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# Maryland Register

Issue Date: August 23, 2013

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Volume 40 • Issue 17 • Pages 1403—1466

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Governor  
Judiciary  
Regulatory Review and  
Evaluation  
Regulations  
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Special Documents  
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before August 5, 2013, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of August 5, 2013.

Brian Morris  
Acting Administrator, Division of State Documents  
Office of the Secretary of State



# Information About the Maryland Register and COMAR

## MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

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

## CITATION TO THE MARYLAND REGISTER

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

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

## CODE OF MARYLAND REGULATIONS (COMAR)

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

## CITATION TO COMAR REGULATIONS

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

## DOCUMENTS INCORPORATED BY REFERENCE

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

## HOW TO RESEARCH REGULATIONS

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at [www.dsd.state.md.us/CumulativeIndex.pdf](http://www.dsd.state.md.us/CumulativeIndex.pdf). This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

## SUBSCRIPTION INFORMATION

For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register. Single issues of the Maryland Register are \$15.00 per issue.

## CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined. Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

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

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## PERSONS WITH DISABILITIES

Individuals with disabilities who desire assistance in using the publications and services of the Division of State Documents are encouraged to call (410) 974-2486, or (800) 633-9657, or FAX to (410) 974-2546, or through Maryland Relay.

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## COMAR Online

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

The Maryland Register is also available at [www.dsd.state.md.us](http://www.dsd.state.md.us).

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

## Availability of Monthly List of Maryland Documents

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

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

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

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

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

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

\*\* Note closing date changes

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

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

## REGULATIONS CODIFICATION SYSTEM

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

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

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

## Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

### Table of Pending Proposals

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

#### 01 EXECUTIVE DEPARTMENT

**01.02.08.03** • 40:17 Md. R. 1423 (8-23-13)

#### 02 OFFICE OF THE ATTORNEY GENERAL

**02.01.11.01—05** • 40:17 Md. R. 1423 (8-23-13)

#### 07 DEPARTMENT OF HUMAN RESOURCES

**07.02.07.02** • 40:15 Md. R. 1234 (7-26-13)  
**07.02.25.04** • 40:15 Md. R. 1234 (7-26-13)  
**07.05.02.09,13—15,17** • 40:15 Md. R. 1235 (7-26-13)

#### 08 DEPARTMENT OF NATURAL RESOURCES

**08.02.19.04,06** • 40:17 Md. R. 1425 (8-23-13)  
**08.18.10.01—04** • 40:15 Md. R. 1236 (7-26-13)  
**08.18.12.01—04** • 40:15 Md. R. 1237 (7-26-13)  
**08.18.13.01—05** • 40:17 Md. R. 1426 (8-23-13)  
**08.18.14.01—06** • 40:17 Md. R. 1428 (8-23-13)

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

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#### 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

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**10.01.01.01—05** • 40:16 Md. R. 1349 (8-9-13)  
**10.03.01.01,14** • 40:16 Md. R. 1349 (8-9-13)  
**10.07.04.02** • 40:11 Md. R. 988 (5-31-13)  
**10.07.13.02,04** • 40:11 Md. R. 988 (5-31-13)  
**10.07.15.01,03** • 40:11 Md. R. 988 (5-31-13)  
**10.07.20.01—03** • 40:11 Md. R. 988 (5-31-13)

##### Subtitle 09 (2nd volume)

**10.09.02.07** • 40:16 Md. R. 1350 (8-9-13) (ibr)  
**10.09.04.01,03,07** • 40:13 Md. R. 1084 (6-28-13)  
**10.09.06.01,10** • 40:13 Md. R. 1084 (6-28-13)  
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**12 DEPARTMENT OF PUBLIC SAFETY AND  
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 12.04.05.02 • 40:17 Md. R. 1436 (8-23-13)  
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 .20 • 40:14 Md. R. 1196 (7-12-13)  
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 12.15.01.02—.20 • 40:16 Md. R. 1364 (8-9-13)  
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 12.15.03.01—.11 • 40:16 Md. R. 1364 (8-9-13)  
 12.15.04.01,.03—.06,.08.09 • 40:16 Md. R. 1364 (8-9-13)  
 12.15.05.02—.09 • 40:16 Md. R. 1364 (8-9-13)

**13A STATE BOARD OF EDUCATION**

13A.02.02.02—.05 • 40:15 Md. R. 1252 (7-26-13) (ibr)  
 13A.04.15.02—.07 • 40:15 Md. R. 1273 (7-26-13) (ibr)  
 13A.07.06.01 • 40:9 Md. R. 805 (5-3-13)  
 13A.12.01.02,.06,.11 • 39:22 Md. R. 1458 (11-2-12)

**13B MARYLAND HIGHER EDUCATION  
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13B.01.01.02,.19 • 40:16 Md. R. 1386 (8-9-13)  
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**14 INDEPENDENT AGENCIES**

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**15 DEPARTMENT OF AGRICULTURE**

**15.20.06.01,.02,.04,.05,.07** • 40:2 Md. R. 157 (1-25-13)  
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**17 DEPARTMENT OF BUDGET AND MANAGEMENT**

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**27 CRITICAL AREA COMMISSION FOR THE  
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**27.01.09.01** • 40:13 Md. R. 1094 (6-28-13)

**29 DEPARTMENT OF STATE POLICE**

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**31 MARYLAND INSURANCE ADMINISTRATION**

**31.03.17.01—.09** • 40:17 Md. R. 1458 (8-23-13)  
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**36 MARYLAND STATE LOTTERY AND GAMING  
CONTROL AGENCY**

**36.06.01.01—.03** • 40:4 Md. R. 381 (2-22-13)  
**36.06.02.01,.02** • 40:4 Md. R. 381 (2-22-13)  
**36.06.03.01—.16** • 40:4 Md. R. 381 (2-22-13)  
**36.06.04.01—.05** • 40:4 Md. R. 381 (2-22-13)  
**36.06.05.01—.10** • 40:4 Md. R. 381 (2-22-13)  
**36.07.01.01—.03** • 40:5 Md. R. 431 (3-8-13)  
**36.07.02.01—.18** • 40:5 Md. R. 431 (3-8-13)  
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# The Governor

## EXECUTIVE ORDER 01.01.2013.02

### Governor's Commission on Service and Volunteerism (Rescinds Executive Order 01.01.2004.58)

WHEREAS, The Governor's Commission on Service was first established by Executive Order 01.01.1994.01 pursuant to the National and Community Service Trust Act of 1993, Public Law 103-82;

WHEREAS, Under the provisions of Executive Order 01.01.1998.08, the Commission was renamed the Governor's Commission on Service and Volunteerism to reflect an expansion in the scope of its duties and responsibilities;

WHEREAS, The Administration finds that the Commission performs a necessary and valuable function in marshaling volunteer resources to meet community needs, and in encouraging a sense of stewardship with one's community and fostering a more responsible and enterprising citizenry; and

WHEREAS, Technical changes to Executive Order 01.01.2004.58 are needed.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.2004.58 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

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

(1) "Commission" means the Governor's Commission on Service and Volunteerism.

(2) "Office" means the Governor's Office of Community Initiatives, as established in Executive Order 01.01.2007.25.

(3) "Act" means the National and Community Service Trust Act of 1993, as amended.

(4) "Executive Director" means the Executive Director of the Governor's Office of Community Initiatives.

B. Established. There is a Governor's Commission on Service and Volunteerism within the Executive Branch. The Commission shall report to the Executive Director.

C. Membership and Procedures.

(1) Voting Members. The Commission shall be comprised of the following voting members:

(a) The State Superintendent of Schools, or a designee;

(b) 14 to 24 voting members appointed by the Governor to include:

(i) A representative of community-based agencies or organizations within the State;

(ii) A representative of local government;

(iii) A representative of business;

(iv) A representative of labor;

(v) A representative of a national service program;

(vi) An individual between the ages of 16 and 25 who is a participant or supervisor in a volunteer service program;

(vii) An individual with expertise in the educational, training and development needs of youth, particularly disadvantaged youth;

(viii) An individual with experience in promoting the involvement of older adults in service and volunteerism;

(ix) A representative of the volunteer sector; and

(x) Members of the general public with interest, knowledge and experience in service and volunteerism.

(2) Nonvoting Members. The Executive Director of the Office shall serve as a nonvoting member of the Commission. The Commission may also include nonvoting representatives of State agencies.

(3) The Corporation for National and Community Service shall designate one of its employees to serve as an ex-officio nonvoting representative on the Commission.

(4) In accordance with the requirements of the Act, no more than 50 percent plus one of the voting members may be from the same political party, and no more than 25 percent of the voting members may be comprised of officers or employees of the State.

(5) In accordance with the requirements of the Act, the Chairperson will be elected annually from among the Commission members and may be re-elected. In the event of a vacancy between elections, the Governor shall designate an interim chairperson who shall serve until a successor has been duly elected.

(6) Members appointed by the Governor shall serve at his pleasure for a term of three years. A member may be reappointed, but may not serve more than two complete consecutive terms. The terms of the members shall be staggered from initial appointment.

(7) A member of the Commission shall serve without compensation, but may be reimbursed for reasonable and necessary travel expenses incurred while performing approved Commission duties, in accordance with the Standard State Travel Regulations and as provided in the State budget.

D. Scope of the Commission. The Commission shall have the following duties and responsibilities:

(1) To direct the State's participation in the implementation of the National and Community Service Trust Act of 1993, and appropriate successor acts, including approving the State's application for funding of service positions under the Act;

(2) To encourage the recognition of outstanding volunteer service and civic participation by individuals, schools, and organizations, with the goal of promoting greater participation in the community; and

(3) To advise the Governor, Executive Director, and State agencies on issues related to volunteerism and service among the citizens of the State.

E. Staff Support. The Office shall provide support to the Commission in carrying out its duties, including:

(1) Performing grant administration functions, including preparation of an annual comprehensive plan and State application for funding, and monitoring and evaluating funded programs;

(2) Serving as the State's principal liaison to the Corporation for National and Community Service;

(3) Providing technical assistance, education, information, and other support to organizations and institutions to encourage community service and volunteer participation; and

(4) Working with individuals, communities and organizations to promote innovative programs and initiatives that address Maryland's educational, public safety, human service, and environmental needs.

F. Reports. By December 31 of each year, the Commission shall make an annual report to the Executive Director concerning its activities, and any recommendations it may have for further promoting community service and volunteerism in the State.

Given Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 23rd day of July, 2013.

MARTIN O'MALLEY  
Governor

ATTEST:

JOHN P. MCDONOUGH  
Secretary of State

[13-17-36]

**EXECUTIVE ORDER 01.01.2013.03**

**Public-Private Partnerships — Oversight**

WHEREAS, The O'Malley-Brown Administration is committed to building and expanding private investment in public infrastructure to improve Maryland's economy, strengthen its social and environmental well-being, and create more jobs;

WHEREAS, The Joint Legislative and Executive Commission on Oversight of Public-Private Partnerships, created by Chapters 640 and 641 of the General Assembly of 2010, recommended the Executive Branch establish by Executive Order a process to improve the management and coordination of future public-private partnerships;

WHEREAS, Initial estimates by Maryland departments that oversee capital projects have found that additional public-private partnerships could comprise between six and ten percent of Maryland's annual capital budget while creating as many as 4,000 jobs;

WHEREAS, For Maryland to achieve the greatest benefits from public-private partnerships, the process needs to be transparent and predictable;

WHEREAS, For public-private partnerships to be successful, the State must retain ultimate control of its assets and create a process that combines the strengths of the private sector with those of the public sector;

WHEREAS, The State will comply with all applicable federal, State, and local laws as they relate to public-private partnerships; and

WHEREAS, In accordance with State Finance and Procurement Article, Section 10A-105(c) , State employees shall retain all of the protections in State law, regulations, and policies that are in effect at the time the public-private partnership agreement is approved by the Board of Public Works.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND

LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Maryland Subcabinet for Public-Private Partnerships.

(1) Established. This is a Maryland Subcabinet for Public-Private Partnerships. The Subcabinet shall consist of the following members:

- (a) The Executive Director of the Maryland Subcabinet for Public-Private Partnerships, who is appointed by the Governor;
- (b) The Lt. Governor, or the Lt. Governor's designee, who serves as Chair of Subcabinet;
- (c) The Secretary of Budget and Management, or the Secretary's designee;
- (d) The Secretary of General Services, or the Secretary's designee;
- (e) The Secretary of Transportation, or the Secretary's designee;
- (f) The Special Secretary of the Governor's Office of Minority Affairs, or the Special Secretary's designee;
- (g) The Executive Secretary of the Maryland Transportation Authority, or the Executive Secretary's designee;
- (h) The Chancellor of the University System of Maryland, or the Chancellor's designee;
- (i) The Executive Director of the Maryland Stadium Authority, or the Executive Director's designee;
- (j) The Executive Director of the Maryland Economic Development Corporation, or the Executive Director's designee; and
- (k) The Executive Director of the Interagency Committee on School Construction, or the Executive Director's designee.

