



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

Memorandum

To: Members of the AELR Committee
Standing Committee Chairs

From: Georgeanne Carter, AELR Committee Counsel
Kathleen P. Kennedy, AELR Committee Counsel
Kelvin V. Lucas, AELR Committee Counsel

Date: April 26, 2024

Re: **Synopses of Regulations received from 4/1/2024 through 4/25/2024**

Enclosed please find synopses of regulations received by the Joint Committee on Administrative, Executive, and Legislative Review (AELR) during the weeks noted above.

The Office of Policy Analysis prepares analyses of the regulations to determine if there are any problem areas, to ensure that the regulations comply with statutory authority and legislative intent, and to assess the fiscal impact of the regulations. If any regulation is of particular interest to you, please feel free to contact us at 410-946-5350 and we will supply you with a copy of the regulation along with the legal and fiscal analysis.

GC:KPK:KVL/mjp

cc: Sally Robb
Jeremy Baker

Natural Resources, Department of

Proposed Regulations

DLS Control No. 24-028

Department of Natural Resources: Fisheries Service:

Shellfish – General: COMAR 08.02.08.06 and .10

According to the department, the purpose of this action is to implement the provisions of the Atlantic States Marine Fisheries Commission Addendum XXIX to Amendment 3 to the Interstate Fishery Management Plan for American Lobster and Addendum IV to the Jonah Crab Fishery Management Plan. The Addenda establish electronic tracking requirements for federally permitted vessels in the American lobster and Jonah crab fisheries, with the goal of collecting high-resolution spatial and temporal effort data to support several ongoing efforts.

Proposed Regulation

DLS Control No. 24-029

Department of Natural Resources: Fisheries Service:

General: COMAR 08.02.01.01

According to the department, the purpose of this action is to incorporate by reference Amendment 1 to the 2019 Maryland Chesapeake Bay Oyster Management Plan into the Code of Maryland Regulations. The amendment was adopted by the Department on December 18, 2023. Amendment 1 to the 2019 Maryland Chesapeake Bay Oyster Management Plan incorporates recommendations from the Oyster Advisory Committee to further define strategies for protecting, rebuilding, and managing the native oyster population.

Proposed Regulation

DLS Control No. 24-030

Department of Natural Resources: Fisheries Service:

Oysters: COMAR 08.02.04.04

According to the department, the purpose of this action is to modify the rule for filling all oyster containers. Specifically, the Department is proposing no longer allowing any oyster container to be filled past the brim of the container. This would standardize the rule for all containers.

Proposed Regulations

DLS Control No. 24-031

Department of Natural Resources: Fisheries Service:

Fish: COMAR 08.02.05.23, .27, and .27

Sharks: COMAR 08.02.22.02

According to the department, the purpose of this action is to make it easier for recreational anglers to comply with the catch card census program's reporting and tag requirements. The

Department is proposing the following changes: switching from paper to electronic catch cards, eliminating tags, and requiring all releases of bluefin tuna, both live and dead, to be reported.

Proposed Regulation

DLS Control No. 24-032

Department of Natural Resources: Fisheries Service:

Fish: COMAR 08.02.05.29

According to the department, the purpose of this action is to implement a recreational minimum size for sheepshead and a combined catch limit of no more than 10 fish for a single species of snapper listed in Code of Maryland Regulations 08.02.05.29. The overall combined catch limit of 20 total fish of the species listed in that regulation would remain the same.

State Police, Department of

Proposed Regulation

DLS Control No. 24-024

Department of State Police: Weapons Regulation:

Regulated Firearms: COMAR 29.03.01.45

According to the department, the purpose of this action is to amend language within this regulation. During a recent review conducted it was noted that the Department does not require fingerprints for a renewal application. The law only requires fingerprints for the initial application.

Proposed Regulation

DLS Control No. 24-025

Department of State Police: Weapons Regulation:

Regulated Firearms: COMAR 29.03.01.58

According to the department, the purpose of this action is to create regulations regarding security requirements for firearms dealers in compliance with Public Safety Article 5-145.1.

Environment, Department of the

Proposed Regulations

DLS Control No. 24-026

Department of the Environment: Air Quality:

Control of Methane Emissions from Municipal Solid Waste Landfills:

COMAR 26.11.42.03 – .06 and .09 – .11

According to the department, the purpose of this action is to amend Regulation .03 – .06 and .09 – .11 under COMAR 26.11.42 Control of Emissions from Municipal Solid Waste (MSW) Landfills. The amendments provide clarification to certain requirements and standards for owners

and operators of MSW landfills in Maryland, makes stylistic and technical corrections, and better aligns the regulation with federal requirements for MSW landfills. The proposed action will be submitted to the U.S. Environmental Protection Agency (EPA) for approval as part of Maryland's state plan for MSW landfills under the Clean Air Act (CAA) section 111(d). The proposed amendments to the new regulation align certain requirements and standards for MSW landfills with those found in the updated federal regulations (40 CFR 60, Subpart Cf; 40 CFR 60, Subpart XXX; and, 40 CFR 63, Subpart AAAA).

Transportation, Department of

Proposed Regulation

DLS Control No. 24-027

Department of Transportation: Maryland Aviation Administration:

Baltimore/Washington International Thurgood Marshall Airport:

COMAR 11.03.01.09

According to the department, the purpose of this regulation is to establish a fee for replacing identification badges and a fee for employers who fail to retrieve identification badges from former employees and return them to the Maryland Aviation Administration.

Civil Rights, Commission on

Proposed Regulation

DLS Control No. 24-038

Independent Agencies: Prescription Drug Affordability Board:

Prescription Drug Affordability Fund: COMAR 14.01.02.02

According to the commission, the purpose of this action is to (1) authorize staff to perform maintenance on the list of assessed entities throughout the year, and (2) modify the circumstances where entities may be added or removed from the list allowing for a more efficient assessment process.

Proposed Regulations

DLS Control No. 24-034

Independent Agencies: Maryland Health Benefit Exchange:

General Provisions: COMAR 14.35.01.02

Eligibility Standards for Enrollment in a Qualified Health Plan and a Qualified

Health Plan with APTC and CSR in the Individual Exchange: COMAR 14.35.07.23

Carrier Certification Standards: COMAR 14.35.15.05

According to the exchange, the purpose of this action is to codify MHBE's existing re-enrollment process, align MHBE's re-enrollment hierarchy with that of the Federally Facilitated Exchange for enrollees enrolled in Bronze plans who are eligible for a more generous plan at the

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same or lower monthly cost, and update related regulations to ensure carrier awareness and to define a key term.