration; and

(5) Meet any other requirement deemed appropriate by the Administration.

.06 Minimum Borrower Obligations.

In addition to any other condition or requirement determined to be necessary by the Administration, a borrower shall:

A. (text unchanged)

B. [If the sole or primary purpose of the project is to reduce energy consumption, document] Document that the anticipated energy savings to the borrower over a defined period after the completion of the project are greater than the total cost of the project to the borrower in a manner that allows the Administration to verify the anticipated energy savings at the time of the application;

[C. Repay the loan and interest from specified revenues that may include the energy cost savings generated by the project in accordance with a schedule set by the Administration;]

[D.] C. [Bear an interest rate that the Administration determines to be necessary and reasonable for the project] Pay an interest rate and any other fees and expenses assessed by the Administration;

[E.] D. Repay the loan and interest in accordance with a schedule [that the] set by the Administration [sets, which may be on a deferred payment basis]; [and]

[F.] E. Execute necessary assurances including a promissory note and other forms of collateral required by the Administration[.]; and

F. Provide the Administration with a letter of counsel that gives any assurances requested by the Administration.

.07 Terms and Conditions of Loan.

A. (text unchanged)

B. Security.

(1) Security or collateral are required for any loan to a nonprofit organization or eligible business. [Upon a showing of good cause, the Director may waive those requirements for nonprofit organizations.]

(2) (text unchanged)

(3) If applicable, the borrower shall make the necessary arrangements and, if necessary, execute a waiver in favor of the Administration with a landlord to facilitate the Administration’s security and collateral.

C. Repayment.

(1) The principal and interest of a loan under the Program shall be repaid:

(a) From energy cost savings realized by the energy conservation project, or other revenues specified by the borrower equal or equivalent to energy cost savings; and

(b) (text unchanged)

(2) (text unchanged)

(3) At the conclusion of each fiscal year[:

(a) The borrower and the Administration shall compute in the manner prescribed by the Administration, the following:

(i) Actual energy cost savings resulting from the implementation of the energy conservation project financed by the loan; and

(ii) Projected energy cost savings for subsequent fiscal years;

(b) If[, if the energy cost savings resulting from the project do not equal or exceed the expected repayment schedule for the loan, the Administration may upon the petition of a borrower:

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

D. Interest Rate. The principal of the loan shall bear interest at a rate determined to be necessary and reasonable for the project, which, [in exceptional circumstances and] at the discretion of the Director, may be as low as zero percent.

E. In the event of default, the Administration may modify:

(1) — (3) (text unchanged)

F. Template Documents.

(1) The Administration shall [provide the borrower with loan documents which are consistent with the terms and requirements of a

loan set forth in the Act and this chapter. The loan documents shall specify the reports necessary to monitor compliance by the borrower with the terms and conditions of the Act and this chapter] *publish a loan agreement, note, and security agreement on its website no later than 30 days following the start of each fiscal year that will serve as the Program documents for that fiscal year.*

(2) *The Program documents published under §F(1) of this regulation shall conform to the minimum provisions required under §G of this regulation and include any additional provisions deemed appropriate by the Administration.*

(3) *Except as provided in §F(4) of this regulation, the Administration shall utilize the Program documents published under subsection (1) of this section for each loan issued to a borrower under the Program.*

(4) *The Administration may grant a modification or amendment to a Program document published under §F(1) of this regulation only upon a determination by the Administration of good cause, which may include a determination by the Administration that:*

(a) *A provision of a template document is contrary to law;*

or

(b) *A modification or amendment is necessary to facilitate the issuance of a loan to an applicant that is otherwise eligible for a loan under the Program.*

G. Document Requirements.

(1) *A loan agreement issued under the Program shall, at a minimum, include:*

(a) *A definition of terms;*

(b) *Interest rates, fees, and other expenses to be paid by the borrower;*

(c) *A disbursement schedule consistent with the schedule proposed by the borrower in its application;*

(d) *Conditions precedent and other terms that affect the disbursement and availability and funds;*

(e) *Applicable representations, warranties, and covenants;*

(f) *Indemnification of the Administration and its employees;*

(g) *A requirement to hold the Administration and its employees harmless;*

(h) *Default events;*

(i) *Contact information;*

(j) *A statement of governing law;*

(k) *Terms related to confession of judgment; and*

(l) *Collection procedures.*

(2) *A security agreement issued under the Program shall, at a minimum, include:*

(a) *A description of collateral;*

(b) *Applicable representations, warranties, and covenants;*

and

(c) *Default events.*

(3) *A note issued under the Program shall, at a minimum, include:*

(a) *A definition of terms;*

(b) *Interest rates, fees, and other expenses to be paid by the borrower;*

(c) *Applicable representations, warranties, and covenants;*

(d) *Indemnification of the Administration and its employees;*

(e) *A requirement to hold the Administration and its employees harmless;*

(f) *Default events;*

(g) *A statement of governing law;*

(h) *Terms related to confession of judgment;*

(i) *Collection procedures; and*

(j) *A requirement for notarization.*

[G.] H. Insurance.

(1) — (6) (text unchanged)

[H.] (7) Terms and Conditions. Insurance coverage shall meet the following minimum requirements plus any additional requirements which may be set by the Administration:

[(1)] (a) Insurance shall be provided by:

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

[(2)] (b) — [(6)] (f) (text unchanged)

I. (text unchanged)

.08 Evaluation Criteria.

[A. The Administration shall reserve 20 percent of the annual amount of funds available under the Program for loans to nonprofit organizations. If sufficient applications for the reserved funds have not been received from nonprofit organizations, those funds may be made available to other borrowers in the Program.]

[B.] The [Program shall] *Administration may* take the following factors into consideration in prioritizing loans for any fiscal year:

[(1)] A. — [(7)] G. (text unchanged)

.09 Application Process.

A. Application for a Loan.

(1) — (2) (text unchanged)

(3) An application for a loan shall be submitted to the Administration and shall contain:

(a) Sufficient information and documentation to determine:

(i) The eligibility of a project in accordance with the criteria set forth in Regulations .04 and .06 of this chapter; [and]

(ii) (text unchanged)

(iii) *For a business or nonprofit organization, sufficient information to allow the Administration to make a determination about the creditworthiness of the borrower and the risk profile of the loan; and*

(b) The following additional information:

(i) Identification of the business, structure or structures, or equipment which will be the subject of a project, including, as applicable, a brief description of the existing condition of the structure or equipment evidencing a need for the project;

(ii) — (vi) (text unchanged)

(vii) As determined by the Administration, the projected energy cost savings to be achieved in dollars, units of fuel, *kilowatt-hours*, or British thermal units, and the engineering calculations to support these savings estimates; and

(viii) (text unchanged)

B. (text unchanged)

.12 Program Administration.

A. The Director may delegate to any other official or employee of the Administration or the Program the authority to approve loans *and credit enhancements* under the Program, or to execute or approve any loan documents or other documents governing a loan *or credit enhancement*, including a commitment.

B. (text unchanged)

C. *The Administration shall reserve 20 percent of the annual amount of funds available under the Program for loans to nonprofit organizations. If sufficient applications for the reserved funds have not been received from nonprofit organizations, those funds may be made available to other loans or credit enhancements under the Program*

.13 Books and Records.

A. Borrowers, *recipients of credit enhancements*, contractors, and subcontractors shall maintain books, accounts, and records, and shall file with the Administration financial and other reports, that the Administration may from time to time require.

B. — C. (text unchanged)

.14 Nondiscrimination.

A. A borrower or recipient or beneficiary of a credit enhancement may not discriminate against an individual on the basis of race, color, religion, national origin, sex, marital status, physical or mental handicap, or age in any aspect of the program.

B. A borrower or recipient or beneficiary of a credit enhancement shall comply with all applicable federal, State, and local laws and Administration policies and programs regarding discrimination and equal opportunity in employment, housing, and credit practices including:

(1) — (3) (text unchanged)

C. (text unchanged)

.15 Drug-Free and Alcohol-Free Policy.

As a condition of receipt of a loan from the Program, the Administration may require the borrower or recipient or beneficiary of a credit enhancement to adopt and administer a program to promote a drug-free and alcohol-free workplace in accordance with Executive Order 01.01.1989.18.

.17 False Statements or Report.

A. A person may not knowingly make or cause to be made any false statement or report in any document required to be furnished to the Administration by any agreement relating to a loan or credit enhancement.

B. A person applying for a loan or credit enhancement under the Program may not knowingly make or cause to be made any false statement or report for the purpose of influencing the action of the Administration on an application for a loan or credit enhancement or for the purpose of influencing the action of the Administration affecting a loan or credit enhancement already provided.

C. (text unchanged)

.18 Credit Enhancements.

A. Subject to the requirements of this regulation, the Administration may authorize a credit enhancement to carry out the purpose of the Program under State Government Article, §9-20A-03, Annotated Code of Maryland.

B. The Administration may authorize a credit enhancement under the Program to a bank or other financial institution to facilitate financing of at least one project of an:

- (1) Eligible local jurisdiction;
- (2) Eligible nonprofit organization; or
- (3) Eligible business.

C. A bank or other financial institution offering a financing enhanced by a credit enhancement under the Program shall:

- (1) Be in good standing with the State Department of Assessments and Taxation and:
 - (a) Incorporated in the State; or
 - (b) Registered to do business in the State;
- (2) Have the legal capacity and all necessary legal authority to incur the obligations associated with the credit enhancement under the Program;
- (3) Provide a complete application to the Administration before the expiration of any applicable deadline;
- (4) Satisfy all financial requirements established by the Administration;
- (5) At the discretion of the Administration, pay a reasonable fee to the Administration for the administration of the credit enhancement; and
- (6) Meet any additional requirement deemed appropriate by the Administration.

D. A beneficiary of a credit enhancement under the Program shall:

(1) Have the legal capacity and all necessary legal authority to incur the obligations associated with the credit enhancement under the Program;

(2) Satisfy all financial and credit-related requirements established by the Administration; and

(3) Meet any additional requirement deemed appropriate by the Administration.

E. Application and Review Process.

(1) An eligible local jurisdiction, nonprofit organization, or business may apply to the Administration under the Program to receive a credit enhancement for a financing offered by a bank or other financial institution.

(2) A bank or other financial institution may apply to the Administration to receive a credit enhancement to benefit an eligible local jurisdiction, nonprofit organization, or business.

(3) An application for a credit enhancement shall be:

(a) Made upon standard forms required by and submitted to the Administration; and

(b) Submitted to the Administration in accordance with a schedule developed and publicized by the Administration.