(2) The Maryland Subcabinet for Public-Private Partnerships shall establish a Public-Private Partnership Advisory Board to seek advice on future public-private partnership policy and opportunities. The membership of the Advisory Board is at the sole discretion of the Subcabinet. The Board shall be diverse and representative of the various groups and stakeholders that have experience and interest in public-private partnerships. Its membership may include persons from the private and public sector, the labor community, the environmental community, historically black colleges and universities, minority communities, women, local and county government officials, the Maryland Senate, the Maryland House of Delegates and any other affected groups or businesses.

(3) Responsibilities. The Maryland Subcabinet for Public-Private Partnerships and the Executive Director of the Subcabinet shall:

- (a) Coordinate the activities of the Subcabinet, execute the responsibilities enumerated in this Executive Order, and act as the State's liaison to groups and individuals who are interested in learning about or pursuing public-private partnerships in Maryland;
- (b) Meet at least quarterly to review statewide public-private partnership projects, policies, and related issues;
- (c) Provide assistance, information, or advice to any reporting agency seeking assistance, information, or advice for potential public-private partnerships;
- (d) As necessary, and in coordination with a reporting agency and the Department of Budget and Management, provide the Board of Public Works, the General Assembly, the Department of Legislative Services, the Office of the Comptroller and Office of the Treasurer with updates on any ongoing or future public-private partnerships;
- (e) Assist with the continued development and improvement of the State's public-private partnership framework, including agency regulations and the criteria for project selection, as needed;

(f) Review, as needed, Maryland’s existing public-private partnership legislation or regulations that may constrain reporting agencies or Maryland’s ability to consider or execute public-private partnerships effectively, and recommend potential changes;

(g) Analyze how to maximize the State’s use of public-private partnerships;

(h) Conduct additional research into best practices for public-private partnerships within the United States and internationally;

(i) Invite subject-matter experts, both from within and outside State government, to present to the Subcabinet;

(j) Hold forums and similar educational or information-gathering events;

(k) Ensure that the repository for public-private partnership information established under Section B of this Executive Order is updated on a timely basis, including:

(i) Key aspects and documents related to all State public-private partnerships that have reached final Agreement;

(ii) Details about each reporting agency’s pipeline of future public-private partnerships; and

(iii) Any other pertinent information related to public-private partnerships;

(l) Commission the development of studies and reports including, but not limited to, a report submitted by December 1, 2013 to the Governor, Senate President and House Speaker that includes:

(i) An analysis of the State’s two capital improvement plans—including the Consolidated Transportation Program and Capital Improvement Program—to assist reporting agencies in determining which capital projects should be considered as a public-private partnership and their respective priority. Consideration may also be given to capital projects that have been requested, but are not included in either of the State’s current capital improvement plans;

(ii) The advantages and disadvantages of establishing a formal Office of Public-Private Partnerships and/or Innovative Financing Office to oversee and manage future tax increment financing, public-private partnerships, smart growth investment funds, or other types of innovative financing, as well as the potential composition, location, staffing, and responsibilities of such an office or offices; and

(iii) A description of possible uses of availability payments and their applicability in Maryland.

(4) Staff support. Staff support for the Maryland Subcabinet for Public-Private Partnerships will be provided by the Executive Director with support from:

- (a) The Department of Transportation;
- (b) The Department of Budget and Management;
- (c) The Department of General Services;
- (d) The University System of Maryland; and
- (e) Contractual assistance or experts in the field of public-private partnerships or other areas as needed.

**B. Repository for Public-Private Partnership Information.**

(1) The Executive Director in coordination with the subcabinet will create a centralized website to highlight information on the State’s knowledge and experience with public-private partnership policies, processes, projects and other best practices.

(2) The website will be maintained jointly by:

- (a) The Maryland Subcabinet for Public-Private Partnerships;
- (b) The Department of Transportation; and
- (c) The Department of General Services.

(3) The website may include:

(a) Key aspects and documents of all public-private partnerships undertaken by the State or a reporting agency;

(b) The pre-solicitation report of all future public-private partnerships, minus the information deemed confidential,

proprietary, or otherwise exempt from disclosure, in accordance with 10A-201(c)(1)(v) of the State Finance and Procurement Article;

(c) Solicitation documents and the final public-private partnership agreement, minus the information deemed confidential, proprietary, or otherwise exempt from disclosure, in accordance with 10A-203(b)(1)(i) of the State Finance and Procurement Article;

(d) The contact information for the main public-private partnership point of contact for each reporting agency;

(e) Report of the Joint Legislative and Executive Commission on Public-Private Partnerships;

(f) Regulations relating to public-private partnerships for each of the reporting agencies;

(g) The process for submitting unsolicited proposals to the reporting agencies;

(h) Information regarding recent public-private partnership activities, forums, meetings, and initiatives throughout the State;

(i) Additional materials developed by the Maryland Subcabinet for Public Private Partnerships; and

(j) Details about each Reporting Agency’s pipeline of potential future public-private partnerships, including:

(i) Potential project delivery methods under consideration; and

(ii) Estimated pre-solicitation and solicitation schedules for each potential public-private partnership.

**C. Public Private Processes.**

(1) In accordance with the public-private partnership law, each reporting agency shall establish public-private partnership regulations for the development, solicitation, evaluation, award, and delivery of public-private partnerships.

(2) For the development of regulations, reporting agencies may:

- (a) Use internal resources;
- (b) Use the report of the Joint Legislative and Executive Commission on Public-Private Partnerships;
- (c) Seek guidance from the Maryland Subcabinet for Public-Private Partnerships; or
- (d) Seek guidance from experts in the field of public-private partnerships.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 5th Day of August, 2013.

MARTIN O’MALLEY  
Governor

ATTEST:

JOHN P. MCDONOUGH  
Secretary of State

[13-17-37]

# The Judiciary

## COURT OF APPEALS OF MARYLAND

### STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

#### Notice of Open Meeting

The Standing Committee on Rules of Practice and Procedure will hold an open meeting on Thursday, September 12, 2013, in the Judiciary Education and Conference Center, 2011-D Commerce Park Drive, Annapolis, Maryland, commencing at 9:30 a.m., to consider any questions relating to rules changes as may be brought before the meeting.

For further information contact Sandra F. Haines, Reporter, (410) 260-3630.

[13-17-17]

## COURT OF SPECIAL APPEALS

### SCHEDULE FOR SEPTEMBER 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 2013

#### Tuesday, September 3, 2013

##### Courtroom No. 1

- No. 01435/12 Yohatoure Bangobango vs. Tania Butler  
 No. 00524/12 Allstate Mortgage & Company vs. Mayor & City Council of Baltimore City  
 No. 00443/12 Falls Garden Condominium Association, Inc. vs. Falls Homeowners Association  
 No. 01207/12 Lisa Feehely vs. Long & Foster Real Estate Inc. et al.  
 No. 00153/12 Dafon Canty vs. State of Maryland  
 No. 01422/12 Prince George's County Department of Social Services vs. Arian Moore

##### Courtroom No. 2

- No. 01248/12 Maryland Department of Human Resources et al. vs. Koba Institute, Inc.  
 No. 01861/12 John Timothy Newell et al. vs. Johns Hopkins University  
 No. 01122/12 Prince George's County, Maryland et al. vs. Roger Willis (Deceased)  
 No. 01494/12\* Jessica Curran f/k/a Jessica Arricale vs. Jeffrey W. Arricale  
 No. 02563/12\* N. Crisman Boggan vs. Rebecca Mohr f/k/a Rebecca Boggan  
 No. 02496/11 Donte Gladden vs. State of Maryland

\*8-207(a)

#### Wednesday, September 4, 2013

##### Courtroom No. 1

- No. 01982/12 Sean Bundy vs. State of Maryland  
 No. 01351/12 Ronald J. Ross vs. Mr. Lucky, LLC et al.  
 No. 00376/12 W. R. Grace & Company et al. vs. Abbie Shiflett-Karavas

- No. 01083/11 David Collins vs. Douglas Maeser  
 No. 01363/12 Liudmila Kutepov vs. Sandra Lee Stein  
 No. 00231/12 Cal Stafilatatos vs. State of Maryland

##### Courtroom No. 2

- No. 02511/12\* Kirby Lee Bowling vs. Stephanie Michelle Knarr  
 No. 01155/12 Angel Enterprises Limited Partnership et al. vs. Maryland Department of the Environment et al.  
 No. 01198/12 Charles Joseph Harting vs. State of Maryland  
 No. 01364/12 Richard Feldman et al. vs. County Bank  
 No. 00266/12 Lynette R. Jones-Dove vs. Stanley O. Mayer  
 No. 01851/12 In Re: Keith M., Jr.  
 \*8-207(a)

#### Thursday, September 5, 2013

##### Courtroom No. 1

- No. 00646/10 Charles Donald Hall vs. Maple Hill Limited Partnership et al.  
 No. 01067/12 S.D. Protection, Inc. vs. Victor Watson  
 No. 02525/11 Reynaldo Parado Rodriguez, Jr. vs. State of Maryland  
 No. 01245/12 Cherilyn Fulcher vs. Hyundai Motor America  
 No. 00797/12 Rahim Williams vs. Mayor & City Council of Baltimore

##### Courtroom No. 2

- No. 02561/11 David Dinh vs. Jonathan Wood et al.  
 No. 01139/12 Jermaine Cook vs. Fire & Police Employees' Retirement System of City of Baltimore  
 No. 01764/12 Anthony Marshall vs. State of Maryland  
 No. 01219/12 Celeste Puppolo, Personal Representative of the Estate of Nancy Puppolo vs. Holy Cross Hospital of Silver Spring, Inc.  
 No. 01020/12 David McClure et al. vs. William T. Lovelace, Jr.  
 No. 00940/12 Maryrose Oguezuonu vs. Ignatius Iwuala

#### Friday, September 6, 2013

##### Courtroom No. 1

- No. 00911/12 University of Maryland Medical System Corporation vs. Rodney Sheldon et al.  
 No. 00678/12 David S. Bontempo, individually and on behalf of Quotient, Inc. vs. Clark J. Lare et al.  
 No. 00069/12 Sonya Hanna Baier vs. Dieter A. Baier  
 No. 01853/12 Donald Edward Browne, Jr. vs. State of Maryland  
 No. 01129/12 Joshua Gabriel Prince vs. State of Maryland  
 No. 01512/12 Michael Dixon vs. State of Maryland

##### Courtroom No. 2

- No. 00980/12 Lincoln Peters vs. Department of Public Safety and Correctional Services et al.  
 No. 01452/12 Denburg & Low PA vs. Reservoir Limited Partnership  
 No. 01118/12 Steven Ochse et ux. vs. William O. Henry et ux.  
 No. 00027/13\* George Krug, Jr. vs. Faith Krug East  
 No. 01538/12 Michael E. Donati vs. State of Maryland  
 No. 01348/12 Todd Arnold Richardson vs. Linda L. Richardson  
 \*8-207(a)

**Monday, September 9, 2013**Courtroom No. 1

No. 00760/12 First Horizon Loans vs. Heinz Otto Georg et al.  
 No. 01549/12 Keno Bowman vs. State of Maryland  
 No. 01461/12\* Aimee Ellen Gillis vs. Mark Leslie  
 No. 01142/12 Allegany Holding Company vs. John E. Hetrick et al.  
 No. 01246/12 Brian Hughes vs. Jean Hughes  
 No. 00961/12 Shapiro and Duncan, Inc. et al. vs. Nicholas L. Payne

\*8-207(a)

Courtroom No. 2

No. 02502/12\* Mary Ann Duke vs. Jarlath M. H. French-Mullen  
 No. 02513/11 Greg Jenkins a/k/a Jerome Lee vs. State of Maryland  
 No. 01368/12 Steven Eugene Wagner vs. State of Maryland  
 No. 00823/12 Amit Sharma vs. Personnel Board of Howard County  
 No. 00154/12 Timothy Hawkins vs. State of Maryland  
 No. 01211/12 Damion Fluellyn vs. Government Employee Insurance Company

\*8-207(a)

**Tuesday, September 10, 2013**Courtroom No. 1

No. 00098/13\* In Re: Abraham K.  
 No. 01325/11 Scott Wallace vs. State of Maryland et al.  
 No. 00809/12 Anne Arundel County, Maryland vs. Mary E. Rode et al.  
 No. 01565/12 Wayne Lang a/k/a Wayne Felder vs. State of Maryland  
 No. 02768/10 In Re: Nick H.  
 No. 00835/12 Samuel Sperling, Trustee vs. Ari J. Friedman et al.

\*8-207(a)

Courtroom No. 2

No. 01018/12 Elizabeth Unger vs. Marilyn Berger, Personal Representative of the Estate of Ann Freeman et al.  
 No. 03049/10 Larry William Redman vs. State of Maryland  
 No. 00807/12 Phuonglan Ngo vs. CVS Pharmacy, Inc. et al.  
 No. 01208/12 George R. Lopez vs. MSF REO II, LLC  
 No. 01288/12 Rigoberto E. Domingos Ayala et al. vs. Robert Frederick Lee et al.  
 No. 00582/12 Barry Snead vs. State of Maryland

**Wednesday, September 11, 2013**Courtroom No. 1

No. 00879/12 Merrick Barrington Stedman vs. State of Maryland  
 No. 02736/12\* In Re: Adoption/Guardianship of Landen W. and Hayden H.  
 No. 02102/12 Stephen Foreman vs. State of Maryland  
 No. 01195/11 Matthew David Meyer vs. State of Maryland  
 No. 01362/12 Robert Reed vs. City of Hagerstown  
 No. 00950/12 LaJuan Faxio vs. Deborah Curran et al. Substitute Trustees

\*8-207(a)

Courtroom No. 2

No. 00163/13\* In Re: Adoption/Guardianship of Lydia B. Giant of Maryland, LLC vs. Julia M. Taylor  
 No. 00223/07 State of Maryland vs. Devin Ferguson  
 No. 00576/12 State of Maryland vs. Devon Ferguson  
 No. 02184/12 Walter Lawson, III a/k/a Brandon Jones vs. State of Maryland  
 No. 00457/12 People's Insurance Counsel Division vs. State Farm  
 No. 01353/12 Fire and Casualty Insurance Company  
 No. 00579/12 State of Maryland vs. Renardo Lynch

\*8-207(a)

**Thursday, September 12, 2013**Courtroom No. 1

No. 00951/12 Thomas W. Prasada-Rao, Sr. et al. vs. Southern Asia Adventist Association, Inc. et al.  
 No. 01786/12\* Christopher Elliott vs. Kena Raquel Custage Elliott  
 No. 01071/12 Richard Scott Cavey vs. Mary F. Mullen  
 No. 00921/12 Paul Goodwin vs. State of Maryland  
 No. 01521/12 Adrian Dishon Bell vs. State of Maryland

\*8-207(a)

Courtroom No. 2

No. 00705/12 Patricia Fannon et vir vs. Westfield America, Inc. d/b/a Westfield Mall  
 No. 02284/11 Matthew Manning vs. State of Maryland  
 No. 01148/12 James Thomas Neal vs. State of Maryland  
 No. 02728/12 James Neal vs. State of Maryland  
 No. 01123/12 6000 Metro, LLC vs. State of Maryland; Department of Public Safety and Correctional Services  
 No. 00001/12 Robert Douglas More vs. State of Maryland  
 No. 00803/12 Douglas V. O'Dell et ux. vs. PNC Bank, N.A.

**Friday, September 13, 2013**

All cases submitted on brief

Courtroom No. 1

No. 01539/12 Michael E. Donati vs. State of Maryland  
 No. 01578/12 Antonio Darrell Tillery vs. State of Maryland  
 No. 01599/12 Claude Henry Hill vs. State of Maryland  
 No. 02681/11 Kenneth L. Blackwell, Sr. vs. Joanne Bisquera et al.  
 No. 01836/12 William Westray vs. State of Maryland  
 No. 00534/12 Melinda Denise Bettencourt vs. Deborah K. Curran et al. Substitute Trustees  
 No. 02944/11 Julian Deandre Tillman vs. State of Maryland  
 No. 01521/11 Dwayne Steven Spence vs. State of Maryland  
 No. 02778/11 Kedar Anderson vs. State of Maryland

Courtroom No. 2

No. 00930/12\* Christopher Brian Gannon vs. Amanda Rumsley  
 No. 01113/12 Leonard D. Ross vs. Felicia A. McDonald  
 No. 02130/11 Kelly D. Sparks vs. State of Maryland  
 No. 00665/12 Corey Lamont Hodnett vs. State of Maryland  
 No. 00644/12 Richard Allen Rodola vs. State of Maryland  
 No. 00628/12 Jeffrey W. Buttion vs. State of Maryland  
 No. 00599/12 Johnnie Taylor vs. State of Maryland  
 No. 00511/12 Carl Wright vs. State of Maryland  
 No. 00637/12 Bryan White vs. State of Maryland

\*8-207(a)

THE JUDICIARY

1416

Monday, September 16, 2013

All cases submitted on brief  
Courtroom No. 1

- No. 01218/12 Sirina Sucklal vs. Fremont Investment & Loan et al.
- No. 00838/12 James T. Walker vs. ZC Sterling Insurance Agency Inc. et al.
- No. 02739/11 Bobby Williams vs. State of Maryland
- No. 00282/12 James D. Muhammad vs. Prince George’s County, Maryland et al.
- No. 01287/12 Tracy Fair et al. vs. Robert L. Walker et al.
- No. 01322/12 Charles Crampton vs. State of Maryland
- No. 01803/11 Simon Jonas Boggs, Jr. vs. State of Maryland
- No. 00349/13\* In Re: Priscilla B.
- No. 01298/12 Alphonso Bunn vs. State of Maryland

\*8-207(A)

Courtroom No. 2

- No. 02635/11 John Gray vs. Charles Madden
- No. 01230/12 Carol Ann MacPhail vs. Maryland Home Improvement Commission
- No. 00649/12 Dionte Tyler vs. State of Maryland
- No. 00623/12 Mary Julianne Phillips vs. Daniel Patrick Phillips, Sr.
- No. 00967/12 Yvonne M. Zanfordino vs. Alvin M. Lapidus et al.
- No. 00660/12 Michael Antown Johnson vs. State of Maryland
- No. 02510/11 William Rhodes a/k/a Eric Williams vs. State of Maryland
- No. 02766/11 Derrell Johnson vs. State of Maryland
- No. 02451/11 Peter Miller vs. State of Maryland
- No. 00097/13\* In Re: Alan M.
- No. 01336/12 Victor McEachin vs. State of Maryland

\*8-207(a)

Tuesday, September 17, 2013

All cases submitted on brief  
Courtroom No. 1

- No. 01221/12 Carl H. Brown vs. American Finnmark Condominium vs.
- No. 00999/12 George Edward Smith vs. State of Maryland
- No. 01581/12 David Tucker vs. State of Maryland
- No. 00221/13\* In Re: Caleb T.
- No. 01545/12 Ezell Jackson vs. State of Maryland
- No. 00990/12 Darin Lee Shifler vs. State of Maryland
- No. 01962/12 Ryan Mclean vs. State of Maryland
- No. 01324/12 Andre Lamont Martin vs. State of Maryland
- No. 00884/12 Lorenzo Ronnell Allen vs. State of Maryland
- No. 01108/12 Kaven Marcell Holden vs. State of Maryland

\*8-207(a)

Courtroom No. 2

- No. 02406/12\* Catrina Snowden vs. Darren Snowden
- No. 01114/12\* Ramez Ghazzaoui vs. Carolina Chelle
- No. 02197/11 Timothy Valentino Howard vs. State of Maryland
- No. 00225/12 Antoinne Levar Griffin vs. State of Maryland
- No. 01205/12 Jerome H. Shelton vs. Maryland Insurance Administration
- No. 02175/12 Anthony Mayo vs. State of Maryland
- No. 00574/12 Tyrone Lamont Webb, Jr. vs. State of Maryland
- No. 01127/12 Michael Antonio Kingsberry vs. State of Maryland
- No. 02018/12 Eric Lamont Barbour vs. State of Maryland

\*8-207(a)

On the day of argument, counsel are instructed to register in the Office of the Clerk **no later than 9 a.m.** The Court is located at 361 Rowe Boulevard, in the Robert C. Murphy Courts of Appeals Building. After July, 2013, the Court will recess until October, 2013.

LESLIE D. GRADET  
Clerk

ADMINISTRATIVE ORDER

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

This directive applies only to cases scheduled in September, 2013.

Chief Judge’s signature appears on original Administrative Order

Dated: July 26, 2013

[13-17-10]

# 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 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

### Subtitle 01 PROCEDURES

#### Notice of Opportunity for Public Inspection and Comment

In accordance with the Regulatory Review and Evaluation Act, State Government Article, §§10-130—10-139, Annotated Code of Maryland, the Department of Health and Mental Hygiene is reviewing and evaluating certain regulations codified within Subtitle 01 of Title 10 of the Code of Maryland Regulations, entitled Procedures. 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.

Chapters being reviewed include the following:

- 10.01.07 Petitions for Adoption, Amendment, or Repeal of Regulations

Interested parties may submit comments regarding COMAR 10.01.07 to Michele Phinney, Director, Office of Regulation and Policy Coordination, 201 West Preston Street, Room 512, Baltimore, MD 21201; by fax to (410) 767-6483; or by email to [dhmh.regs@maryland.gov](mailto:dhmh.regs@maryland.gov). Comments must be received by September 16, 2013.

- 10.04.04 Human Services Agreements Manual

Interested parties may submit comments regarding COMAR 10.04.04 to Gregory Jones, Chief, Gregory Jones, Sr., Chief, Division of Grants & Local Health Accounting Office, 201 West Preston Street, Room 541, Baltimore, MD 21201; by fax to (410) 383-1624; or by email to [gregory.jones@maryland.gov](mailto:gregory.jones@maryland.gov). Comments must be received by September 16, 2013.

[13-17-28]

## TITLE 31 MARYLAND INSURANCE ADMINISTRATION

### Subtitle 13 CREDIT LIFE AND CREDIT HEALTH INSURANCE

#### Opportunity for Public Comment

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 Subtitle 13 of Title 31 of the Code of Maryland Regulations, entitled Credit Life and Credit Health Insurance. 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:

- 31.13.01 Standards for Credit Life and Credit Health Insurance
- 31.13.02 Credit Life and Credit Health Reinsurance
- 31.13.03 Standards for Credit Involuntary Unemployment Benefit Insurance

Interested parties may submit comments to Nancy Egan, Assistant Director of Government Relations, 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.mia@maryland.gov](mailto:InsuranceRegReview.mia@maryland.gov). Comments must be received by October 1, 2013.

[13-17-12]

# Emergency Action on Regulations

## Symbol Key

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

## Emergency Regulations

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

## Title 10

### DEPARTMENT OF HEALTH AND MENTAL HYGIENE

#### Subtitle 54 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

#### 10.54.02 Local Agency

Authority: Health-General Article, §§18-107(a) and 18-108, Annotated Code of Maryland

#### Notice of Emergency Action

[13-222-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .18 under **COMAR 10.54.02 Local Agency**.

**Emergency status began: July 19, 2013.**

**Emergency status expires: December 27, 2103.**

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 40:16 Md. R. 1354—1355 (August 9, 2013), referenced as [13-222-P].

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



# 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

#### Notice of Final Action

[13-180-F]

On August 13, 2013, the Secretary of Natural Resources adopted amendments to:

- (1) Regulation .07 under COMAR 08.02.05 Fish; and
- (2) Regulation .03 under COMAR 08.02.12 Endangered and Threatened Fish Species.

This action, which was proposed for adoption in 40:13 Md. R. 1079—1080 (June 28, 2013), has been adopted with the nonsubstantive changes shown below.

**Effective Date: September 2, 2013.**

#### Attorney General's Certification

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

COMAR 08.02.05.07A, B, D, and F: Clarifying changes were made to text regarding public notices. The change is the result of text changes made to the emergency regulation. These changes were agreed upon by the Department and the Joint Committee on Administrative, Executive, and Legislative Review in order to establish parameters of public notices issued pursuant to this regulation. These changes are for clarification and the regulation does not require reproposal.

#### 08.02.05 Fish

Authority: Natural Resources Article, §§4-206 and 4-2A-03, Annotated Code of Maryland

##### .07 Atlantic Menhaden.

###### A. Quota.

(1) *The annual total allowable landings of Atlantic menhaden for the commercial fishery is set by the Atlantic States Marine Fisheries Commission and shall be ~~[[established and may be modified]]~~ published through a public notice issued in accordance with §F of this regulation.*

(2) (proposed text unchanged)

B. *Seasons. ~~[[The season for harvesting Atlantic menhaden shall be established and may be modified through a public notice issued in accordance with §F of this regulation.]]~~ A public notice shall be issued in accordance with §F of this regulation when the quota and season are approved by the Atlantic State Marine Fisheries Commission.*

C. (proposed text unchanged)

##### D. Atlantic Menhaden Bycatch Allowance Landing Permits.

(1) (proposed text unchanged)

(2) — (5) (proposed text unchanged)

##### E. (proposed text unchanged)

##### F. General.

(1) ~~[[The Secretary may establish or modify catch limits, quotas, and seasons for Atlantic menhaden in order to implement the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Menhaden by issuing a public notice on the Fisheries Service website.]]~~ When the menhaden quota, established by the Atlantic States Marine Fisheries Commission, has been met, the Secretary may issue a public notice on the Fisheries Service website to modify the season and catch limits in compliance with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan.