(4) If the beneficiary of the credit enhancement is:

(a) A local jurisdiction, the application shall be signed by the local jurisdiction's chief elected officer or, if none, by the governing body to the local jurisdiction;

(b) A public school, the application shall be approved by the board of education of the county in which the project is located and signed by the superintendent of public schools for the county;

(c) An institution of higher learning, the application shall be signed by the president of the institution or other authorized official;

(d) A business entity, the application shall be signed and verified:

- (i) If a corporation, by an officer of the corporation; or
- (ii) If another form of business entity, by a person or official with authority to bind the entity to the commitments required; or

(e) A nonprofit organization, the application shall be signed by the executive director, president, chairman of the board, or other authorized official.

(5) An application for a credit enhancement shall contain:

- (a) Sufficient information and documentation to determine:
 - (i) Whether the terms and requirements of the credit enhancement as determined by the Administration can be met; and
 - (ii) For a business or nonprofit organization, sufficient information to allow the Administration to make a determination about the creditworthiness of the borrower and the risk profile of the credit enhancement; and
- (b) The following additional information:
 - (i) Identification of the business, structure or structures, or equipment which will be the subject of a project, including, as applicable, a brief description of the existing condition of the structure or equipment evidencing a need for the project;
 - (ii) The cost of a proposed project and the amount of dollars committed from private and public resources;
 - (iii) A project budget identifying all sources and uses of project funds;
 - (iv) Proposed terms of the credit enhancement, including interest rates and repayment schedules;
 - (v) The type of security, if any, to be provided by the beneficiary of the credit enhancement;
 - (vi) A description of type, amount, and source of the contribution to be made by the beneficiary of the credit enhancement;
 - (vii) As determined by the Administration, the projected energy cost savings to be achieved in dollars, units of fuel, kilowatt-hours, or British thermal units, and the engineering calculations to support these savings estimates; and
 - (viii) The anticipated environmental benefits in the form of reduced emissions or pollution attributable to the proposed project.

(6) After receipt of an application for a credit enhancement, the Administration may consider whether to offer a credit enhancement under the Program using the following factors:

- (a) Satisfaction of the requirements under §E(3) of this regulation;
- (b) Estimated energy savings;
- (c) Leverage;
- (d) Risk to the Administration of pecuniary loss;
- (e) The extent to which the credit enhancement helps achieve the purpose of the Program under State Government Article, §9-20A-03, Annotated Code of Maryland; and
- (f) Additional factors deemed appropriate by the Administration related to the:
 - (i) Type of credit enhancement proposed;
 - (ii) Project;
 - (iii) Bank or financial institution; and
 - (iv) Beneficiary of the credit enhancement.

ABIGAIL R. HOPPER
Director

Title 29
DEPARTMENT OF STATE
POLICE
Subtitle 06 FIRE PREVENTION
COMMISSION

29.06.04 Fees for Fire Prevention Services

Authority: Public Safety Article, §6-206, Title 6, Subtitle 3, and Title 9, Subtitle 7, Annotated Code of Maryland

Notice of Proposed Action
[14-229-P]

The Secretary of State Police proposes to amend Regulations .01 and .05 under **COMAR 29.06.04 Fees for Fire Prevention Services**. This action was considered at a public meeting held on May 7, 2014.

Statement of Purpose

The purpose of this action is to allow the State Fire Marshal to reduce fees for inspections he or his designee conducts for new and existing buildings for which a municipal or county corporation elects to conduct the plan review and charge a fee but the municipal or county corporation does not conduct the inspection.

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 Heidi Ritchie, Secretary, Fire Prevention Commission, 18345 Colonel Henry K. Douglas Drive, Suite 240, Hagerstown, MD 21740, or call 877-890-0199, or email to msp.sfpc@maryland.gov, or fax to 301-766-3889. Comments will be accepted through August 25, 2014.

.01 Scope.

- A.—B. (text unchanged)
- C. Municipal or County Corporations.
 - (1) (text unchanged)
 - (2) A municipal or county corporation establishing its own fee schedule shall be responsible for administering its own:
 - (a) [Inspections] *Plan reviews or inspections*;
 - (b)—(c) (text unchanged)

.05 Fees for Plan Review and Use and Occupancy Inspection.

- A. Fee Schedule.
 - (1) The fee schedule in this section is to be used to calculate the fee to be paid for the review of plans for and inspection of all new and existing buildings, including a change in use or occupancy. *Where a local jurisdiction elects to conduct plan reviews and adopts a fee schedule for these reviews but does not conduct the inspections, the State Fire Marshal shall be permitted to reduce the fee schedule rate under this regulation by 50 percent to cover the costs of inspections conducted by the State Fire Marshal.*
 - (2)—(3) (text unchanged)
- B.—G. (text unchanged)

MARCUS L. BROWN
Secretary of State Police

Title 30
MARYLAND INSTITUTE
FOR EMERGENCY
MEDICAL SERVICES
SYSTEMS (MIEMSS)

Subtitle 01 GENERAL

30.01.02 Documents Incorporated by Reference

Authority: Education Article, §13-516, Code of Maryland

Notice of Proposed Action
[14-212-P-I]

The State Emergency Medical Services Board proposes to amend Regulation .01 under **COMAR 30.01.02 Documents Incorporated by Reference**. This action was considered and approved by the State Emergency Medical Services Board at its regular meeting held on April 8, 2014, notice of which was given by publication in 41:6 Md. R. 403 (March 21, 2014), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to incorporate by reference the current Maryland Medical Protocols for Emergency Medical Services Providers and Maryland Trauma Registry Data Dictionaries.

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 E. Fremont Magee, Assistant Attorney General, Maryland Institute for Emergency Medical Services Systems, 653 West Pratt Street, Baltimore, Maryland 21201, or call 410-706-8531, or email to fmagee@miemss.org, or fax to 410-706-2138. Comments will be accepted through August 25, 2014. A public hearing has not been scheduled.

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the following have been declared documents generally available to the public and appropriate for incorporation by reference:

- (1) The Maryland Medical Protocols for Emergency Medical Services Providers (MIEMSS July 1, 2014 Edition);
- (2) Maryland State Trauma Registry Data Dictionary for Adult Patients (MIEMSS January 15, 2014 Edition); and
- (3) Maryland State Trauma Registry Date Dictionary for Pediatric Patients (MIEMSS February 24, 2014 Edition).

For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories was published in 41:1 Md. R. 9 (January 10, 2014), and is available online at www.dsd.state.md.us. These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Incorporation by Reference.

A. In this title, the following documents are incorporated by reference.

B. Documents Incorporated.

- (1) “Maryland Medical Protocols for Emergency Medical Services Providers (MIEMSS July 1, [2013] 2014 Edition)”. This document can be obtained through the Maryland Institute for Emergency Medical Services Systems at 653 W. Pratt Street, Baltimore, Maryland 21201 (410-706-4449).
- (2) “Maryland State Trauma Registry Data Dictionary for Adult Patients (MIEMSS [July 11, 2011] January 15, 2014 Edition)”. This document can be obtained through the Maryland Institute for Emergency Medical Services Systems at 653 W. Pratt Street, Baltimore, Maryland 21201 (410-706-4449).
- (3) “Maryland State Trauma Registry Data Dictionary For Pediatric Patients (MIEMSS [July 11, 2011] February 24, 2014 Edition)” This document can be obtained through the Maryland Institute for Emergency Medical Services Systems at 653 W. Pratt Street, Baltimore, Maryland 21201 (410-706-4449).
- (4) (text unchanged)

JEANNIE ABRAMSON
Chief Administrative Officer

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 04 INSURERS

31.04.22 Title Insurers

Authority: Insurance Article, §§2-108, 2-109, 10-121, and 10-128.1, Annotated Code of Maryland

Notice of Proposed Action

[13-406-R]

The Insurance Commissioner proposes to adopt new Regulations **.01 — .08** under a new chapter, **COMAR 31.04.22 Title Insurers**. Because substantive changes have been made to the original proposal as published in 40:25 Md. R. 2138 — 2140 (December 13, 2013), this action is being repropose at this time.

Statement of Purpose

The purpose of this action is to repropose the regulations originally proposed in the Maryland Register on December 13, 2013, which set forth the circumstances in which a title insurance company shall conduct an annual on-site review of a title insurance producer, the minimum requirements of the annual on-site review, and the written reporting and document retention requirements related to the on-site review. As a result of certain comments received, the proposed regulations were substantively revised.

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 Katrina Lawhorn, Regulations Coordinator, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2450, or email to katrina.lawhorn@maryland.gov, or fax to 410-468-2020. Comments will be accepted through August 25, 2014. A public hearing has not been scheduled.

.01 — .02 (originally proposed text unchanged)

.03 Definitions.

A. (originally proposed text unchanged)

B. *Terms Defined.*

(1) “Accounts” means **[[[any and]]]** all accounts associated with the principal agent’s title insurance business.

(2) — (5) (originally proposed text unchanged)

(6) “Escrow” means the act or process of providing closing services or services **[[[pursuant to]]]** **under** an escrow agreement by a title insurer or a principal agent.

(7) — (14) (originally proposed text unchanged)

(15) “On-site review” means **[[[an audit]]]** **a review** of the underwriting, claims, and escrow practices of each principal agent conducted by a title insurer or its designee, at the principal agent’s principal place of business in the State and, if the principal agent’s

information to be reviewed is not kept at its principal place of business in the State, then at each site where such information is kept.

(16) "Principal agent" means a title insurance producer appointed by the title insurer to act on behalf of the title insurer as described in Insurance Article, §10-121(k)(1)(i), Annotated Code of Maryland.

(17) — (23) (originally proposed text unchanged)

.04 Conducting an On-Site Review.

A. A title insurer:

(1) — (2) (originally proposed text unchanged)

(3) May not be required to provide advance notice to the principal agent of the **beginning** of an on-site review; and

(4) (originally proposed text unchanged)

B. The on-site review required under §A of this regulation shall, at a minimum, include:

(1) (originally proposed text unchanged)

(2) A review of the principal agent's operations to evaluate compliance with the notice requirements under Insurance Article, §22-102, Annotated Code of Maryland, including whether the principal agent:

(a) Inserted the name of each proposed insured **as required under Insurance Article, §22-102(a)(1), Annotated Code of Maryland;**

(b) — (c) (originally proposed text unchanged)

(3) — (6) (originally proposed text unchanged)

(7) **Receipt** of the written certification of the principal agent which shall contain:

(a) The printed name and signature of **a designated insurance producer who satisfies the qualifications set forth in §10-121(c);**

(b) — (c) (originally proposed text unchanged)

C. — D. (originally proposed text unchanged)

E. **A title insurer that enters into a written contract with a third party to perform an on-site review is bound by the findings of the third party and responsible for any violation regardless of any delegation. A title insurer that enters into a written contract with a third party to perform an on-site review is:**

(1) Bound by the findings of the third party; and

(2) Responsible for any violation of §A, B or C of this regulation, regardless of any delegation.

.05 Failure to Cooperate.

A principal agent's failure to cooperate with a title insurer at the **beginning** of or during an on-site review shall constitute a reason to believe that the principal agent has engaged in a prohibited activity under Insurance Article, §10-126, Annotated Code of Maryland.