(2) — (3) (proposed text unchanged)

JOSEPH P. GILL

Secretary of Natural Resources

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

### Subtitle 03 COMMISSIONER OF FINANCIAL REGULATION

#### 09.03.06 Mortgage Lenders

Authority: Financial Institutions Article, §§2-105.1 and 11-511.1, Annotated Code of Maryland

#### Notice of Final Action

[13-159-F]

On August 13, 2013, the Commissioner of Financial Regulation adopted amendments to Regulation .17 under COMAR 09.03.06 Mortgage Lenders. This action, which was proposed for adoption in 40:12 Md. R. 1047 — 1048 (June 14, 2013), has been adopted as proposed.

**Effective Date: September 2, 2013.**

MARK KAUFMAN

Commissioner of Financial Regulation

**Subtitle 12 DIVISION OF LABOR AND INDUSTRY**

**09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards**

Authority: Labor and Employment Article, 2-106(b)(4), 5-309(a)(1), and 5-312(b), Annotated Code of Maryland

**Notice of Final Action**

[13-167-F]

On August 14, 2013, the Commissioner of Labor and Industry adopted, through incorporation by reference under **COMAR 09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards**, amendments and revisions relating to Hazard Communication, 29 CFR Parts 1910 and 1926, excluding Part 1915 and 29 CFR §1910.1200(b)(6)(iv), published in 77 FR 17574 — 17896 (March 26, 2012), as amended. This action, which was proposed for adoption in 40:13 Md. R. 1082—1084 (June 28, 2013), has been adopted with the nonsubstantive changes shown below.

**Effective Date: September 2, 2013.**

**Attorney General’s Certification**

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

The proposed changes to the regulatory text of COMAR 09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards, relating to Hazard Communication that were published in the Maryland Register, Volume 40, Issue 13, Friday, June 28, 2013 did not provide an effective date for the proposed regulation. The effective date of the regulation is September 2, 2013.

J. RONALD DEJULIIS  
Commissioner of Labor and Industry

**Title 12  
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**

**Subtitle 04 POLICE TRAINING COMMISSION**

**12.04.01 General Regulations**

Authority: Correctional Services Article, §2-109; Public Safety Article, §3-208(a); Annotated Code of Maryland

**Notice of Final Action**

[13-100-F]

On July 10, 2013, the Secretary of Public Safety and Correctional Services, in cooperation with the Police Training Commission, adopted amendments to Regulations **.09** and **.14** under **COMAR**

**12.04.01 General Regulations.** This action, which was proposed for adoption in 40:7 Md. R. 619 — 620 (April 5, 2013), has been adopted as proposed.

**Effective Date: September 2, 2013.**

GARY D. MAYNARD  
Secretary of Public Safety and Correctional Services

**Subtitle 04 POLICE TRAINING COMMISSION**

**12.04.02 Firearms Training**

Authority: Correctional Services Article, §2-109; Public Safety Article, §3-208; Annotated Code of Maryland

**Notice of Final Action**

[13-101-F]

On July 10, 2013, the Secretary of Public Safety and Correctional Services, in cooperation with the Police Training Commission, adopted amendments to Regulation **.03** under **COMAR 12.04.02 Firearms Training**. This action, which was proposed for adoption in 40:7 Md. R. 620 (April 5, 2013), has been adopted as proposed.

**Effective Date: September 2, 2013.**

GARY D. MAYNARD  
Secretary of Public Safety and Correctional Services

**Subtitle 10 CORRECTIONAL TRAINING COMMISSION**

**12.10.05 General Regulations**

Authority: Correctional Services Article, §2-109; Public Safety Article 3-208(a); Annotated Code of Maryland

**Notice of Final Action**

[13-099-F]

On July 16, 2013, the Secretary of Public Safety and Correctional Services, in cooperation with the Correctional Training Commission, adopted the repeal of Regulation **.06** under **COMAR 12.10.05 Electronic Control Devices Training**. This action, which was proposed for adoption in 40:7 Md. R. 620 (April 5, 2013), has been adopted as proposed.

**Effective Date: September 2, 2013.**

GARY D. MAYNARD  
Secretary of Public Safety and Correctional Services

**Title 27**  
**CRITICAL AREA**  
**COMMISSION FOR THE**  
**CHESAPEAKE AND**  
**ATLANTIC COASTAL BAYS**

**Subtitle 01 CRITERIA FOR LOCAL**  
**CRITICAL AREA PROGRAM**  
**DEVELOPMENT**

**Notice of Final Action**

[13-085-F]

On August 7, 2013, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays adopted amendments to:

(1) Regulation **.01** under **COMAR 27.01.01 General Provisions**;

(2) Regulation **.03** under **COMAR 27.01.04 Shore Erosion Protection Works**; and

(3) Regulations **.01** and **.04** under **COMAR 27.03.01 Notification of Project Applications**.

This action, which was proposed for adoption in 40:6 Md. R. 451—594 (March 22, 2013), has been adopted as proposed.

**Effective Date: September 2, 2013.**

MARGARET G. MCHALE

Chair

Critical Area Commission for the  
Chesapeake and Atlantic Coastal Bays

# Withdrawal of Regulations

## Title 26 DEPARTMENT OF THE ENVIRONMENT

### Subtitle 11 AIR QUALITY

#### Notice of Withdrawal

[12-199-W]

The Secretary of the Environment withdraws proposed amendments to Regulation .08 under COMAR 26.11.09 **Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations**, and proposed new Regulations .01—.08 under COMAR 26.11.30 **Control of Portland Cement Manufacturing Plants**, as published in 39:16 Md. R. 1122—1124 (August 10 2012).

ROBERT M. SUMMERS, Ph.D.  
Secretary of the Environment

### Subtitle 11 AIR QUALITY

#### *26.11.29 Control of NO<sub>x</sub> Emissions from Natural Gas Pipeline Compression Stations*

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, and 2-301—2-303, Annotated Code of Maryland

#### Notice of Withdrawal

[12-197-W]

The Secretary of the Environment withdraws the proposed repeal of existing Regulations .01—.05 under COMAR 26.11.29 **NO<sub>x</sub> Reduction Requirements for Non-Electric Generating Units** and proposed new Regulations .01—.05 under COMAR 29.11.29 **Control of NO<sub>x</sub> Emissions from Natural Gas Pipeline Compression Stations**, as published in 39:16 Md. R. 1124—1126 (August 10, 2012).

ROBERT M. SUMMERS, Ph.D.  
Secretary of the Environment

# 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 01

### EXECUTIVE DEPARTMENT

#### Subtitle 02 SECRETARY OF STATE

##### 01.02.08 Notary Public Fees

Authority: State Government Article, §§18-103 and 18-112, Annotated Code of Maryland

#### Notice of Proposed Action

[13-241-P]

The Secretary of State proposes to amend Regulation .03 under COMAR 01.02.08 Notary Public Fees.

#### Statement of Purpose

The purpose of this action is to increase the fee that a notary public may charge for an original notarial act from \$2 to \$4.

#### 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 Peter Fosselman, Notary Division, Office of the Secretary of State, State House, Annapolis, MD 21401, or call 410-260-3856, or email to notaries@sos.state.md.us, or fax to 410-974-5527. Comments will be accepted through September 23, 2013. A public hearing has not been scheduled.

#### .03 Fees.

A. A notary public may demand and receive a fee of [\$2] \$4 for the performance of an original notarial act.

B.—E. (text unchanged)

JOHN P. MCDONOUGH  
Secretary of State

## Title 02

### OFFICE OF THE ATTORNEY GENERAL

#### Subtitle 01 CONSUMER PROTECTION DIVISION

##### 02.01.11 New Home Warranty Security Plans

Authority: Real Property Article, §10-601, et seq., Annotated Code of Maryland

#### Notice of Proposed Action

[13-242-P]

The Office of the Attorney General proposes to adopt new Regulations .01—.05 under a new chapter, COMAR 02.01.11 New Home Warranty Security Plans. This action was considered at the Consumer Council meeting held on June 7, 2013.

#### Statement of Purpose

The purpose of this action is to establish the appropriate forms to be used by builders of new homes in disclosing to home buyers the warranty protections associated with a new home, to clarify the duties of the new home warranty security plans, and to clarify the effect of other sections of the Real Property Article on the warranty programs. This action replaces regulations previously promulgated by the Division of Labor and Industry and set forth in COMAR 09.01.09.01—.09.

#### 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 Steven M. Sakamoto-Wengel, Assistant Attorney General, Consumer Protection Division, 200 St. Paul Place, 16th floor, Baltimore, MD 21202, or call 410-576-6307, or email to stevesw@oag.state.md.us, or fax to 410-576-6566. Comments will be accepted through September 23, 2013. A public hearing will be held on Wednesday, September 18, 2013 at 10 a.m. after notice of hearing is published in two daily newspapers at least 15 days before the hearing. The hearing will take place at the Office of the Attorney General, 200 St. Paul Place, Baltimore, MD 21202. Please call 410-576-6557 not later than Friday, September 13, 2013 to inform the Division of your intention to attend the hearing and to learn the room assignment.

**.01 Scope.**

*This chapter applies to all builders and new home warranty security plans, unless exempted by the terms of Real Property Article, §10-610, Annotated Code of Maryland.*

**.02 Definitions.**

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

B. Terms Defined.

(1) "Builder" has the meaning stated in Real Property Article, §10-601, Annotated Code of Maryland.

(2) "Claim" means a consumer's request for warranty coverage under a plan.

(3) "Consumer" means:

(a) An owner; or

(b) A person who has entered into a contract with a home builder to purchase a new home, but who has not yet settled on the purchase of the new home.

(4) "Division" means the Consumer Protection Division of the Office of the Attorney General.

(5) "New home warranty" has the meaning stated in Real Property Article, §10-601, Annotated Code of Maryland.

(6) "Owner" has the meaning stated in Real Property Article, §10-601, Annotated Code of Maryland.

(7) "Plan" means a "new home warranty security plan" as defined in Real Property Article, §10-601, Annotated Code of Maryland.

(8) "Warranty date" has the meaning stated in Real Property Article, §10-601, Annotated Code of Maryland.

**.03 Disclosure Forms to Be Given by Builders to Consumers.**

A. A builder shall obtain the following forms from the Division, complete the applicable forms, and provide a copy of the applicable forms to each consumer before a contract for purchase or construction of a new home is executed:

(1) "Builder Does Not Participate in Home Warranty Security Plan", required by Real Property Article, §§10-602 and 10-603, Annotated Code of Maryland;

(2) "Builder Does Participate in Home Warranty Security Plan", required by Real Property Article, §10-604(b), Annotated Code of Maryland; and

(3) "Consumer's Option to Participate in Home Warranty Security Plan and Consumer Waiver Form", required by Real

Property Article, §§10-604(b)(3)(ii) and 10-607, Annotated Code of Maryland.

B. A builder who sells a new home with a new home warranty pursuant to Real Property Article, §10-604(b), Annotated Code of Maryland, that has not been waived by the consumer shall incorporate the notice required by Real Property Article, §10-605, Annotated Code of Maryland, conspicuously and in type at least as large as 12-point type, in each contract for purchase or construction of a new home.

C. Form Required.

(1) A builder required by Real Property Article, §10-604(e)(2), Annotated Code of Maryland, to provide a consumer with evidence that the new home is covered by a Plan shall:

(a) Obtain from the Division an "Evidence that New Home is Covered by the Home Warranty Security Plan" form, complete the form, and provide a copy of the completed form to each consumer on the warranty date; or

(b) Provide each consumer with an alternate form approved by the Division certifying that the new home is covered by the minimum warranty required under Maryland law and specifically setting forth any additional express warranties or any exclusions to the warranty coverage.

(2) The form shall be signed by the Plan and include the address and telephone number of the Plan.

**.04 Warranty Claims.**

A. A Plan may not prohibit a consumer from contacting a builder concerning defects covered by the Plan.

B. A Plan shall provide that all claims shall be filed with the Plan.

C. The time for filing a claim with the Plan shall not be shorter than the limitations period set forth in Real Property Article, §10-204(d), Annotated Code of Maryland.

D. A Plan may not consider a claim not timely filed because the consumer has not contacted the builder before filing a claim with the Plan.

E. Upon receipt of a timely claim, a Plan shall provide for mediation of a dispute between a consumer and builder under Real Property Article, §10-606(a)(6), Annotated Code of Maryland.

F. The agreement between the Plan and the builder shall require that, upon conclusion of the mediation, the builder shall provide written notice to the Plan and the consumer stating the basis for any part of the claim that was not successfully resolved through mediation to the satisfaction of the consumer.

G. A Plan may not require a consumer to notify the Plan concerning the results of mediation.

H. A Plan may not require any payment from a consumer in relation to:

(1) Filing a claim;

(2) Mediation or arbitration of a claim between a consumer and builder;

(3) Any part of the process leading to and including the rendering of a Plan's decision to grant or deny warranty coverage for a claim; or

(4) Determining whether a builder, or other person used by the Plan to provide warranty coverage, has complied with the Plan's decision to grant warranty coverage for a claim.

I. Decision by Plan.

(1) If a claim has not been successfully resolved through mediation by payment of the claim in an amount satisfactory to the consumer, correction of any defects to the satisfaction of the consumer, or other resolution satisfactory to the consumer, a Plan shall notify the consumer in writing of the Plan's decision to grant or deny warranty coverage for all or part of a claim not later than 90 days after the claim is received by the Plan.

(2) *The Plan's decision to deny warranty coverage for all or part of a claim shall be based on a good faith review of the claim by the Plan.*

(3) *If the Plan is unable to grant or deny warranty coverage within 90 days, the Plan may submit a written request for an extension to the Division, with a copy to the consumer, stating:*

(a) *The reason the Plan is unable to meet the 90-day deadline; and*

(b) *The date by which the decision will be reached.*

(4) *Any written request for an extension to the Division shall be deemed to be granted, unless the Division notifies the Plan otherwise within 10 days of the request.*

(5) *The notice of decision shall include under separate headings:*

(a) *The consumer's name, address, and phone number;*

(b) *The Plan's file number or other means of identifying the consumer's claim and the builder's name, address, and enrollment number;*

(c) *The warranty date and the date the Plan received notification of the consumer's claim;*

(d) *A description of each claim from the consumer that was granted or denied and a statement of the facts upon which each denial is based, including reference to the specific terms and sections of the Plan;*

(e) *An identification and copies of all evidence upon which each denial is based, including inspection and expert reports; and*

(f) *The procedures that the consumer shall follow to appeal or contest the decision, including all time limitations.*

*J. Arbitration.*

(1) *If the procedures that a consumer shall follow to appeal or contest a Plan's decision under §I of this regulation require the consumer to submit the matter to arbitration:*

(a) *The Plan shall offer the arbitration at no cost to the consumer and may elect to use the Division's arbitration program, may use another no cost program, or may pay the fees imposed by the arbitration program; and*

(b) *The Plan shall clearly and conspicuously disclose to a consumer in a section that is separately initialed by the consumer that:*

(i) *By agreeing to the arbitration provision, the consumer is waiving the consumer's right to proceed in court and the consumer's right to a trial by jury; and*

(ii) *Any claim by the consumer against the Home Builder Guaranty Fund may be stayed while the arbitration proceeds.*

(2) *The arbitration agreement shall require the arbitrator to apply the terms of the new home warranty consistent with the provisions of Real Property Article, § 10-601, et seq., Annotated Code of Maryland.*

(3) *A copy of the arbitration decision shall be sent to the Division at the same time it is sent to the parties to the arbitration.*

*K. The Plan shall send a copy of each claim and notification under §H of this regulation to the Division at the same time that the notice is sent to the consumer.*

**.05 Other Disclosures by the Plan to the Division.**

*A. Within 20 days of its occurrence, a new home warranty security plan shall report to the Division the name and Maryland Home Builder Registration Number of any builder in Maryland who has become a new member of the Plan, who is no longer a member of the Plan and the reason why, or who has been disciplined or sanctioned by the Plan, and the reason why.*

*B. A Plan shall produce to the Division information, documents, and explanations required by the Division to determine whether a builder or Plan is complying with Real Property Article, Title 10,*

*Subtitle 6, Annotated Code of Maryland, or the terms of any new home warranty issued in Maryland.*

STEVEN M. SAKAMOTO-WENDEL  
Deputy Chief

**Title 08  
DEPARTMENT OF NATURAL  
RESOURCES**

**Subtitle 02 FISHERIES SERVICE**

**08.02.19 Nuisance Species**

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

**Notice of Proposed Action**

[13-235-P]

The Secretary of Natural Resources proposes to amend Regulations .04 and .06 under **COMAR 08.02.19 Nuisance Species**.

**Statement of Purpose**

The purpose of this action is to add species to the restricted lists of aquatic nuisance species. The action adds three species of Asian horseshoe crabs (*Tachypleus tridentatus*, *Tachypleus gigas*, and *Carcinoscorpius rotundicauda*) to the list of species that may not be imported, transported, purchased, propagated, possessed, sold, or released into State waters. This action will prohibit these species from being imported into the State to be used as bait; decreasing the likelihood that the species will carry pathogens into the State.

In 2011, approximately 2,000 *T. gigas* were imported into New York state. In 2012, there have been reports of at least 7,400 kg of varying species of Asian horseshoe crabs continuing to be imported into New York. The Atlantic States Marine Fisheries Commission (ASMFC) has grown concerned about the dangers these importations may cause and has advised the Atlantic coastal states to prohibit their importation. Its concern about the species is that the crabs may carry pathogens and other nuisance organisms which pose a potential threat to marine resources and to human health.

Native horseshoe crabs (*Limulus polyphemus*), which have experienced population declines, are put in further danger by the transportation of pathogens such as parasitic flatworms, which can easily survive even in a dead host crab. The parasite's spread to native horseshoe crabs will not only harm the horseshoe crab population, but also several migratory shorebirds, such as red knots, which depend on horseshoe crab eggs for food. The red knot is a Candidate Species under the U.S. Endangered Species Act, and thus steps have been taken to protect the North American horseshoe crab as one of their critical food sources. There has not yet been any confirmation on what, if any, species have been transported into the U.S. by the host horseshoe crabs, as previous attempts at testing samples have been unsuccessful.

Further, one species of Asian horseshoe crab (*C. rotundicauda*), is known to contain a powerful neurotoxin tetrodotoxin (TTX), which may pose harm to human health. *C. rotundicauda* has been identified as being imported into the U.S., and is often used as bait for catching whelk and eels. It could potentially be consumed by humans either by consuming *C. rotundicauda* directly (sold in Asian markets in New York City), or by consuming whelks or eels which are caught with *C. rotundicauda* as bait.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed action has an economic impact on the regulated industry.

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:		
Harvesters using horseshoe crabs as bait	(-)	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. There is no evidence that harvesters have used the named species as bait at this time in Maryland. However, this could impact the commercial watermen that harvest whelks because they use horseshoe crabs as bait. Native horseshoe crab harvests have been increasingly constrained in recent years, and some states' harvesters have turned to Asian horseshoe crabs to replace the natives as bait. This could reduce the amount of bait available impacting the whelk fishery. This will also likely increase the cost of the native horseshoe crabs used as bait

**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 would have an economic impact on small business. Please see assumptions under Estimate of Economic Impact.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Nuisance Species Regulations, Regulatory Staff, Department of Natural Resources Fisheries Service, 580 Taylor Avenue, Annapolis MD, 21401, or call 410-260-8260, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through September 23, 2013. A public hearing has not been scheduled.

**.04 Classification of Nonnative Aquatic Organisms.**

A. A person may not import, transport, purchase, possess, propagate, sell, or release into State waters the following nonnative aquatic organisms:

- (1) Fish species:
  - (a) Asian horseshoe crabs (*Tachypleus tridentatus*, *Tachypleus gigas*, *Carcinoscorpius rotundicauda*);
  - [(a)] (b) — [(r)] (s) (text unchanged)
- (2) (text unchanged)

B. — D. (text unchanged)

**.06 Snakehead Prohibitions.**

- A. — D. (text unchanged)
- E. Taking of Snakeheads.
  - (1) (text unchanged)
  - (2) Snakeheads may be taken by any means, as described in [COMAR 08.02.11.04U] *COMAR 08.02.11.04P*.

JOSEPH P. GILL  
Secretary of Natural Resources

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

**08.18.13 Magothy River**

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

**Notice of Proposed Action**

[13-234-P]

The Secretary of the Maryland Department of Natural Resources proposes to amend Regulations **.01—05** under **COMAR 08.18.13 Magothy 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, Acting Division Director, Boating Facilities and Access Planning, 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 September 23, 2013. A public hearing has not been scheduled.

**.01 Magothy River.**

The Magothy River encompasses all the waters of the Magothy River and its tributaries northwesterly of a line [from Lat. 39°03'33.67"N., Long. 76°25'58.75"W. (Mountain Point), running 168° True to the opposite shore, Lat. 39°02'46.56"N., Long. 76°25'45.69"W. (east side Little Magothy River).] *beginning at Mountain Point, at or near Lat. 39° 3.567' N., Long. 76° 25.983' W., then running 168° (True) to a point at the east side of the Little Magothy River, at or near Lat. 39° 2.783' N., Long. 76° 25.767' W.*

**.02 Magothy River Entrance Channel.**

The Magothy River entrance channel encompasses the area [bounded by the following coordinates: Lat. 39°03'22.80"N., Long. 76°25'46.36"W. (Flashing Red No. 2), Lat. 39°03'27.91"N., Long.



76°26'09.17"W., and Lat. 39°03'21.66"N., Long. 76°26'11.47"W. (Green No. 5), Lat. 39°03'16.55"N., Long. 76°25'48.66"W] enclosed by a line beginning at a point, at or near Lat. 39° 3.360' N., Long. 76° 25.782' W., then running 203° (True) to a point, at or near Lat. 39° 3.268' N., Long. 76° 25.832' W., then running 293° (True) to a point, at or near Lat. 39° 3.382' N., Long. 76° 26.170' W., then running 23° (True) to a point, at or near Lat. 39° 3.473' N., Long. 76° 26.120' W., then running 113° (True) to the point of beginning. This area has a 6-knot [(6.9 MPH)] speed limit, during the boating season [only, which is April 15 through October 15]. This area is approximately 600 feet wide and 1,874 feet long.

**.03 Upper Magothy River.**

A. The lower portion of the Upper Magothy River encompasses the area beginning at [a point Lat. 39°04'53.45 N., Long. 76°31'02.91"W. (Windless Point), a line running 335° True to the opposite shore, Lat. 39°05'05.32"N., Long. 76°31'10.01"W. (Steedmans Point), and running up the river to Magothy Bridge Road, including all tributaries] *Windless Point, at or near Lat. 39° 4.895' N., Long. 76° 31.048' W., then running 333° (True) to Steedman's Point, at or near Lat. 39° 5.093' N., Long. 76° 31.178' W., and downstream of a line beginning at Magothy Bridge Road, at or near Lat. 39° 6.5700' N., Long. 76° 32.477' W., then running 254° (True) to a point, at or near Lat. 39° 6.5670' N., Long. 76° 32.492' W.* This area has a 6-knot [(6.9 MPH)] speed limit all year.

B. The upper portion of the Upper Magothy River encompasses the area [above the Magothy Bridge Road] *upstream of a line beginning at Magothy Bridge Road, at or near Lat. 39° 6.5700' N., Long. 76° 32.477' W.* This area has a minimum wake zone all year.

**.04 Magothy River South Shore.**

A. (text unchanged)

B. Cool Spring Cove — Forked Creek, encompasses the area beginning at a point [Lat. 39°03'49.80 N., Long. 76°29'25.18"W., a line running 090° True to the opposite shore, Lat. 39°03'49.80"N., Long. 76°29'06.83"W.,] *at or near Lat. 39° 3.828' N., Long. 76° 29.428' W., then running 90° (True) to a point, at or near Lat. 39° 3.828' N., Long. 76° 29.118' W.,* and running to the head of the cove and creek. This area has a 6-knot [(6.9 MPH)] speed limit all year.

C. Cypress Creek.

(1) Lower Cypress Creek encompasses the area beginning at the mouth of the creek[, Lat. 39°04'16.40"N., Long. 76°30'57.86"W. (northeast point of Crystal Beach), a line running 346° True to the opposite shore, Lat. 39°04'35.40"N., Long. 76°31'03.86"W. (southeast point of Pohlman Point), and running up the creek to a line beginning at a point Lat. 39°04'00.93"N., Long. 76°31'52.21"W., and running 335° True to the opposite shore, Lat. 39°04'04.25"N., Long. 76°31'54.20"W] *at or near Lat. 39° 4.272' N., Long. 76° 30.978' W., then running 349° (True) to a point, at or near Lat. 39° 4.590' N., Long. 76° 31.060' W., and running upstream to a line beginning at a point, at or near Lat. 39° 4.010' N., Long. 76° 31.875' W., then running 339° (True) to a point, at or near Lat. 39° 4.073' N., Long. 76° 31.907' W.* This area has a 6-knot [(6.9 MPH)] speed limit all year.