.06 Report.

A. (originally proposed text unchanged)

B. The report shall address the following areas:

(1) The name, Maryland producer license number, and contact information of the principal agent or any insurance producer designated **under** Insurance Article, §10-106, Annotated Code of Maryland;

(2) The name and Maryland producer license number of any **insurance producer associated with the principal agent**;

(3) The principal agent's escrow accounts and related practices, **including a review to ensure that:**

(a) Only licensed insurance producers exercise control over trust money;

(b) Premium monies are held in compliance with COMAR 31.03.03;

(c) Funds received by the principal agent are accurately accounted for in the books and records of the principal agent; and

(d) The principal agent's escrow accounts have been properly reconciled as of the date of the completed on-site review and the trust deposits held on its behalf are reasonably ascertainable from the books of account and records of the principal agent.

(4) The principal agent's bank reconciliation and related practices;

(5) Except for transfers of money between the principal agent's escrow or trust account and the principal agent's operating account for the fees due the principal agent, transfers of money between principal agent's accounts that contain or have contained trust money deposits;

(6) (originally proposed text unchanged)

(7) Compliance by the principal agent with the annual MAHT report requirement under COMAR 31.16.03.06;

(8) (originally proposed text unchanged)

(9) The principal agent's policy blank inventory;

(10) The principal agent's failure to comply with the title insurer's financial accounting requirements; and

(11) (originally proposed text unchanged)

C. — D. (originally proposed text unchanged)

.07 Prohibited Activities. Required Notifications.

A. Except as provided in §B of this regulation, if a title insurer has reason to believe that the principal agent has engaged in, or is engaging in, conduct that is prohibited by Insurance Article, §10-126, Annotated Code of Maryland, the title insurer shall notify the Commissioner in writing within **10 calendar** days after obtaining such knowledge or belief.

B. A title insurer shall notify the Commissioner in writing within **2 calendar** days if a title insurer has reason to believe that a principal agent has **converted or misappropriated money received or held in trust.**

C. A title insurer's written notification to the Commissioner under §§A and B of this regulation shall include the following information:

(1) The name, physical address, telephone number, and email address of the principal agent **or its designated insurance producer who satisfies the qualifications set forth in §10-121(c);**

(2) — (4) (originally proposed text unchanged)

(5) A **description of the facts and circumstances of the principal agent's failure to comply therewith, if applicable, giving rise to the title insurer's reason to believe that a principal agent has converted or misappropriated money received or held in trust.**

.08 (originally proposed text unchanged)

THERESE M. GOLDSMITH
Insurance Commissioner

Subtitle 15 UNFAIR TRADE PRACTICES

31.15.08 Payment of Claims Under Life and Health Policies Annuity Contracts

Authority: Health-General Article, §19-706(g); Insurance Article, §1-301, 2-109, 2-205, 2-207, 4-113, 8-455, 10-102, 10-103, 10-118, 10-126, 10-130, 10-131, 10-401—10-406, 10-410, 14-112, 14-124, 14-407, 14-408, 14-409, 14-416, 15-1004, 15-1005, 27-102, Title 15, Subtitle 7, and Title 27, Subtitle 3, Annotated Code of Maryland

Notice of Proposed Action

[14-224-P]

The Insurance Commissioner proposes to amend Regulation .06 under **COMAR 31.15.08 Payment of Claims Under Life and Health Policies Annuity Contracts**.

Statement of Purpose

The purpose of this action is to change an incorrect reference to an “insured” in COMAR 31.15.08.06. The regulation implements Insurance Article, §27-304, Annotated Code of Maryland, which lists unfair claim settlement practices that when committed with a specified frequency, constitute a general business practice. The statute does not apply to an “insured”; rather it applies to an “insurer, nonprofit health service plan, or health maintenance organization.” Regulation .06A is being updated to omit the incorrect reference to “insured” and to replace it with “insurer, nonprofit health service plan, or health maintenance organization,” consistent with the statute.

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 Katrina Lawhorn, Regulations Coordinator, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2450, or email to katrina.lawhorn@maryland.gov, or fax to 410-468-2020. Comments will be accepted through August 25, 2014. A public hearing has not been scheduled.

.06 General Business Practices.

A. The methodology of §B of this regulation shall be used to determine whether an [insured] *insurer, nonprofit health service plan, or health maintenance organization* has engaged in unfair claim settlement practices with such frequency as to constitute a general business practice within the meaning of Insurance Article, §27-304, Annotated Code of Maryland.

B. (text unchanged)

THERESE M. GOLDSMITH
Insurance Commissioner

**Title 36
MARYLAND STATE
LOTTERY AND GAMING
CONTROL AGENCY**

Subtitle 02 LOTTERY PROVISIONS

36.02.09 Special Operation Licenses for Instant Ticket Lottery Machines

Authority: State Government Article, §9-112, Annotated Code of Maryland

Notice of Proposed Action

[14-214-P]

The Maryland State Lottery Agency proposes to adopt new Regulations .01—.05 under a new chapter, **COMAR 36.02.09 Special Operation Licenses for Instant Ticket Lottery Machines**. This action was considered at the Maryland State Lottery and Gaming Control Commission open meeting held on May 22, 2014, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update the Regulations of the State Lottery and Gaming Control Agency to incorporate provisions that better define the requirements of the Agency’s new Instant Ticket Lottery Machines for Veterans’ services organizations.

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 James B. Butler, Director, Legislation and Policy Affairs, Maryland State Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call 410-230-8781, or email to jbutler@maryland.gov, or fax to 410-230-8727. Comments will be accepted through August 25, 2014. A public hearing has not been scheduled.

.01 Scope.

A. *This chapter applies to a retailer that is a veterans’ services organization and applies for and sells tickets under a special operation license for instant ticket lottery machines.*

B. *In addition to the requirements of this chapter, a veterans’ services organization licensed to sell tickets from an instant ticket lottery machine shall meet the requirements of this subtitle for a retailer licensed by the Agency.*

.02 Definitions.

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

B. *Terms Defined.*

(1) *“Cashout voucher” means a printed slip of paper with a code indicating the amount of money payable to the individual who presents the ticket to an operation licensee.*

(2) “Contractor” or “Agency’s contractor” means a company selected by the Agency for the design, development, installation, implementation, operation, and maintenance of the Agency’s Instant Ticket Lottery Machine system.

(3) “Facility” means the building where an operation licensee places instant ticket lottery machines.

(4) “Instant ticket” means a preprinted ticket purchased from an instant ticket lottery machine.

(5) “Instant ticket lottery machine” means a machine or other device provided to a retailer through the Agency’s contractor.

(6) “Operation licensee” means the holder of a special operation license.

(7) “Special operation license” or “operation license” means permission granted by the Agency under this chapter to sell instant tickets.

(8) “Veterans’ services organization” means an organization that is:

(a) Tax exempt and organized as a veterans’ organization under §501(c)(19) or §501(c)(4) of the United States Internal Revenue Code; and

(b) Located in:

- (i) Allegany County;
- (ii) Anne Arundel County;
- (iii) Baltimore City;
- (iv) Baltimore County;
- (v) Calvert County;
- (vi) Carroll County;
- (vii) Charles County;
- (viii) Frederick County;
- (ix) Garrett County;
- (x) Harford County;
- (xi) Howard County;
- (xii) Montgomery County;
- (xiii) Prince George’s County;
- (xiv) Saint Mary’s County; or
- (xv) Washington County.

.03 Operation Licensee Requirements.

A. A veterans’ services organization may not operate instant ticket lottery machines without a special operation license.

B. A veterans’ services organization may apply for a special operation license to operate up to 5 instant ticket lottery machines.

C. An operation licensee may be required by the Agency to qualify for and become authorized to operate under the Expanded Cashing Authority Program as set forth in COMAR 36.02.03.06.

D. An operation licensee shall locate the licensed instant ticket lottery machines in its primary meeting hall.

E. The Agency may restrict the permissible location within a facility of instant ticket lottery machines.

F. An operation licensee shall enter into an agreement with the Agency regarding the instant ticket lottery machine program that provides for the:

- (1) Payment of rent for the instant ticket lottery machines;
- (2) Power, utility, security, and HVAC needs of the instant ticket lottery machines; and
- (3) Operation, maintenance, ticket retention, record keeping, and reporting requirements of the instant ticket lottery machines.

.04 Sales of Instant Tickets.

A. An operation licensee may sell an instant ticket only to an individual who is 18 years old or older.

B. An operation licensee shall be:

- (1) Knowledgeable about the games available in the instant ticket lottery machine; and
- (2) Able to show players how to access help screens in the instant ticket lottery machine.

C. The purchase of an instant ticket may not be cancelled.

.05 Payment of Prizes.

A. A cashout voucher may be presented for payment only to:

- (1) The operation licensee where the voucher was printed; or
- (2) An Agency claim center as defined in COMAR 36.02.06.01B(1).

B. Only a player who is an individual may present a cashout voucher for payment.

C. The provisions of COMAR 36.02.06.15 and COMAR 36.02.06.16 do not apply to claims for payment of a prize from an instant ticket lottery machine.

D. Except as provided in §§A — C of this regulation, an operation licensee shall pay the individual holder of a cashout voucher in accordance with the claims procedures described in COMAR 36.02.06.

STEPHEN L. MARTINO
Director

Subtitle 05 TABLE GAMES

Notice of Proposed Action

[14-215-P]

The Maryland Lottery and Gaming Control Agency proposes to amend:

- (1) Regulation .13 under COMAR 36.05.04 Blackjack Rules;
- (2) Regulations .02, .06, .07, and .10—.12 under COMAR 36.05.11 Mississippi Stud Rules;
- (3) Regulation .12 under COMAR 36.05.14 Three Card Poker Rules; and
- (4) Regulations .02, .06, .07, and .10—.12 under COMAR 36.05.16 Ultimate Texas Hold ’Em Rules.

This action was considered at the Maryland State Lottery and Gaming Control Commission open meeting held on May 22, 2014, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update the regulations of the State Lottery and Gaming Control Agency to incorporate provisions that better define and refine the requirements for table games operations.

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 James B. Butler, Director, Legislative and Policy Affairs, Maryland State Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call 410-230-8781, or email to jbutler@maryland.gov, or fax to 410-230-8727. Comments will be accepted through August 25, 2014. A public hearing has not been scheduled.

36.05.04 Blackjack Rules

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

.13 Payout Odds and Limitation.

A. — C. (text unchanged)

D. [A facility operator shall pay out winning Three Card Poker Wagers at odds of 9 to 1.] *If a facility operator offers the Three Card Poker Wager, the facility operator shall pay out winning Three Card Poker Wagers at the amounts in the following paytables as selected by the facility operator in its Rules Submission:*

(1) Paytable A:

- (a) For a Straight Flush the payout is 9 to 1;
- (b) For a Three-of-a-Kind the payout is 9 to 1;
- (c) For a Straight the payout is 9 to 1; or
- (d) For a Flush the payout is 9 to 1.