(2) Upper Cypress Creek encompasses the area beginning at a point [Lat. 39°04'04.25"N., Long. 76°31'54.20"W., a line running 155° True to the opposite shore, Lat. 39°04'00.93"N., Long. 76°31'52.21"W.,] *at or near Lat. 39° 4.073' N., Long. 76° 31.907' W., then running 159° (True) to a point, at or near Lat. 39° 4.010' N., Long. 76° 31.875' W.* and running to the head of the creek. This area has a minimum wake zone all year.

D. Deep Creek encompasses the area beginning at the mouth of the creek, [Lat. 39°03'15.90"N., Long. 76°27'10.07"W., a line running 118° True to the opposite shore, Lat. 39°03'06.98"N., Long. 76°26'48.55"W.,] *at or near Lat. 39° 3.265' N., Long. 76° 27.158' W., then running 117° (True) to a point, at or near Lat. 39° 3.128' N.,*

*Long. 76° 26.810' W.* and running to the head of the creek. This area has a 6-knot [(6.9 MPH)] speed limit all year.

E. Dividing Creek—Mill Creek encompasses the area beginning at a point at the east shore of the mouth of the creeks, at or near [Lat. 39°04'14.5"N., Long. 76°30'44.4"W., then running 270° True to a point at the west shore of the mouth of the creeks, at or near Lat. 39°04'14.5"N., Long. 76°30'58.1"W.,] *Lat. 39° 4.242' N., Long. 76° 30.713' W., then running 272° (True) to a point, at or near Lat. 39° 4.247' N., Long. 76° 30.955' W.* and running to the head of the creeks, including all tributaries. This area has a 6-knot [(6.9 MPH)] speed limit all year.

F. Lake Placid encompasses the area beginning at the mouth of Lake Placid, [Lat. 39°03'33.40"N., Long. 76°27'30"W., a line running 112° True to the opposite shore, Lat. 39°03'33.10"N., Long. 76°27'29.05"W.,] *at or near Lat. 39° 3.587' N., Long. 76° 27.475' W., then running 165° (True) to a point, at or near Lat. 39° 3.567' N., Long. 76° 27.468' W.,* and running to the head of the lake. This area has a 6-knot [(6.9 MPH)] speed limit all year.

G. Little Magothy River.

(1) The Little Magothy River entrance channel encompasses the area beginning at a point [Lat. 39°02'46.56"N., Long. 76°25'45.69"W., a line running 272° True to the opposite shore, Lat. 39°02'46.59"N., Long. 76°25'47.08"W., and running upstream to a line beginning at a point Lat. 39°02'38.98"N., Long. 76°25'45.90"W, and running to the opposite shore, Lat. 39°02'39.59"N., Long. 76°25'50.71"W] *at or near Lat. 39° 2.7820' N., Long. 76° 25.765' W., then running 270° (True) to a point, at or near Lat. 39° 2.7820' N., Long. 76° 25.778' W., and running upstream to a line beginning at a point, at or near Lat. 39° 2.680' N., Long. 76° 25.775' W., then running 260° (True) to a point, at or near Lat. 39° 2.675' N., Long. 76° 25.810' W.* This area has a 6-knot [(6.9 MPH)] speed limit all year.

(2) The Upper Little Magothy River encompasses the area from a point [Lat. 39°02'16.09"N., Long. 76°25'57.59"W., a line running 122° True to the opposite shore, Lat. 39°02'13.31"N., Long. 76°25'51.88"W.,] *at or near Lat. 39° 2.268' N., Long. 76° 25.965' W., then running 122° (True) to a point, at or near Lat. 39° 2.220' N., Long. 76° 25.865' W.,* and running to the head of the river. This area has a 6-knot [(6.9 MPH)] speed limit all year.

H. Spriggs Pond encompasses the area beginning at the mouth of the pond, [Lat. 39°03'58.30"N., Long. 76°29'50.06"W., a line running 147° True to the opposite shore, Lat. 39°03'57.46"N., Long. 76°29'49.36"W.,] *at or near Lat. 39° 3.9680' N., Long. 76° 29.832' W., then running 193° (True) to a point, at or near Lat. 39° 3.9570' N., Long. 76° 29.835' W.,* and running to the head of the pond. This area has a 6-knot [(6.9 MPH)] speed limit all year.

**.05 Magothy River North Shore.**

A. (text unchanged)

B. Blackhole Creek encompasses the area [beginning at the mouth of the creek, Lat. 39°04'51.15"N., Long. 76°29'49.96"W., a line running 080° True to the opposite shore, Lat. 39°04'52.05"N., Long. 76°29'43.39"W.,] *north of a line beginning at a point at or near Lat. 39° 4.862' N., Long. 76° 29.838' W., then running 84° (True) to a point, at or near Lat. 39° 4.870' N., Long. 76° 29.740' W.,* and running to the head of the creek, including all tributaries. This area has a 6-knot [(6.9 MPH)] speed limit all year.

C. Broad Creek encompasses the area [beginning at a point Lat. 39°05'09.40"N., Long. 76°28'46.19"W., a line running 270° True to the opposite shore, Lat. 39°05'09.40"N., Long. 76°28'59.86"W.,] *north of a line beginning at a point at or near Lat. 39° 5.157' N., Long. 76° 28.795' W., then running 266° (True) to a point, at or near Lat. 39° 5.147' N., Long. 76° 28.993' W.,* and running to the head of the creek. This area has a 6-knot [(6.9 MPH)] speed limit all year.

D. Cornfield Creek encompasses the area [beginning at the mouth of the creek, Lat. 39°05'34.35"N., Long. 76°26'24.65"W., a line running 063° True to the opposite shore, Lat. 39°05'37.26"N., Long. 76°26'17.33"W.,] north of a line beginning at a point at or near Lat. 39° 5.573' N., Long. 76° 26.392' W., then running 64° (True) to a point, at or near Lat. 39° 5.622' N., Long. 76° 26.267' W., and running to the head of the creek. This area has a 6-knot [(6.9 MPH)] speed limit all year.

E. Grays Creek encompasses the area [beginning at the mouth of the creek, Lat. 39°05'17.20"N., Long. 76°27'52.20"W., a line running 037° True to the opposite shore, Lat. 39°05'19"N., Long. 76°27'50.46"W.,] northwest of a line beginning at a point, at or near Lat. 39° 5.280' N., Long. 76° 27.877' W., then running 20° (True) to a point, at or near Lat. 39° 5.327' N., Long. 76° 27.855' W., and running to the head of the creek. This area has a 6-knot [(6.9 MPH)] speed limit all year.

F. The inner harbor of Gibson Island encompasses the area beginning at a point [Lat. 39°05'23.09"N., Long. 76°25'47.13"W. (Purdy Point), a line running 050° True to the opposite shore, Lat. 39°05'28.16"N., Long. 76°25'39.40"W.,] at or near Lat. 39° 5.373' N., Long. 76° 25.780' W., then running 41°(True) to a point, at or near Lat. 39° 5.470' N., Long. 76° 25.672' W., and running upstream to the head of the harbor, including Redhouse Cove. This area has a 6-knot [(6.9 MPH)] speed limit all year.

G. Magothy Narrows, except James Pond and Cornfield Creek encompasses the area [beginning at a point Lat. 39°05'13.78"N., Long. 76°26'39.52"W., a line running 000° True to the opposite shore, Lat. 39°05'40.98"N., Long. 76°26'39.52"W., and running upstream to a line beginning at a point Lat. 39°05'23.09"N., Long. 76°25'47.13"W. (Purdy Point), and running 050° True to the opposite shore, Lat. 39°05'28.16"N., Long. 76°25'39.40"W] west of a line beginning at a point at or near Lat. 39° 5.223' N., Long. 76° 26.658' W., then running 0° (True) to a point, at or near Lat. 39° 5.687' N., Long. 76° 26.657' W., and east of a line beginning at a point, at or near Lat. 39° 5.373' N., Long. 76° 25.780' W., then running 41° (True) to a point, at or near Lat. 39° 5.470' N., Long. 76° 25.672' W., and south of a line beginning at a point, at or near Lat. 39° 5.600' N., Long. 76° 26.203' W., then running 104° (True) to a point, at or near Lat. 39° 5.585' N., Long. 76° 26.127' W., and south of a line beginning at a point, at or near Lat. 39° 5.573' N., Long. 76° 26.392' W., then running 64° (True) to a point, at or near Lat. 39° 5.622' N., Long. 76° 26.267' W. This area has a 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays, during the boating season [only, which is April 15 through October 15].

H. Ross Cove encompasses the area beginning at the mouth of the creek, [Lat. 39°05'14.15"N., Long. 76°30'55.19"W., a line running 090° True to the opposite shore, Lat. 39°05'14.15"N., Long. 76°30'53.86"W.,] at or near Lat. 39° 5.238' N., Long. 76° 30.913' W., then running 90° (True) to a point, at or near Lat. 39° 5.238' N., Long. 76° 30.902' W., and running to the head of the cove. This area has a 6-knot [(6.9 MPH)] speed limit all year.

I. Sillery Bay[,] encompasses the area of Dobbins Island and Little Island beginning at [a point Lat. 39°04'41.95"N., Long. 76°27'50.51"W. (west end of Dobbins Island), a line running northerly 003° True to Lat. 39°05'00.65"N., Long. 76°27'49.06"W. (west end of Little Island), then easterly following the shoreline to Lat. 39°05'02.93"N., Long. 76°27'43.70"W. (east end of Little Island), then southerly 152° True to Lat. 39°04'43.80"N., Long. 76°27'30.87"W. (east end of Dobbins Island),] the west end of Dobbins Island, at or near Lat. 39° 4.670' N., Long. 76° 27.835' W., then running 1° (True) to the west end of Little Island, at or near Lat. 39° 5.045' N., Long. 76° 27.828' W., then running easterly along the shoreline to a point, at or near Lat. 39° 5.0370' N., Long. 76° 27.745' W., then running 152° (True) to the east end of Dobbins Island, at or near Lat. 39° 4.713' N., Long. 76° 27.525' W., then

westerly following the shoreline to the point of beginning. This area has a 6-knot[( 6.9 MPH)] speed limit all year.

J. James Pond encompasses the area beginning at the mouth of the pond,[ Lat. 39°05'35.73"N., Long. 76°26'11.96"W., a line running 106° True to the opposite shore, Lat. 39°05'34.83"N., Long. 76°26'07.85"W.,] at or near Lat. 39° 5.600' N., Long. 76° 26.203' W., then running 104° (True) to a point, at or near Lat. 39° 5.585' N., Long. 76° 26.127' W., and running to the head of the pond. This area has a 6-knot[( 6.9 MPH)] speed limit all year.

JOSEPH P. GILL  
Secretary of Natural Resources

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

### 08.18.14 Middle River

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

### Notice of Proposed Action

[13-233-P]

The Secretary of Natural Resources proposes to amend Regulations .01—.06 under COMAR 08.18.14 Middle 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, Acting Division Director, Boating Facilities AND Access Planning, 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 September 23, 2013. A public hearing has not been scheduled.

#### .01 Middle River.

Middle River encompasses all of the waters of Middle River and its tributaries beginning at Booby Point, [at or near Lat. 39°17'03"N., Long. 76°22'52"W., then running approximately 353° True to Bowley Bar, at or near Lat. 39°17'53"N., Long. 76°23'00"W.] at or near Lat. 39° 17.073' N., Long. 76° 22.892' W., then running 352° (True) to Bowley Bar, at or near Lat. 39° 17.888' N., Long. 76° 23.030' W. This area, unless otherwise regulated, has a speed limit during the boating season [only, which is April 15 through October 15.] of:

A. — B. (text unchanged)

**.02 Martin Lagoon and Cow Pen Creek.**

Martin Lagoon and Cow Pen Creek encompass [the area northerly of a line at or near Lat. 39°19'23"N., Long. 76°25'46"W., running approximately 049° True to the opposite shore at or near Lat. 39°19'27"N., Long. 76°25'39"W.] *all of the waters of Middle River north of a line beginning at a point at or near Lat. 39° 19.382' N., Long. 76° 25.783' W., then running 48° (True) to a point, at or near Lat. 39° 19.443' N., Long. 76° 25.695' W.*

**.03 Upper Middle River.**

The Upper Middle River encompasses the area beginning at [a point Lat. 39°18'29.98"N., Long. 76°24'08.5"W. (Galloway Point), a line running 210° True to the opposite shore, Lat. 39°17'59.2"N., Long. 76°24'31.4"W., and running to the head of the river, except Martin Lagoon and Cow Pen Creek.] *a point at or near Lat. 39° 18.507' N., Long. 76° 24.101' W., then running 202° (True) to a point, at or near Lat. 39° 17.964' N., Long. 76° 24.386' W.; and downstream of a line beginning at Martin Lagoon and Cow Pen Creek at or near Lat. 39° 19.382' N., Long. 76° 25.783' W., then running 48° (True) to a point, at or near Lat. 39° 19.443' N., Long. 76° 25.695' W.* This area has a 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays, during the boating season [only, which is April 15 through October 15].

**.04 Sue Creek.**

A. Lower Sue Creek encompasses the area [upstream of a line running across the mouth of Sue Creek at a point at or near Lat. 39°17'23"N., Long. 76°23'41"W., running approximately 335° True to a point at or near Lat. 39°17'41"N., Long. 76°23'52"W., and downstream of a line running approximately 003° True from a point of land at or near Lat. 39°17'09"N., Long. 76°23'59"W., to a point of land at or near Lat. 39°17'21"N., Long. 76°23'58"W.] *south of a line beginning at a point at or near Lat. 39° 17.333' N., Long. 76° 23.710' W., then running 339° (True) to a point, at or near Lat. 39° 17.798' N., Long. 76° 23.942' W., and north of a line beginning at a point, at or near Lat. 39° 17.160' N., Long. 76° 24.032' W., then running 12° (True) to a point, at or near Lat. 39° 17.348' N., Long. 76° 23.980' W.* This area has a 6-knot [(6.9 MPH)] speed limit all year.

B. Upper Sue Creek encompasses the area upstream of a line [running approximately 003° True from a point of land at or near Lat. 39°17'09"N., Long. 76°23'59"W., to a point of land at or near Lat. 39°17'21"N., Long. 76°23'58"W.] *beginning at or near Lat. 39° 17.160' N., Long. 76° 24.032' W., then running 12° (True) to a point, at or near Lat. 39° 17.348' N., Long. 76° 23.980' W.* and running to the head of the creek, including all tributaries. This area has a:

- (1) 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays, all year; and
- (2) 6-knot [(6.9 MPH)] speed limit on weekdays from 6 p.m. to midnight during the boating season [only, which is April 15 through October 15].

**.05 Frog Mortar Creek and Stansbury Creek.**

A. Frog Mortar Creek and Stansbury Creek encompass the area upstream of a line beginning at Wilson Point at or near [Lat. 39°18'30"N., Long. 76°24'37"W., then running approximately 090° True to Galloway Point at or near Lat. 39°18'30"N., Long. 76°24'07"W.] *Lat. 39° 18.485' N., Long. 76° 24.500' W., then running 89° (True) to Galloway Point, at or near Lat. 39° 18.488' N., Long. 76° 24.148' W.* This area has a 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays, all year.

B. — C. (text unchanged)

**.06 Galloway Creek.**

[This area encompasses all the waters of Galloway Creek]. *Galloway Creek encompasses all the waters* upstream of a

line beginning at Log Point, at or near [Lat. 39°18'13"N., Long. 76°23'39"W., then running approximately 145° True to a point at or near Lat. 39°17'44"N., Long. 76°23'13"W., then running approximately 038° True to the southwest end of Bowley Bar, at or near Lat. 39°17'53"N., Long. 76°23'03"W.] *Lat. 39° 18.218' N., Long. 76° 23.643' W., then running 146° (True) to a point, at or near Lat. 39° 17.733' N., Long. 76° 23.217' W., then running 43° (True) to the southwest end of Bowley Bar, at or near Lat. 39° 17.888' N., Long. 76° 23.03' W.* This area has a 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays during the boating season [only, which is April 15 through October 15].

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 Regulation Article, §§2-106, 2-106.1, and 2-106.2; Business Occupations and Professions Article, §§15-101, 15-208, 15-209, 15-306, 15-307, and 15-307.1; Annotated Code of Maryland

**Notice of Proposed Action**  
[13-232-P]

The Board for Professional Land Surveyors proposes to amend Regulation .03 under **COMAR 09.13.05 Fees**. This action was considered by the Board at a public meeting held on June 5, 2013, notice of which was published in 40:10 Md. R. 952 (May 17, 2013), in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to align the examination fees paid by applicants to take licensing examinations with the fees established by the National Council of Examiners of Engineers and Surveyors (NCEES). NCEES is the national organization that develops the exam which is used nationally as the measure of surveying competence. Applicants pay the examination fees directly to the Board.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The surveying exam consists of two parts, Fundamentals of Surveying (FS) and Principles of Surveying (PS). The FS exam will be converted to computer based delivery in January 2014. At that time, the FS exam fee will increase from \$160 to \$225, and the PS exam fee will increase from \$225 to \$320.

Currently, FS candidates pay \$160 directly to the Board. Of that amount \$100 is passed through to NCEES. PS candidates pay \$225 directly to the Board. Of that amount \$165 is passed through to NCEES. The Board retains \$60 to pay the exam administration costs.

Effective in January 2014, FS candidates will submit \$225 directly to NCEES to take the computerized exam and the Board will no

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longer receive any fees from FS candidates. PS candidates will submit \$320 (\$260 NCEES exam booklet and scoring fee plus \$60 administration fee) directly to the Board. The \$260 fee will be passed through to NCEES.

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
<hr/>		
A. On issuing agency: State Occupational and Professional Design Boards	(R-)	\$1500
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+)	
	Cost (-)	Magnitude
<hr/>		
D. On regulated industries or trade groups:		
Exam candidates	(-)	\$65 to \$95 per candidate
E. On other industries or trade groups:		
NCEES	(+) \$95 to \$125 per candidate	
F. Direct and indirect effects on public:	NONE	

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

A. Approximately 25 individuals take the FS exam per year. At \$60 per candidate, the Design Boards' Special Fund will experience a \$1500 decrease in revenue.

D. FS candidates will see an increase of \$65 per administration. PS candidates will pay an additional \$95 to take the exam.

E. NCEES will receive an additional \$125 for each FS candidate, and an additional \$95 for each PS candidate.

**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, Professional Licensing Boards, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to pamedwards@dllr.state.md.us, or fax to 410-333-0021. Comments will be accepted through September 23, 2013. 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 November 6, 2013, 10 a.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

**.03 Fees and Costs.**

A. (text unchanged)

B. An applicant for the appropriate licensing examination shall pay the following examination fees directly to the Board or its designee, as these fees are established by the National Council of Examiners of Engineers and Surveyors:

- (1) Fundamentals of Land Surveying — [\$100] \$225;
- (2) Principles and Practice — [\$165] \$260.

C. — F. (text unchanged)

JOHN V. METTEE, III  
Chair

State Board for Professional Land Surveyors

**Subtitle 23 BOARD FOR PROFESSIONAL ENGINEERS**

**09.23.04 Fees**

Authority: Business Regulation Article, §§2-106, 2-106.1 and 2-106.2; Business Occupations and Professions Article, §§14-101, 14-208, and 14-209; Annotated Code of Maryland

**Notice of Proposed Action**

[13-244-P]

The Board for Professional Engineers proposes to amend Regulation .03 under **COMAR 09.23.04 Fees**. This action was considered by the Board at a public meeting held on April 11, 2013, notice of which was published in 40:6 Md. R. 591 (March 22, 2013), in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to align the examination fees paid by applicants to take licensing examinations with the fees established by the National Council of Examiners of Engineers and Surveyors (NCEES). NCEES is the national organization that develops the exam, which is used nationally and internationally as the measure of engineering competence. Applicants pay the examination fees directly to a third party vendor that administers the examinations.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The engineering exam consists of two parts, Fundamentals of Engineering (FE) and Principles and Practice of Engineering (PE). The FE exam will be converted to computer based delivery in January 2014. At that time, the FE exam fee will increase from \$165 per candidate to \$225, and the PE exam fee will increase from \$275 per candidate to \$370.

Currently, FE candidates pay \$165 directly to the Board's exam vendor, Professional Credential Services (PCS) to take the exam. Of that amount, \$110 is PCS' administration fee and \$55 is NCEES' fee for the exam booklet and scoring.

PE candidates currently pay \$275 directly to PCS. Of that amount, \$110 is PCS' administration fee and \$165 is NCEES' fee for the exam booklet and scoring.

Effective in January 2014, FE candidates will submit \$225 directly to NCEES to take the computerized exam and PCS will no longer receive any fees from FE candidates. PE candidates will submit \$370 (\$260 NCEES exam booklet and scoring fee plus \$110 PCS administration fee) directly to PCS, and PCS will continue to collect the fees from PE candidates.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency: State Occupational and Professional Design Boards	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	
	Magnitude	
D. On regulated industries or trade groups:		
Exam candidates	(-)	\$60 to \$95 per candidate
E. On other industries or trade groups:		
(1) Professional Credential Service (PCS)	(-)	\$110 per FE candidate
(2) NCEES	(+)	\$95 to \$170 per candidate
F. Direct and indirect effects on public:	NONE	

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

A. The Board does not collect any exam fees from candidates. The exam fees are paid to the exam vendor, PCS. After transition to computer-based delivery of the exam, NCEES will directly collect fees from FE candidates.

D. FE candidates will see an increase of \$60 per administration. PE candidates will pay an additional \$95 to take the exam.

E(1). PCS presently administers the FE exam for Maryland candidates. PCS collects \$110 from each candidate per administration. When the FE exam goes to computer based delivery, PCS will no longer be involved in the administration of the FE and therefore will lose revenues.

E(2). NCEES will collect additional revenues of \$95 for each PE exam candidate and \$170 for each FE candidate. However, their costs for conversion to computer testing for the FE will increase. Those amounts are unknown to this agency.

**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, Professional Licensing Boards, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to pamedwards@dllr.state.md.us, or fax to 410-333-0021. Comments will be accepted through September 23, 2013. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Board for Professional Engineers during a public meeting to be held on October

10, 2013, at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

**.03 Fees and Costs.**

A. (text unchanged)

B. An applicant for the appropriate licensing examination shall pay the following examination fees directly to the Board or its designee, as these fees are established by the National Council of Examiners of Engineers and Surveyors:

(1) Fundamentals of Engineering — [\$55] \$225;

(2) Principles and Practice of Engineering — [\$165] \$260; and

(3) (text unchanged)

C.— E. (text unchanged)

HOWARD C. HARCLERODE II  
Chairman

State Board for Professional Engineers

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

**10.10.09 Law Enforcement Laboratories —  
Personnel Certification and Approval of  
Laboratory Procedures**

Authority: Health-General Article, §17-202; Courts and Judicial Proceedings Article, §10-1001; Annotated Code of Maryland

**Notice of Proposed Action**

[13-237-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .02 and .04 under **COMAR 10.10.09 Law Enforcement Laboratories — Personnel Certification and Approval of Laboratory Procedures**.

**Statement of Purpose**

The purpose of this action is to amend the language in order give the option to a Department-licensed forensic laboratory either to use the 1992 chemists training manual or to have an updated training manual and program in place for training standards and standard operating procedures for individuals performing controlled dangerous substances analyses for the State of Maryland. This will allow forensic laboratories to stay current with the consistently changing procedures and methods needed to analyze new and synthetic controlled dangerous substances that are submitted to each forensic laboratory.

**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 A. 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 September 23, 2013. A public hearing has not been scheduled.

**.02 Approved Training Programs for Chemists, Chemical Analysts, and Analysts.**

**A. Certified Chemist.**

(1) An applicant for certification as a certified chemist shall have successfully completed:

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

[(2)] A basic training program approved by the Department that provides training in the identification of controlled dangerous substances using procedures approved under Regulation .04 of this chapter.]

(b) A training program in the discipline of controlled dangerous substances provided by a forensic laboratory licensed by the Department.

(2) The applicant shall demonstrate completion of the training program referenced in §A(1)(b) of this regulation by providing the Department with the forensic laboratory director's written authorization for that individual to perform casework independently in the discipline of controlled dangerous substances.

**B.—C. (text unchanged)**

**.04 Procedures.**

Chemists, chemical analysts, and analysts certified under this chapter are certified only when performing those drug identification procedures [approved]:

A. Approved by a forensic laboratory licensed by the Department; [and contained] or

B. Contained in the "Forensic Chemists and Analysts Training and Procedures Manual" 1992, which is incorporated by reference.

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

**Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS**

**10.58.09 Disciplinary Sanctions and Monetary Penalties**

Authority: Health Occupations Article, §§1-606, 17-509—17-511, Annotated Code of Maryland

**Notice of Proposed Action**

[13-238-P]

The Secretary of Health and Mental Hygiene proposes to repeal existing Regulations .03 and .04, adopt new Regulations .01 and .04—.07, and amend and recodify existing Regulations .01 and .02 to be Regulations .02 and .03 under COMAR 10.58.09 **Disciplinary Sanctions and Monetary Penalties**. This action was considered at a public meeting on May 17, 2013, notice of which was given by publication on the Board's website <http://dhmh.maryland.gov/bopc/SitePages/Home.aspx> pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to establish sanctioning guidelines that set forth the range of possible sanctions, including monetary penalties, for violations of the Maryland Professional Counselors and Therapists Act.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 23, 2013. A public hearing has not been scheduled.