(2) Paytable B:

- (a) For a Straight Flush the payout is 30 to 1;
- (b) For a Three-of-a-Kind the payout is 20 to 1;
- (c) For a Straight the payout is 10 to 1; or
- (d) For a Flush the payout is 5 to 1.

E. — J. (text unchanged)

36.05.11 Mississippi Stud Rules

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

.02 Mississippi Stud Tables.

A. (text unchanged)

B. The layout for a Mississippi Stud table shall be submitted to the Commission for approval and contain at least:

(1) — (4) (text unchanged)

(5) If a facility operator offers the optional Three Card Bonus Wager authorized under Regulation .07 of this chapter, a separate area designated for the placement of the Three Card Bonus Wager for each player; [and]

(6) *If a facility operator offers the optional Six Card Bonus Wager authorized under Regulation .07 of this chapter, a separate area designated for the placement of the Six Card Bonus Wager for each player; and*

[(6)] (7) (text unchanged)

C. — E. (text unchanged)

.06 Mississippi Stud Hand Rankings.

A. — E. (text unchanged)

F. *If a facility operator offers the optional Six Card Bonus Wager under Regulation .07 of this chapter, the five-card Poker hands eligible for a payout are:*

- (1) *A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit;*
- (2) *A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking;*
- (3) *A four-of-a-kind, which is a hand consisting of four cards of the same rank, regardless of suit;*
- (4) *A full house, which is a hand consisting of three-of-a-kind and a pair;*
- (5) *A flush, which is a hand consisting of five cards of the same suit;*
- (6) *A straight, which is a hand consisting of five cards of consecutive rank, regardless of suit;*
- (7) *A three-of-a-kind, which is a hand consisting of three cards of the same rank, regardless of suit; or*
- (8) *A super royal, if the facility operator selects Paytable A or B in Regulation .12 of this chapter, which is a six-card Poker hand consisting of an ace, king, queen, jack, 10 and 9 of the same suit.*

.07 Wagers.

A. — C. (text unchanged)

D. A player shall place all Ante, Progressive Payout [and], Three Card Bonus Wagers, *and Six Card Bonus Wagers* prior to the dealer announcing “no more bets” in accordance with the dealing procedure in Regulations .08, .09, and .10 of this chapter.

E. (text unchanged)

F. The following wagers may be placed in the game of Mississippi Stud:

(1) — (4) (text unchanged)

(5) *If specified in its Rules Submission, a facility operator may offer to each player at a Mississippi Stud table the option to make an additional Six Card Bonus Wager.*

(a) *The Six Card Bonus Wager is based on the four Six Card Bonus community cards and two cards dealt to the player that will form a five-card Poker hand with a rank of a three-of-a-kind or better.*

(b) *If the facility operator has selected Paytable A or B in Regulation .12 of this chapter, the four cards dealt to the Six Card Bonus community card box and the two cards dealt to the player shall be used to form a six-card Poker hand for purposes of the Super Royal payout.*

(c) *After placing an Ante Wager and Three Card Bonus Wager, a player may make the additional Six Card Bonus Wager by placing a value chip on the designated betting area prior to the dealer announcing “no more bets”.*

G. (text unchanged)

.10 Procedure for Dealing Cards from an Automated Dealing Shoe[,] or Shuffler.

A. If the cards are dealt from an automated dealing shoe *or shuffler*, the following requirements shall be met:

(1) After the procedures required under Regulation .05 of this chapter have been completed, the dealer shall place the cards in the automated dealing shoe *or shuffler*.

(2) — (3) (text unchanged)

B. The dealer shall *use the following procedures when dealing a game of Mississippi Stud:*

[(1)] Deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer’s left who has placed an Ante Wager in accordance with Regulation .07 of this chapter.

(2) Moving clockwise around the table as the remaining stacks are dispensed to the dealer by the automated dealing shoe, deliver a stack face down to each of the other players who has placed an Ante Wager.

(3) After each stack of two cards has been dispensed and delivered in accordance with this section, remove the remaining cards from the automated dealing shoe;

(4) Following the procedures in Regulation .09 of this chapter, deal from the dealer’s hand three community cards; and

(5) Except as provided in §C of this regulation, after all three community cards have been dealt, place the stub in the discard rack without exposing the cards.]

(1) *Deliver the first four-card stack face down to the area designated for the Six Card Bonus Wager card box;*

(2) *Deliver the next three-card stack face down to the area designated for the placement of the community cards;*

(3) *Deliver the next two card stacks face down to each player who placed an Ante Wager in accordance with Regulation .07 of this chapter; and*

(4) *After dispensing each stack of two cards and delivering them in accordance with §B of this regulation, remove the remaining cards from the automated dealing shoe or shuffler and place the stub in the discard rack without exposing the cards.*

C. — H. (text unchanged)

.11 Procedure for Completing a Round of Play.

A. (text unchanged)

B. After all players have examined their cards and replaced them face down on the layout, beginning with the player farthest to the dealer’s left and moving clockwise around the table:

(1) — (2) (text unchanged)

(3) Notwithstanding §B(2) of this regulation, if a folding player made a Progressive Payout *Wager*, [or] a Three Card Bonus *Wager*, or a Six Card Bonus *Wager*, the player’s cards shall be left on the table until all wagers are resolved in accordance with §I of this regulation.

C. (text unchanged)

D. Each player shall then either place a 4th Street *Wager* in an amount equal to one, two or three times the amount of the player’s Ante *Wager* in the designed 4th Street betting area or fold.

(1) (text unchanged)

(2) Notwithstanding §D(1) of this regulation, if the folding player made a Progressive Payout *Wager*, [or] a Three Card Bonus *Wager*, or a Six Card Bonus *Wager*, the player’s cards shall be left on the table until all wagers are resolved in accordance with §I of this regulation.

E. (text unchanged)

F. Each player shall then either place a 5th Street *Wager* in an amount equal to one, two or three times the amount of the player’s Ante *Wager* in the designed 5th Street betting area or fold.

(1) (text unchanged)

(2) Notwithstanding §F(1) of this regulation, if the folding player made a Progressive Payout *Wager*, [or] a Three Card Bonus *Wager*, or a Six Card Bonus *Wager*, the player’s cards shall be left on the table until all wagers are resolved in accordance with §I of this regulation.

G. (text unchanged)

H. If a player has placed an Ante *Wager* and a Progressive Payout *Wager*, [or] a Three Card Bonus *Wager*, or a Six Card Bonus *Wager*, but does not make a 3rd Street, 4th Street, or 5th Street *Wager*, the player:

(1) (text unchanged)

(2) Does not forfeit the eligibility to receive an Envy Bonus [or], a Three Card Bonus payout, or a Six Card Bonus payout under Regulation .12 of this chapter.

I. Beginning with the player farthest to the dealer’s right and continuing around the table in a counterclockwise direction, the dealer shall turn over and reveal the player’s cards.

(1) The dealer shall evaluate and announce the best possible five-card Poker hand that can be formed using the player’s two cards and the three community cards; and[.]

(2) The wagers of each remaining player shall be resolved one player at a time regardless of outcome, as follows:

(a) (text unchanged)

(b) If a player’s five-card Poker hand is a pair of 6s, 7s, 8s, 9s, or 10s, the player’s hand is a push, for which the dealer may not collect or pay the wagers, but shall immediately collect the player’s cards; [and]

(c) *Notwithstanding §I(2)(a) and (b) of this subsection, if the player has made a Progressive Payout Wager, a Three Card Bonus Wager, or a Six Card Bonus Wager, the player’s cards will remain on the layout; and*

[c] (d) All winning Mississippi Stud Wagers shall be paid in accordance with the payout odds in Regulation .12 of this chapter.

(3) After settling the player’s Mississippi Stud *Wager*, the dealer shall settle the Progressive Payout *Wager*, [or] a Three Card Bonus *Wager*, or a Six Card Bonus *Wager* if offered by the facility operator;

(4) If a player has won the progressive payout, the dealer shall settle the Progressive Payout [or Three Card Bonus wager] *Wager* as follows:

(a) — (d) (text unchanged)

(e) Pay any Envy Bonus won in accordance with Regulation .12 of this chapter:

(i) — (ii) (text unchanged)

(iii) A player is not entitled to an Envy Bonus for the player’s hand; [and]

(5) If a player has won the Three Card Bonus, the dealer shall pay the winning Three Card Bonus *Wager* in accordance with Regulation .12 of this chapter; and

(6) *If a player has won the Six Card Bonus, the dealer shall pay the winning Six Card Bonus Wager in accordance with Regulation .12 of this chapter.*

J. (text unchanged)

.12 Payout Odds; Envy Bonus; Rate of Progression.

A. — D. (text unchanged)

E. *If a facility operator offers the Six Card Bonus Wager, the facility operator shall pay out winning Six Card Bonus Wagers at the amounts in the following payable selected by the facility operator in its Rules Submission:*

(1) Paytable A:

(a) *For a Super Royal of diamonds the payout is \$1,000,000;*

(b) *For a Super Royal of hearts, spades, or clubs the payout is \$100,000;*

(c) *For a Royal Flush the payout is 1,000 to 1;*

(d) *For a Straight Flush the payout is 200 to 1;*

(e) *For a Four-of-a-Kind the payout is 50 to 1;*

(f) *For a Full House the payout is 20 to 1;*

(g) *For a Flush the payout is 15 to 1;*

(h) *For a Straight the payout is 10 to 1; or*

(i) *For a Three-of-a-Kind the payout is 5 to 1.*

(2) Paytable B:

(a) *For a Super Royal of diamonds, hearts, spades, or clubs the payout is \$100,000;*

(b) *For a Royal Flush the payout is 1,000 to 1;*

(c) *For a Straight Flush the payout is 200 to 1;*

(d) *For a Four-of-a-Kind the payout is 50 to 1;*

(e) *For a Full House the payout is 20 to 1;*

(f) *For a Flush the payout is 15 to 1;*

(g) *For a Straight the payout is 10 to 1; or*

(h) *For a Three-of-a-Kind the payout is 5 to 1.*

36.05.14 Three Card Poker Rules

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

.12 Payout Odds; Envy Bonus; Rate of Progression.

A. — E. (text unchanged)

F. If a facility operator offers the Six Card Bonus *Wager*, the facility operator shall pay out winning Six Card Bonus Wagers at the amounts in one of the following paytables selected by the facility operator in its Rules Submission:

(1) Paytable A:

[a] *For a Royal flush the payout is 1,000 to 1;*

(b) *For a Straight flush the payout is 200 to 1;*

(c) *For a Four-of-a-kind the payout is 50 to 1;*

(d) *For a Full house the payout is 25 to 1;*

(e) *For a Flush the payout is 20 to 1;*

(f) *For a Straight the payout is 10 to 1; or*

(g) *For a Three-of-a-kind the payout is 5 to 1;*

- (2) Paytable B:
 - (a) For a Royal flush the payout is 1,000 to 1;
 - (b) For a Straight flush the payout is 200 to 1;
 - (c) For a Four-of-a-kind the payout is 100 to 1;
 - (d) For a Full house the payout is 20 to 1;
 - (e) For a Flush the payout is 15 to 1;
 - (f) For a Straight the payout is 9 to 1; or
 - (g) For a Three-of-a-kind the payout is 8 to 1;

- (3) Paytable C:
 - (a) For a Royal flush the payout is 1,000 to 1;
 - (b) For a Straight flush the payout is 200 to 1;
 - (c) For a Four-of-a-kind the payout is 100 to 1;
 - (d) For a Full house the payout is 20 to 1;
 - (e) For a Flush the payout is 15 to 1;
 - (f) For a Straight the payout is 10 to 1; or
 - (g) For a Three-of-a-kind the payout is 7 to 1;

- (4) Paytable D:
 - (a) For a Royal flush the payout is 1,000 to 1;
 - (b) For a Straight flush the payout is 200 to 1;
 - (c) For a Four-of-a-kind the payout is 50 to 1;
 - (d) For a Full house the payout is 25 to 1;
 - (e) For a Flush the payout is 15 to 1;
 - (f) For a Straight the payout is 10 to 1; or
 - (g) For a Three-of-a-kind the payout is 5 to 1;

- (5) Paytable E:]
 - (a) — (i) (text unchanged)

- (2) *Paytable B:*
 - (a) *For a Super Royal of diamonds, hearts, spades or clubs the payout is \$100,000;*

- (b) *For a Royal flush the payout is 1,000 to 1;*
- (c) *For a Straight flush the payout is 200 to 1;*
- (d) *For a Four-of-a-kind the payout is 50 to 1;*
- (e) *For a Full house the payout is 20 to 1;*
- (f) *For a Flush the payout is 15 to 1;*
- (g) *For a Straight the payout is 10 to 1; or*
- (h) *For a Three-of-a-kind the payout is 5 to 1.*

36.05.16 Ultimate Texas Hold 'Em Rules

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

.02 Ultimate Texas Hold 'Em Poker Tables.

A. (text unchanged)

B. The layout for an Ultimate Texas Hold 'Em Poker table shall be submitted to the Commission and contain, at a minimum:

(1) – (5) (text unchanged)

(6) *If a facility operator offers the optional Six Card Bonus Wager authorized under Regulation .07 of this chapter, a separate area designated for the placement of the Six Card Bonus Wager for each player;*

[(6)] (7) – [(7)] (8) (text unchanged)

[(8)] (9) If the information required under [§B(7)] §B(8) of this regulation is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Ultimate Texas Hold 'Em Poker table.

C. — E. (text unchanged)

.06 Ultimate Texas Hold 'Em Poker Rankings.

A. — E. (text unchanged)

F. *If a facility operator offers the optional Six Card Bonus Wager under Regulation .07 of this chapter, the five-card Poker hands eligible for a payout are:*

(1) *A royal flush, which is a hand consisting of an ace, king, queen, jack, and 10 of the same suit;*

(2) *A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking;*

(3) *A four-of-a-kind, which is a hand consisting of four cards of the same rank, regardless of suit;*

(4) *A full house, which is a hand consisting of three-of-a-kind and a pair;*

(5) *A flush, which is a hand consisting of five cards of the same suit;*

(6) *A straight, which is a hand consisting of five cards of consecutive rank, regardless of suit;*

(7) *A three-of-a-kind, which is a hand consisting of three cards of the same rank, regardless of suit; or*

(8) *A super royal, if the facility operator selects Paytable A or B in Regulation .12 of this chapter, which is a six-card Poker hand consisting of an ace, king, queen, jack, 10, and 9 of the same suit.*

.07 Wagers.

A. — E. (text unchanged)

F. The following wagers may be placed in the game of Ultimate Texas Hold 'Em Poker:

(1) — (3) (text unchanged)

(4) *If specified in its Rules Submission, a facility operator may offer to each player at a Ultimate Texas Hold 'Em Poker table the option to make an additional Six Card Bonus Wager that the four cards dealt to the Six Card Bonus community card box and the two cards dealt to the player will form a five-card Poker hand with a rank of a three-of-a-kind or better.*

(a) *If the facility operator has selected Paytable A or B in Regulation .12 of this chapter, the four cards dealt to the Six Card Bonus community card box and the two cards dealt to the player shall be used to form a six-card Poker hand for purposes of the Super Royal payout.*

(b) *After placing an Ante Wager, Blind Wager and a Trips Bonus wager, a player may make the additional Six Card Bonus Wager by placing a value chip on the designated betting area prior to the dealer announcing "no more bets".*

G. (text unchanged)

.10 Procedure for Dealing Cards from an Automated Dealing Shoe or Shuffler.

A. If the cards are dealt from an automated dealing shoe *or shuffler*, the following requirements shall be met:

(1) After the procedures required under Regulation .05 of this chapter have been completed, the cards shall be placed in the automated dealing shoe *or shuffler*; and

(2) Prior to the shoe *or shuffler* dispensing any stacks of cards, the dealer shall:

(a) — (b) (text unchanged)

B. The dealer shall *use the following procedures when dealing Ultimate Texas Hold 'Em:*

[(1)] Deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed the required wagers in accordance with Regulation .07 of this chapter;

(2) As the automated dealing shoe dispenses the remaining stacks to the dealer, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a required wager in accordance with Regulation .07 of this chapter;

(3) Deliver a stack of two cards face down under a cover card to the area designated for the placement of the dealer's cards;

(4) After each stack of two cards has been dispensed and delivered, remove the remaining cards from the automated dealing shoe and, following the procedures in Regulation .09 of this chapter, deal from the dealer's hand the five community cards in accordance with Regulation .11 of this chapter; and

(5) After dealing all five community cards, except as provided in §D of this regulation, place the stub in the discard rack without exposing the cards.]

(1) *Deliver the first four-card stack face down to the area designated for the Six Card Bonus Wager card box;*

(2) *Deliver the next five-card stack face down to the area designated for the placement of the community cards and spread them out, face down, in the middle of the table;*

(3) *Deliver to the dealer a set of two starting cards from the shuffler, and starting from the dealer's left and working clockwise around the table, deliver the next two-card stacks, face down to each player who placed an Ante and Blind Wager in accordance with Regulation .07 of this chapter; and*

(4) *After dispensing and delivering each two-card stack, remove the remaining cards from the automated dealing shoe or shuffler and place the stub in the discard rack without exposing the cards.*

C. — F. (text unchanged)

.11 Procedure for Completing a Round of Play.

A. — B. (text unchanged)

C. After all players have placed a Play Wager or checked, the dealer shall:

(1) [Burn] *If dealing by hand, burn the next card; and*

(2) (text unchanged).

D. (text unchanged)

E. After all players have placed a Play Wager or checked, the dealer shall:

(1) [Burn] *If dealing by hand, burn the next card; and*

(2) (text unchanged)

F. After dealing the final two community cards, beginning with the player farthest to the dealer's left and moving clockwise around the table, the dealer shall ask each player who has not already placed a Play Wager whether the player wishes to fold or place a Play Wager equal in amount to the player's Ante Wager, and, if a player:

(1) — (2) (text unchanged)

(3) If a player:

(a) Has also placed a Trips Wager, the dealer shall place the cards of the player face down underneath the player's Trips Wager pending its resolution at the conclusion of the round of play; [and]

(b) Has not placed a Trips Wager, the dealer shall immediately collect the player's cards and place them in the discard rack[.];

(c) *Has also placed a Six Card Bonus Wager, the dealer shall place the cards of the player face down under the player's Six Card Bonus Wager pending its resolution at the conclusion of the round of play; and*

(d) *Has not placed a Six Card Bonus Wager, the dealer shall immediately collect the player's cards and place them in the discard rack.*

G. — H. (text unchanged)

I. After settling a player's Ante, Blind, and Play Wagers, the dealer shall:

(1) Settle any Trips Wager made by the player by determining whether the player's five-card Poker hand qualifies for a payout in accordance with Regulation .12 of this chapter; [and]

(2) Pay a winning Trips Wager regardless of whether the player's five-card Poker hand outranks the dealer's hand[.];

(3) *Settle any Six Card Bonus Wager made by the player by determining whether the player's five-card Poker hand qualifies for a payout in accordance with Regulation .12 of this chapter; and*

(4) *Pay a winning Six Card Bonus Wager regardless of whether the player's five-card Poker hand outranks the dealer's hand.*

J. — K. (text unchanged)

.12 Payout Odds; Envy Bonus; Payout Limitation.

A. — D. (text unchanged)

E. *If a facility operator offers the Six Card Bonus Wager, the facility operator shall pay out winning Six Card Bonus Wagers at the amounts in the following paytables as selected by the facility operator in its Rules Submission:*

(1) Paytable A:

(a) *For a Super royal of diamonds the payout is \$1,000,000;*

(b) *For a Super royal of hearts, spades, or clubs the payout is \$100,000;*

(c) *For a Royal flush the payout is 1,000 to 1;*

(d) *For a Straight flush the payout is 200 to 1;*

(e) *For a Four-of-a-kind the payout is 50 to 1;*

(f) *For a Full house the payout is 20 to 1;*

(g) *For a Flush the payout is 15 to 1;*

(h) *For a Straight the payout is 10 to 1; or*

(i) *For a Three-of-a-kind the payout is 5 to 1.*

(2) Paytable B:

(a) *For a Super Royal of diamonds, hearts, spades or clubs the payout is \$100,000;*

(b) *For a Royal flush the payout is 1,000 to 1;*

(c) *For a Straight flush the payout is 200 to 1;*

(d) *For a Four-of-a-kind the payout is 50 to 1;*

(e) *For a Full house the payout is 20 to 1;*

(f) *For a Flush the payout is 15 to 1;*

(g) *For a Straight the payout is 10 to 1; or*

(h) *For a Three-of-a-kind the payout is 5 to 1.*

[E.] F. Notwithstanding the payout odds in §§A—C of this regulation, in its Rules Submission a facility operator may establish a maximum amount that is payable to a player on a single hand.

(1) (text unchanged)

(2) A maximum payout limit established by the facility operator shall apply only to payouts of Ultimate Texas Hold 'Em Poker Wagers placed under Regulation .07 of this chapter, but does not apply to payouts for Progressive Payout Wagers or Six Card Bonus Wagers placed under Regulation .07 of this chapter.

STEPHEN L. MARTINO
Director

Errata

COMAR 10.09.90

At 41:14 Md. R. 826 (July 11, 2014), col. 2, line 23 from the top:
For: new Regulations **.01—.14** under a new chapter, **COMAR
10.09.90**
Read: new Regulations **.01—.22** under a new chapter, **COMAR
10.09.90**

[14-15-40]

COMAR 26.08.01.01

At 40:25 Md. R. 2107 (December 13, 2013), col. 2, after line 12
from the top:
Insert: B. Terms Defined.

[14-15-45]

Special Documents

DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on August 7, 2014, in Harrisburg, Pennsylvania. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. Such projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for September 4, 2014, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. The deadline for the submission of written comments is August 18, 2014.

DATES: The public hearing will convene on August 7, 2014, at 2:30 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is August 18, 2014.

ADDRESSES: The public hearing will be conducted at the Pennsylvania State Capitol, Room 8E-B, East Wing, Commonwealth Avenue, Harrisburg, Pa.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, Regulatory Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436.

Information concerning the applications for these projects is available at the SRBC Water Resource Portal at www.srbc.net/wrp. Materials and supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.net/pubinfo/docs/2009-02%20Access%20to%20Records%20Policy%209-10-09.PDF.

SUPPLEMENTARY INFORMATION: The public hearing will cover the following projects:

Public Hearing – Projects Scheduled for Action:

1. Project Sponsor and Facility: City of Aberdeen, Harford County, Md. Modification to extend the approval term of the surface water withdrawal approval (Docket No. 20021210) to be coterminous with the revised Maryland Department of the Environment State Water Appropriation and Use Permit for the Aberdeen Proving Ground-Aberdeen Area.
2. Project Sponsor and Facility: City of Aberdeen, Harford County, Md. Modification to extend the approval term of the consumptive water use approval (Docket No. 20021210) to be coterminous with the revised Maryland Department of the Environment State Water Appropriation and Use Permit for the Aberdeen Proving Ground-Aberdeen Area.
3. Project Sponsor and Facility: Anadarko E&P Onshore LLC (Lycoming Creek), McIntyre Township, Lycoming County, Pa. Application for surface water withdrawal of up to 0.499 mgd (peak day).
4. Project Sponsor and Facility: Anadarko E&P Onshore LLC (Pine Creek), McHenry Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20100902).
5. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Tunkhannock Creek), Nicholson Township, Wyoming County, Pa. Application for surface water withdrawal of up to 2.000 mgd (peak day).
6. Project Sponsor and Facility: Carrizo (Marcellus), LLC (East Branch Wyalusing Creek), Jessup Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 0.720 mgd (peak day) (Docket No. 20100601).
7. Project Sponsor and Facility: Heidelberg Township Municipal Authority, Heidelberg Township, Lebanon County, Pa. Application for renewal of groundwater withdrawal of up to 0.115 mgd (30-day average) from Well 5 (Docket No. 19820602).
8. Project Sponsor and Facility: IBM Corporation, Village of Owego, Tioga County, N.Y. Application for groundwater withdrawal of up to 0.002 mgd (30-day average) from Well 415.
9. Project Sponsor and Facility: Inflection Energy (PA) LLC (Loyalsock Creek), Upper Fairfield Township, Lycoming County, Pa. Application for surface water withdrawal of up to 1.700 mgd (peak day).
10. Project Sponsor and Facility: Jay Township Water Authority, Jay Township, Elk County, Pa. Application for groundwater withdrawal of up to 0.265 mgd (30-day average) from Byrnedale Well #1.
11. Project Sponsor: Lancaster County Solid Waste Management Authority. Project Facility: Susquehanna Resource Management Complex, City of Harrisburg, Dauphin County, Pa. Application for consumptive water use of up to 0.700 mgd (peak day).
12. Project Sponsor: Leola Sewer Authority. Project Facility: Upper Leacock Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.075 mgd (30-day average) from Well 13.
13. Project Sponsor and Facility: LHP Management, LLC (Muncy Creek), Muncy Creek Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20120607).
14. Project Sponsor and Facility: Millersville University of Pennsylvania, Millersville Borough, Lancaster County, Pa. Application for renewal of consumptive water use of up to 0.253 mgd (peak day) (Docket No. 19820105).
15. Project Sponsor and Facility: Millersville University of Pennsylvania, Millersville Borough, Lancaster County, Pa. Application for renewal and modification to increase groundwater withdrawal by an additional 0.055 mgd (30-day average) from Well 1, for a total of up to 0.320 mgd (30-day average) from Well 1 (Docket No. 19820105).
16. Project Sponsor and Facility: Newport Borough Water Authority, Oliver and Howe Townships and Newport Borough, Perry County, Pa. Application for groundwater withdrawal of up to 0.162 mgd (30-day average) from Well 1.
17. Project Sponsor: Pennsylvania Department of Environmental Protection – South-central Regional Office, City of Harrisburg, Dauphin County, Pa. Facility Location: Leacock Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.590 mgd (30-day average) from Stoltzfus Well.

18. Project Sponsor: Pennsylvania Department of Environmental Protection – South-central Regional Office, City of Harrisburg, Dauphin County, Pa. Facility Location: Leacock Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.432 mgd (30-day average) from Township Well.
19. Project Sponsor and Facility: Somerset Regional Water Resources, LLC (Salt Lick Creek), New Milford Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 0.720 mgd (peak day) (Docket No. 20100905).
20. Project Sponsor and Facility: Sugar Hollow Trout Park and Hatchery, Eaton Township, Wyoming County, Pa. Application for renewal of groundwater withdrawal of up to 0.864 mgd (30-day average) from Wells 1, 2, and 3 (the Hatchery Well Field) (Docket No. 20100913).
21. Project Sponsor and Facility: Sunbury Generation LP, Shamokin Dam Borough and Monroe Township, Snyder County, Pa. Modification to project features and reduction of the surface water withdrawal from 354.000 mgd (peak day) to 10.000 mgd (peak day) (Docket No. 20081222).
22. Project Sponsor and Facility: Sunbury Generation LP, Shamokin Dam Borough and Monroe Township, Snyder County, Pa. Modification to project features and reduction of the consumptive water use from 8.000 mgd (peak day) to 6.500 mgd (peak day) (Docket No. 20081222).
23. Project Sponsor and Facility: SWEPI LP (Cowanesque River), Nelson Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.533 mgd (peak day) (Docket No. 20100604).
24. Project Sponsor and Facility: Talisman Energy USA Inc. (Susquehanna River), Terry Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20100613).
25. Project Sponsor and Facility: Talisman Energy USA Inc. (Wappasening Creek), Windham Township, Bradford County, Pa. Application for surface water withdrawal of up to 0.999 mgd (peak day).
26. Project Sponsor and Facility: Upper Halfmoon Water Company, Halfmoon Township, Centre County, Pa. Application for groundwater withdrawal of up to 0.396 mgd (30-day average) from Well 6.
27. Project Sponsor and Facility: Warwick Township Municipal Authority, Warwick Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.288 mgd (30-day average) from Rothsville Well 2.

Public Hearing – Projects Scheduled for Action Involving a Diversion:

1. Project Sponsor and Facility: City of Aberdeen, Harford County, Md. Modification to extend the approval term of the out-of-basin diversion approval (Docket No. 20021210) to be coterminous with the revised Maryland Department of the Environment State Water Appropriation and Use Permit for the Aberdeen Proving Ground-Aberdeen Area.
2. Project Sponsor: DS Services of America, Inc. Project Facility: Bethany Children's Home, Heidelberg Township, Berks County, Pa. Application of into-basin diversion from the Delaware River Basin of up to 0.200 mgd (peak day) from Bethany Children's Home bulk spring water source (Boreholes PWA and PWB).

Opportunity to Appear and Comment:

Interested parties may appear at the hearing to offer comments to the Commission on any project listed above. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Ground rules will be

posted on the Commission's web site, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such rules at the hearing. Written comments on any project listed above may also be mailed to Mr. Jason Oyler, Regulatory Counsel, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through <http://www.srbc.net/pubinfo/publicparticipation.htm>. Comments mailed or electronically submitted must be received by the Commission on or before August 18, 2014, to be considered.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: July 3, 2014.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[14-15-34]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: April 1-30, 2014.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 1306; fax: (717) 238-2436; e-mail: rcairo@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22(f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR §806.22(f):

1. Cabot Oil & Gas Corporation, Pad ID: Shields G P1, ABR-20090930.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: April 14, 2014.
2. Cabot Oil & Gas Corporation, Pad ID: HunsingerA P2, ABR-20090931.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: April 14, 2014.
3. Cabot Oil & Gas Corporation, Pad ID: Hoover P1, ABR-20090937.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: April 14, 2014.

4. Pennsylvania General Energy Company, LLC, Pad ID: COP TRACT 724 – PAD A, ABR-20091118.R1, Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: April 14, 2014.
5. Chief Oil & Gas LLC, Pad ID: Herbert Drilling Pad, ABR-201404001, Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: April 16, 2014.
6. Cabot Oil & Gas Corporation, Pad ID: PijanowskiJ P1, ABR-201404002, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: April 25, 2014.
7. Anadarko E&P Onshore, LLC, Pad ID: Bonnel Run H&F Pad D, ABR-201404003, Pine Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: April 25, 2014.
8. Chesapeake Appalachia, LLC, Pad ID: Three Reasons, ABR-201404004, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: April 25, 2014.
9. Chesapeake Appalachia, LLC, Pad ID: Eileen, ABR-20090806.R1, Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: April 25, 2014.
10. Chesapeake Appalachia, LLC, Pad ID: Claudia, ABR-20090807.R1, Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: April 25, 2014.
11. Chesapeake Appalachia, LLC, Pad ID: Bonnie, ABR-20090904.R1, Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: April 25, 2014.
12. Talisman Energy USA Inc., Pad ID: Eick 013, ABR-20091105.R1, Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: April 25, 2014.
13. Chief Oil & Gas LLC, Pad ID: Marcy Drilling Pad, ABR-201404005, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: April 29, 2014.
14. Chief Oil & Gas LLC, Pad ID: Harvey Drilling Pad, ABR-201404006, Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: April 29, 2014.
15. Pennsylvania General Energy Company, LLC, Pad ID: SGL75 Pad A, ABR-201404007, McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: April 29, 2014.
16. Pennsylvania General Energy Company, LLC, Pad ID: Pine Hill 1941 A-B, ABR-20090926.R1, Wharton Township, Potter County, Pa.; Consumptive Use of Up to 4.900 mgd; Approval Date: April 29, 2014.
17. Pennsylvania General Energy Company, LLC, Pad ID: Pine Hill West Pad B, ABR-20090929.R1, Sylvania Township, Potter County, Pa.; Consumptive Use of Up to 4.900 mgd; Approval Date: April 29, 2014.
18. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 551 A, ABR-201404008, McIntyre Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: April 29, 2014.
19. Anadarko E&P Onshore, LLC, Pad ID: Marilyn Ely Pad A, ABR-201404009, Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: April 29, 2014.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: July 1, 2014.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[14-15-36]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: May 1-31, 2014.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 1306; fax: (717) 238-2436; e-mail: rcairo@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22(f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR §806.22(f):

20. Citrus Energy Corporation, Pad ID: Procter and Gamble Mehoopany Plant 1V, ABR-20091014.R1, Washington Township, Wyoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: May 1, 2014.
21. Anadarko E&P Onshore LLC, Pad ID: C.O.P. TRACT 343 PAD C, ABR-20090908.R1, Noyes Township, Clinton County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: May 6, 2014.
22. Anadarko E&P Onshore LLC, Pad ID: COP Tr 244 #1000H, ABR-20090927.R1, Rush Township, Centre County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: May 6, 2014.
23. Anadarko E&P Onshore LLC, Pad ID: COP Tr 244 #1001H & #1002H, ABR-20090928.R1, Rush Township, Centre County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: May 6, 2014.
24. Seneca Resources Corporation, Pad ID: DCNR 595 Pad A, ABR-201405001, Covington Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: May 12, 2014.
25. Chief Oil & Gas LLC, Pad ID: Blanchard Drilling Pad, ABR-201405002, McNett Township, Lycoming County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: May 12, 2014.

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26. Range Resources – Appalachia, LLC, Pad ID: Cornwall B Unit, ABR-201405003, Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: May 12, 2014.
27. WPX Energy Appalachia, LLC, Pad ID: Five E’s FLP Pad Site, ABR-20090801.R1, Middletown Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: May 13, 2014.
28. WPX Energy Appalachia, LLC, Pad ID: Markovitch Pad Site, ABR-20090828.R1, Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.999 mgd; Approval Date: May 13, 2014.
29. Inflection Energy (PA), LLC, Pad ID: TLC Pad, ABR-201405004, Eldred Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: May 13, 2014.
30. Inflection Energy (PA), LLC, Pad ID: Griggs Pad, ABR-201405005, Eldred and Loyalsock Townships, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: May 13, 2014.
31. Southwestern Energy Production Company, Pad ID: Lепley Pad – TI-04, ABR-201405006, Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: May 13, 2014.
32. Chesapeake Appalachia, LLC, Pad ID: Dr. Marone, ABR-201405007, Washington Township, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: May 13, 2014.
33. WPX Energy Appalachia, LLC, Pad ID: Carty Pad Site, ABR-20090916.R1, Liberty Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.999 mgd; Approval Date: May 15, 2014.
34. Chief Oil & Gas LLC, Pad ID: Teel Unit #1H, ABR-20091115.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: May 15, 2014.
35. Cabot Oil & Gas Corporation, Pad ID: Plonski P1, ABR-201405008, Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: May 23, 2014.
36. Cabot Oil & Gas Corporation, Pad ID: Friedland Farms P1, ABR-201405009, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: May 23, 2014.
37. Chief Oil & Gas LLC, Pad ID: Teel Unit Drilling Pad #2H, ABR-20091204.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: May 27, 2014.
38. Chief Oil & Gas LLC, Pad ID: Teel Unit Drilling Pad #3H, ABR-20091205.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: May 27, 2014.
39. Cabot Oil & Gas Corporation, Pad ID: Butler L P1, ABR-201405010, Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: May 27, 2014.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: July 2, 2014.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[14-15-35]

MARYLAND HEALTH CARE COMMISSION

CORRECTED GROSS AND NET 2016 BED NEED PROJECTION FOR COMPREHENSIVE CARE FACILITY BEDS IN ST. MARY’S COUNTY

In accordance with COMAR 10.24.08.07, the Maryland Health Care Commission (MHCC) publishes the following notice of corrected gross and net bed need for comprehensive care facility beds. This 2016 jurisdictional bed need projection supersedes the gross and net bed need projection for St. Mary’s County published in the April 19, 2013 edition of the *Maryland Register* and will apply in the review of Certificate of Need (CON) applications acted on by MHCC. Published projections of bed need remain in effect until MHCC publishes updated comprehensive care facility bed need projections, and will not be revised during the interim other than to incorporate inventory changes or to correct errors in the data or computation.

The bed need projection published on April 19, 2013 incorrectly calculated gross bed need for St. Mary’s County by not excluding patient days reported by Charlotte Hall Veterans Home in the calculation and this erroneous calculation also resulted in an incorrect calculation of the community-based services adjustment. The bed need projection that appeared in the April 19, 2013 *Maryland Register* was as follows:

Jurisdiction	Bed Inventory as of April 5, 2013					2016 Projected Bed Need			
	Licensed Beds	Temporarily Delicensed Beds	CON Approved Beds	Waiver Beds	Total Bed Inventory	Gross Bed Need Projection	Unadjusted Net Bed Need	Community-Based Services Adjustment	2016 Net Bed Need
St. Mary’s	297	8	0	0	305	528	223	31	192

Source: Maryland Health Care Commission

The correct bed need projection that should have appeared in the April 19, 2013 Maryland Register, with the correct calculation of gross bed need and the corresponding correction in the community-based services adjustment, is as follows.

Jurisdiction	Bed Inventory as of April 5, 2013					2016 Projected Bed Need			
	Licensed Beds	Temporarily Delicensed Beds	CON Approved Beds	Waiver Beds	Total Bed Inventory	Gross Bed Need Projection	Unadjusted Net Bed Need	Community-Based Services Adjustment	2016 Net Bed Need
St. Mary's	297	8	0	0	305	343	38	19	19

Source: Maryland Health Care Commission

The inventory of comprehensive care facility beds in St. Mary's County has changed since April 19, 2013. Therefore, the net need projection now in effect, based on the corrected gross bed need projection and community-based services adjustment, is as follows:

Jurisdiction	Bed Inventory as of June 24, 2014					2016 Projected Bed Need			
	Licensed Beds	Temporarily Delicensed Beds	CON Approved Beds	Waiver Beds	Total Bed Inventory	Gross Bed Need Projection	Unadjusted Net Bed Need	Community-Based Services Adjustment	2016 Net Bed Need
St. Mary's	277	8	0	0	285	343	58	19	39

Source: Maryland Health Care Commission

[14-15-24]

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.

CHILDREN'S ENVIRONMENTAL HEALTH AND PROTECTION ADVISORY COUNCIL

Subject: Public Meeting
Date and Time: November 6, 2014, 9 — 11 a.m.
Place: MD Dept. of the Environment, 1800 Washington Blvd., Baltimore, MD
Contact: Rachel Hess-Mutinda (410) 767-2196
[14-15-43]

BOARD OF COSMETOLOGISTS

Subject: Public Meeting
Date and Time: August 4, 2014, 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: Sheryl Leach (410) 230-6195
[14-15-29]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting
Date and Time: September 18, 2014, 1 — 3 p.m.
Place: Howard Co. Police Dept., Ellicott City, MD
Contact: Jessica Wheeler (410) 821-2824
[14-15-04]

PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD

Subject: Public Meeting
Date and Time: August 7, 2014, 9:30 a.m. — 12 p.m.
Place: 200 W. Baltimore St., 7th Fl. Board Rm., Baltimore, MD
Contact: Ruth Downs (410) 767-0385
[14-15-11]

BOARD OF MASTER ELECTRICIANS

Subject: Public Meeting
Date and Time: August 26, 2014, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., Baltimore, MD
Contact: Gae Herzberger (410) 230-6163
[14-15-22]

STATEWIDE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL (SEMSAC)

Subject: Public Meeting
Date and Time: August 7, 2014, 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
[14-15-32]

EMERGENCY MEDICAL SERVICES BOARD

Subject: Public Meeting
Date and Time: August 12, 2014, 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
[14-15-33]

BOARD FOR PROFESSIONAL ENGINEERS

Subject: Public Meeting
Date and Time: August 14, 2014, 9 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Room, Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262
[14-15-39]

STATE BOARD OF STATIONARY ENGINEERS

Subject: Public Meeting
Date and Time: August 19, 2014, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., Baltimore, MD
Add'l. Info: A meeting will not be held for the month of August.
Contact: Gae Herzberger (410) 230-6163
[14-15-23]

BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS

Subject: Public Meeting
Date and Time: August 6, 2014, 10 a.m. — 3 p.m.
Place: Howard Co. Bureau of Utilities Bldg., 8720 Old Montgomery Rd., Columbia, MD
Add'l. Info: The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.
Contact: James T. Merrow (410) 764-5911
[14-15-21]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: November 6, 2014, 9 a.m. — 1 p.m.
Place: UMBC Research and Technology Park — South Campus, 1450 South Rolling Rd., Halethorpe, MD
Add'l. Info: Meeting of the Maryland Medicaid Pharmacy Program's Pharmacy and Therapeutics Committee (Preferred Drug List).

As soon as available, classes of drugs to be reviewed, agenda, speaker registration guidelines, and driving directions will be posted on the Maryland Pharmacy Program website at:

<https://mmcp.dhmf.maryland.gov/pap/SitePages/Public%20Meeting%20Announcement%20and%20Procedures%20for%20Public%20Testimony.aspx>

Submit email questions to dhmf.marylandpdquestions@maryland.gov
Contact: Shawn Brice (410) 767-6896
[14-15-37]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Call for Physician and Pharmacist Nominations on DUR Board
Add'l. Info: The Maryland Department of Health and Mental Hygiene Drug Utilization Review (DUR) Board is currently recruiting for one pharmacist and four physicians to serve on the Maryland DUR Board beginning in March 2015.

The implementation of the Omnibus Budget Reconciliation Act of 1990 requires that the Maryland Department of Health and Mental Hygiene establish a DUR 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. Members serve terms of 3 years from the date of their appointment with the option to serve an additional 3-year term.

The membership of the Maryland DUR Board includes health care professionals who have recognized knowledge and expertise in at least 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. The application deadline is September 30, 2014.

Contact: Gina Homer (410) 767-1749

[14-15-19]

**BOARD OF HEATING,
VENTILATION, AIR-
CONDITIONING, AND
REFRIGERATION CONTRACTORS
(HVACR)**

Subject: Public Meeting

Date and Time: August 13, 2014, 10:30 a.m. — 12:30 p.m.

Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

Contact: Robin Bailey (410) 230-6160

[14-15-31]

**DEPARTMENT OF HUMAN
RESOURCES**

Subject: Statement of Need (SON) for Residential Services for Unaccompanied Alien Children

Add'l. Info: Summary Statement

STATE OF MARYLAND
Department of Human Resources
Social Services Administration
311 W. Saratoga Street
Baltimore, Maryland 21201

Issued: July 25, 2014

The Maryland Department of Human Resources (DHR) is issuing a statement of need (SON) for residential child care (RCC) programs to provide temporary shelter care to Unaccompanied Alien Children (UAC) in the custody of the federal Office of Refugee Resettlement (ORR). The SON is defined in COMAR 14.31.09.03B (9). The SON is based on the expressed need of ORR to have licensed providers who can provide temporary shelter care to UAC in ORR custody. The Homeland Security Act of 2002 defines UAC as minors:

- Who have no lawful immigration status in the United States;
- Who have not attained 18 years of age; AND
- For whom:
 - There is no parent or legal guardian in the United States; OR
 - No parent or legal guardian in the United States is available to provide care and physical custody.

Only programs that have submitted an application in response to ORR's grant opportunity HHS-2015-ACF-ORR-ZU-0833 or other funding opportunities under CDFR 93.676 Unaccompanied Alien Children Program to provide shelter care services for UAC and have a minimum of 16 beds will be considered for a shelter license. Providers who are not able to comply with the program requirements outlined in the aforementioned grant announcement will not be considered for licensure. Providers must demonstrate that they have submitted an application to provide services for UAC when responding to the SON.

Licensure will only be granted to programs that have been awarded beds by ORR. The license will be limited to the terms of the grant and once the grant expires the license will not be renewed, unless the grant is renewed. It should be noted that the DHR will not be contracting for services from programs receiving this license. Programs seeking licensure under this SON must use separate facilities from

those that are already under contract with DHR for other services.

DHR requires that all vendors submit proposals within 30 days of the issuance of the SON. Proposals will be reviewed by the Governor's Office for Children (GOC) pursuant to COMAR 14.31.02 and .05. Proposals must be received by August 25, 2014 at GOC, no later than 3:30 p.m. The Proposal package must be delivered or sent by U.S. Mail to the GOC Office at the following address:

Governor's Office for Children
301 W. Preston Street, Suite 1502
Baltimore, Maryland 21201
Phone: 410-767-4160

Proposals not received by this date and time shall be disqualified.

Within 30 days of the receipt of a proposal, GOC shall conduct a preliminary review to determine if the proposal conforms with the single point of entry requirements. Providers will have no more than thirty (30) days to revise proposals that the GOC deems incomplete. Proposals that meet the single point of entry requirements will be forwarded by GOC, with all documentation, to DHR.

Opportunity for Public Comment

Comments may be sent to Helen Murray-Miller, QA/QI Coordinator, Office of Licensing and Monitoring, Department of Human Resources, 311 West Saratoga Street, Room 249, Baltimore, MD 21201, or call 410-767-7871, or email to helen-murray-miller@maryland.gov, or fax to 410-333-0637. Comments will be accepted through August 8, 2014. A public hearing has not been scheduled.

Contact: Helen Murray-Miller (410) 767-7871

[14-16-20]

**MARYLAND STATEWIDE
INDEPENDENT LIVING COUNCIL**

Subject: Public Meeting

Date and Time: August 15, 2014, 12 — 3 p.m.; Additional Dates: October 17 and December 19, 2014, 12 — 3 p.m.

Place: Workforce & Technology Center, 2301 Argonne Dr., Rm. T-130, Baltimore, MD

Add'l. Info: For more information please call Denise Thomas 240-638-0074 or email marylandsilc@gmail.com.

Contact: Denise Thomas (240) 638-0074

[14-15-10]

GENERAL NOTICES

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FACILITIES ADVISORY BOARD — JUVENILE SERVICES

Subject: Public Meeting
Date and Time: August 19, 2014, 6 — 8 p.m.
Place: Western Maryland Children's Center, 18420 Roxbury Rd., Hagerstown, MD
Contact: Mark Bishop (301) 745-6071 [14-15-18]

FACILITIES ADVISORY BOARD — JUVENILE SERVICES

Subject: Public Meeting
Date and Time: September 13, 2014, 10 a.m. — 12 p.m.
Place: Baltimore City Juvenile Justice Center, 300 N. Gay St., Baltimore, MD
Contact: Bridgett Tucker (410) 752-3500 x 130 [14-15-06]

STATE ADVISORY BOARD FOR JUVENILE SERVICES

Subject: Public Meeting
Date and Time: September 23, 2014, 2 — 4 p.m.
Place: Annapolis DJS Office, 49 Old Solomons Island Rd., Ste. 300, Annapolis, MD
Contact: Tim Gilbert (410) 230-3488 [14-15-02]

BOARD FOR PROFESSIONAL LAND SURVEYORS

Subject: Public Meeting
Date and Time: August 6, 2014, 10 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262 [14-15-38]

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting
Date and Time: August 14, 2014, 10 a.m. — 12 p.m.
Place: Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD
Contact: Marie A. Torosino (410) 230-8790 [14-15-25]

MARYLAND HEALTH CARE COMMISSION

Subject: Request for Exemption from Certificate of Need
Add'l. Info: The Maryland Health Care Commission has received the following request on July 2, 2014, from:
University of Maryland Shore Regional Health – Hospice of Queen Anne's Inc. (HQA) will enter into a purchase agreement with Care Health Services, Inc. (a subsidiary of University of Maryland Shore Regional Health (UMSRH). HQA will acquire the hospice assets of UMSRH with the intention of consolidating with those of HQA.
A copy of the request is available for review in the office of MHCC during regular business hours. All correspondence should be addressed to Paul Parker, Director, Center for Health Facilities Planning & Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215-2299.
Contact: Ruby Potter (410) 764-3276 [14-15-41]

BOARD OF OCCUPATIONAL THERAPY PRACTICE

Subject: Public Meeting
Date and Time: August 15, 2014, 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 language 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 [14-15-13]

BOARD OF PHYSICIANS

Subject: Public Meeting
Date and Time: August 13, 2014, 9 a.m. — 4 p.m.
Place: 4201 Patterson Ave., Rm. 108/109, Baltimore, MD
Add'l. Info: Open session begins at 9 a.m. Regulations may be discussed.
Contact: Christine A. Farrelly (410) 764-4771 [14-15-09]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: September 11, 2014, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785 [14-15-03]

COMMISSION OF REAL ESTATE APPRAISERS AND HOME INSPECTORS

Subject: Public Meeting
Date and Time: August 12, 2014, 10:30 a.m. — 12 p.m.
Place: 500 N. Calvert St., Baltimore, MD
Contact: Patti Schott (410) 230-6165 [14-15-01]

REAL ESTATE COMMISSION

Subject: Public Meeting
Date and Time: August 20, 2014, 10:30 a.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Charlene Faison (410) 230-6199 [14-15-16]

REAL ESTATE COMMISSION

Subject: Public Hearing
Date and Time: August 20, 2014, 12:30 p.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Charlene Faison (410) 230-6199 [14-15-17]

BOARD OF SOCIAL WORK EXAMINERS

Subject: Public Meeting
Date and Time: August 8, 2014, 11 a.m. — 3 p.m.
Place: Metro Office Bldg., 4201 Patterson Ave., Baltimore, MD
Add'l. Info: The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.
Contact: Gloria Hammel (410) 764-4722 [14-15-12]

**STATE TREASURER'S
OFFICE/CAPITAL DEBT
AFFORDABILITY COMMITTEE**

Subject: Public Hearing
Date and Time: August 26, 2014, 2 p.m.
Place: Louis L. Goldstein Treasury Bldg.,
Assembly Rm. #114-116, Annapolis, MD
Add'l. Info: Legislative Review and the
Size and Condition of Tax-Supported Debt
Contact: David Horton (410) 260-7428
[14-15-14]

**STATE BOARD OF INDIVIDUAL TAX
PREPARERS**

Subject: Public Meeting
Date and Time: August 11, 2014, 1 — 5
p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf.
Rm., Baltimore, MD
Contact: Douglas Blackstone (410) 230-
6244
[14-15-15]

**BOARD OF WATERWORKS AND
WASTE SYSTEMS OPERATORS**

Subject: Public Meeting
Date and Time: September 18, 2014, 10
a.m. — 4 p.m.
Place: Back River WWTP, Eastern Blvd.,
Baltimore, MD
Add'l. Info: A portion of this meeting may
be held in closed session.
Contact: Pat Kratochvil (410) 537-3167
[14-15-07]

BOARD OF WELL DRILLERS

Subject: Public Meeting
Date and Time: September 24, 2014, 9
a.m. — 4 p.m.
Place: MDE, 1800 Washington Blvd.,
Terra Conf. Rm., Baltimore, MD
Add'l. Info: A portion of this meeting may
be held in closed session.
Contact: Willie Everett (410) 537-3644
[14-15-08]

**WORKERS' COMPENSATION
COMMISSION**

Subject: Public Meeting
Date and Time: August 28, 2014, 9 — 11
a.m.
Place: 10 E. Baltimore St., Baltimore, MD
Add'l. Info: Portions of this meeting may
be held in a closed session.
Contact: Amy Lackington (410) 864-5300
[14-15-05]

COMAR IN PDF — ORDER FORM

Titles	Agency Name	Price ¹	Subscription ²	Quantity	Total
Complete set of COMAR PDF format		\$1,000	\$500	_____	_____
Title 01	Executive Department	\$35	\$24	_____	_____
Title 02	Office of the Attorney General	\$22	\$13	_____	_____
Title 03	Comptroller of the Treasury	\$30	\$20	_____	_____
Title 04	General Services	\$16	\$10	_____	_____
Title 05	Housing and Community Development	\$78	\$50	_____	_____
Title 07	Human Resources	\$80	\$53	_____	_____
Title 08	Natural Resources	\$78	\$51	_____	_____
Title 09	Labor, Licensing and Regulation	\$89	\$60	_____	_____
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	_____	_____
Title 11	Transportation (All parts) **	\$106	\$75	_____	_____
Title 11	Part 1 (Transportation) **	\$42	\$25	_____	_____
Title 11	Parts 2 & 3 (MVA)**	\$74	\$50	_____	_____
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	\$80	\$53	_____	_____
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	_____	_____
Title 34	Planning	\$31	\$18	_____	_____
Title 35	Veterans Affairs	\$16	\$9	_____	_____
Title 36	Maryland State Lottery and Gaming Control Agency - Pending	\$48	\$30	_____	_____
	Individual Binders (COMAR PDF's binders not included)	\$15	S & H \$9.00	_____	_____
				Total:	_____

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¹ Price is per copy of each Title

² Annual Subscription (optional) - Receive updated information quarterly. ~ If ordered, subscription quantities MUST match Title quantities.

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Complete set of COMAR (includes binders)		\$1,425	\$700	_____	_____
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Title 02	Office of the Attorney General	\$31	\$20	_____	_____
Title 03	Comptroller of the Treasury	\$41	\$25	_____	_____
Title 04	General Services	\$23	\$12	_____	_____
Title 05	Housing and Community Development	\$103	\$70	_____	_____
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)**	\$350	\$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	\$103	\$70	_____	_____
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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- 06 Diseases
- 07 Hospitals
- 08 Health Facilities Grants

#### Part 2

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- 12 Adult Health
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- 17 Sanitation
- 18 Human Immunodeficiency Virus (HIV) Infection and  
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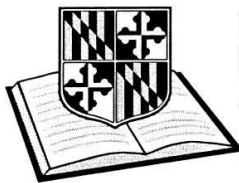
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