**.01 Scope.**

This chapter establishes standards for the imposition of disciplinary sanctions and monetary penalties for violations of the Maryland Professional Counselors and Therapists Act, Health Occupations Article, §17-509, Annotated Code of Maryland by any:

- A. Licensed clinical professional counselor;
- B. Licensed graduate professional counselor;
- C. Licensed clinical alcohol and drug counselor;
- D. Licensed graduate alcohol and drug counselor;
- E. Licensed clinical marriage and family therapist;
- F. Licensed graduate marriage and family therapist;
- G. Licensed clinical art therapist;
- H. Licensed graduate art therapist;
- I. Certified professional counselor;
- J. Certified professional counselor—alcohol and drug;
- K. Certified professional counselor—marriage and family therapist;
- L. Certified associate counselor—alcohol and drug; or
- M. Certified supervised counselor—alcohol and drug.

**[.01].02 Definitions.**

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

(1) "Act" means the Maryland Professional Counselors and Therapists Act.

[(1)] (2) (text unchanged)

[(2)] (3) "License" means [a license issued by the Board to practice clinical professional counseling and therapy] one of eight types of licenses issued by the Board to practice as follows:

- (a) Clinical professional counseling (LCPC);
- (b) Clinical marriage and family therapy (LCMFT);
- (c) Clinical alcohol and drug counseling (LCADC);
- (d) Clinical professional art therapy (LCPAT);
- (e) Graduate professional counseling (LGPC);
- (f) Graduate marriage and family therapy (LGMFT);
- (g) Graduate alcohol and drug counseling (LGADC); or
- (h) Graduate professional art therapy (LGPAT).

[(3)] (4) “Licensee” means [an individual licensed by the Board as a]:

(a) [Clinical professional counselor] *A clinical or graduate professional counselor;*

(b) [Clinical marriage and family therapist] *A clinical or graduate marriage and family therapist; [or]*

(c) [Clinical alcohol and drug counselor.] *A clinical or graduate alcohol and drug counselor; or*

(d) *A clinical or graduate professional art therapist who is licensed by the Board to practice clinical counseling, clinical marriage and family therapy, clinical alcohol and drug counseling or clinical professional art therapy.*

[(4)] (5) “Certificate” means a certificate issued by the Board to practice as a [professional counseling or therapy]:

(a) *Certified professional counselor (CPC);*

(b) *Certified professional counselor—alcohol and drug (CPC-AD);*

(c) *Certified professional counselor—marriage and family therapy (CPC-MFT);*

(d) *Certified associate counselor—alcohol and drug (CAC-AD); or*

(e) *Certified supervised counselor—alcohol and drug (CSC-AD).*

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

[(6)] (7) “Penalty” means a monetary penalty *or fine.*

(8) “Sanction” means a formal disciplinary action such as a reprimand, probation, suspension or revocation.

**[.02] .03 [Imposition of a Penalty] Sanctioning and Imposition of Penalties.**

A. [Imposition of a Penalty After a Hearing.] If, after a hearing or an opportunity for a hearing under Health Occupations Article, [§17-314] §17-511, Annotated Code of Maryland, the Board finds that there are grounds [under Health Occupations Article, §17-313, Annotated Code of Maryland, to place any licensee or certificate holder on probation, reprimand any licensee or certificate holder, or suspend or revoke a license or certificate, the Board may impose a penalty not exceeding \$5,000 instead of or in addition to:

(1) Placing the licensee or certificate holder on probation;

(2) Reprimanding the licensee or certificate holder, or

(3) Suspending or revoking the license or certificate.] *for discipline under Health Occupations Article, §17-509, Annotated Code of Maryland, the Board may place any licensee or certificate holder on probation, reprimand any licensee or certificate holder, or suspend or revoke a license or certificate.*

[B. Imposition of a Penalty Without a Hearing. If, after disciplinary procedures have been brought against a licensee or certificate holder and the licensee or certificate holder waives the right to a hearing required under State Government Article, Title 10, Annotated Code of Maryland, and if the Board finds that there are grounds under Health Occupations Article, §17-313, Annotated Code of Maryland, to place the licensee or certificate holder on probation, reprimand the licensee or certificate holder, or suspend or revoke the license or certificate, the Board may impose a penalty not exceeding \$5,000 for each violation in addition to:

(1) Placing the licensee or certificate holder on probation;

(2) Reprimanding the licensee or certificate holder; or

(3) Suspending or revoking the license or certificate.]

*B. In addition to placing the licensee or certificate holder on probation, reprimanding the licensee or certificate holder, or suspending or revoking the license or certificate, the Board may impose a penalty as set forth in this chapter.*

**.04 Guidelines for Disciplinary Sanctions and Penalties.**

A. *General Application of Sanctioning Guidelines. Except as provided in Regulation .05 of this chapter, for violations of the Act listed in the sanctioning guidelines, the Board shall impose a sanction not less severe than the minimum listed in the sanctioning guidelines or more severe than the maximum listed in the guidelines for each offense.*

B. *Ranking of Sanctions.*

(1) *For the purposes of this regulation, the severity of sanctions is ranked as follows, from the least severe to the most severe:*

(a) *Reprimand;*

(b) *Probation;*

(c) *Suspension; and*

(d) *Revocation.*

(2) *A stayed suspension in which the stay is conditioned on the completion of certain requirements is ranked as probation.*

(3) *A stayed suspension not meeting the criteria of §B(2) of this regulation is ranked as a reprimand.*

(4) *A penalty listed in the sanctioning guidelines may be imposed in addition to but not as a substitute for a sanction.*

(5) *The addition of a penalty does not change the ranking of the severity of the sanction.*

C. *The Board may impose more than one sanction provided that the most severe sanction neither exceeds the maximum nor is less than the minimum sanction permitted in the chart.*

D. *Any sanction may be accompanied by conditions reasonably related to the offense or to the rehabilitation of the offender. The inclusion of conditions does not change the ranking of the sanction.*

E. *If a licensee or certificate holder is found in violation of more than one ground for discipline as enumerated in this chapter, the sanction with the highest severity ranking shall be used to determine which ground will be used in developing a sanction and the Board may impose concurrent sanctions based on other grounds violated.*

F. *Notwithstanding the guidelines set forth in this chapter, in order to resolve a pending disciplinary action, the Board and licensee or certificate holder may agree to a surrender of license or certificate or to a consent order with terms, sanction, and penalty agreed to by the Board and the licensee or certificate holder.*

G. *If the Board imposes a sanction that departs from the sanctioning guidelines set forth in this chapter, the Board shall state its reasons for doing so in its final decision and order.*

**.05 Mitigating and Aggravating Factors.**

A. *Depending on the facts and circumstances of each case, and to the extent that the facts and circumstances apply, the Board may consider mitigating and aggravating factors in determining whether the sanction in a particular case should fall outside the range of sanctions established by the guidelines.*

B. *Nothing in this regulation requires the Board or an Administrative Law Judge to make findings of fact with respect to any of these factors.*

C. *A departure from the guidelines set forth in this chapter is not a ground for any hearing or appeal of a Board action.*

D. *The existence of one or more of these factors does not impose on the Board or an Administrative Law Judge any requirement to articulate its reasoning for not exercising its discretion to impose a sanction outside of the range of sanctions set forth in this chapter.*

E. *Mitigating factors may include, but are not limited to, the following:*

(1) *The absence of a prior disciplinary record;*

(2) *The offender self-reported the violation to the Board;*

(3) *The offender’s full and voluntary admissions of misconduct to the Board and cooperation during Board proceedings;*

(4) *The offender implemented remedial measures to correct or mitigate the harm arising from the misconduct;*

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- (5) The offender made timely good-faith efforts to make restitution or to rectify the consequences of the misconduct;
- (6) The offender has been rehabilitated or exhibits rehabilitative potential;
- (7) The absence of premeditation to commit the misconduct;
- (8) The absence of potential harm to patients or the public or other adverse impact; or
- (9) The offender's conduct was an isolated incident and is not likely to recur.

F. Aggravating factors may include, but are not limited to, the following:

- (1) The offender has a previous criminal or administrative disciplinary history;
- (2) The violation was committed deliberately or with gross negligence or recklessness;

- (3) The violation had the potential for, or caused, serious patient or public harm;
- (4) The violation was part of a pattern of detrimental conduct;
- (5) The offender was motivated to perform the violation for financial gain;
- (6) The vulnerability of the clients;
- (7) The offender lacked insight into the wrongfulness of the conduct;
- (8) The offender committed the violation under the guise of treatment;
- (9) The offender attempted to hide the error or misconduct from patients or others;
- (10) The offender did not cooperate with the investigation; or
- (11) Previous attempts at rehabilitation of the offender were unsuccessful.

**.06 Sanctioning Guidelines.**

A. Subject to the provisions of Regulations .04 and .05 of this chapter, the Board may impose sanctions and penalties for violations of the Act and regulations according to the guidelines set forth in the following chart:

B. Range of Sanctions.

<i>Violation</i>	<i>Maximum Sanction</i>	<i>Minimum Sanction</i>	<i>Maximum Penalty</i>	<i>Minimum Penalty</i>
<i>(1) Fraudulently or deceptively obtains or attempts to obtain a license or certificate for the applicant, licensee, certificate holder or for another</i>	<i>Revocation or denial of license or certificate</i>	<i>Active suspension for 6 months</i>	<i>\$5,000</i>	<i>\$1,000</i>
<i>(2) Habitually is intoxicated</i>	<i>Revocation or denial of license or certificate</i>	<i>Active suspension until in treatment and abstinent for 6 months</i>	<i>\$5,000</i>	<i>\$500</i>
<i>(3) Provides professional services: (a) While under the influence of alcohol; or (b) While using any narcotic or controlled dangerous substances as defined in Criminal Law Article, §5-101, Annotated Code of Maryland, or other drug that is in excess of therapeutic amounts or without valid medical indication</i>	<i>Revocation or denial of license or certificate</i>	<i>Probation for 2 years</i>	<i>\$5,000</i>	<i>\$250</i>
<i>(4) Aids or abets an unauthorized individual in practicing clinical or nonclinical counseling or therapy or representing to be an alcohol and drug counselor, marriage and family therapist, professional counselor or art therapist</i>	<i>Revocation or denial of license or certificate</i>	<i>Active suspension for 6 months</i>	<i>\$5,000</i>	<i>\$1,000</i>
<i>(5) Promotes the sale of drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain</i>	<i>Revocation or denial of license or certificate</i>	<i>Active suspension for 1 year</i>	<i>\$5,000</i>	<i>\$1,000</i>
<i>(6) Willfully makes or files a false report or record in the practice of counseling or therapy</i>	<i>Revocation</i>	<i>Probation for 2 years</i>	<i>\$5,000</i>	<i>\$1,000</i>
<i>(7) Makes a willful misrepresentation while counseling or providing therapy</i>	<i>Revocation</i>	<i>Reprimand</i>	<i>\$5,000</i>	<i>\$500</i>
<i>(8) Violates the Code of Ethics adopted by the Board</i>	<i>Revocation or Denial of license or certificate</i>	<i>Reprimand</i>	<i>\$5,000</i>	<i>\$250</i>
<i>(9) Knowingly violates any provision of Health Occupations Article, Title 17, Annotated Code of Maryland</i>	<i>Revocation or Denial of license or certificate</i>	<i>Reprimand</i>	<i>\$5,000</i>	<i>\$500</i>
<i>(10) Is convicted of or pleads guilty or nolo contendere to a felony or crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside</i>	<i>Revocation or Denial of license or certificate</i>	<i>Reprimand</i>	<i>\$5,000</i>	<i>\$500</i>



(11) <i>Incompetent. (a) Is professionally incompetent</i>	<i>Revocation</i>	<i>Reprimand</i>	<i>\$5,000</i>	<i>\$100</i>
(b) <i>Is physically or mentally incompetent</i>	<i>Revocation</i>	<i>Reprimand</i>	<i>\$5,000</i>	<i>\$100</i>
(12) <i>Submits a false statement to collect a fee</i>	<i>Revocation</i>	<i>Reprimand</i>	<i>\$5,000</i>	<i>\$500</i>
(13) <i>Violates any rule or regulations adopted by the Board</i>	<i>Revocation</i>	<i>Reprimand</i>	<i>\$5,000</i>	<i>\$100</i>
(14) <i>Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes</i>	<i>Revocation</i>	<i>Reprimand</i>	<i>\$5,000</i>	<i>\$100</i>
(15) <i>Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified or the certificate holder is certified and qualified to render because the individual is HIV positive</i>	<i>Revocation</i>	<i>Reprimand</i>	<i>\$5,000</i>	<i>\$1,000</i>
(16) <i>Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy</i>	<i>Revocation</i>	<i>Reprimand</i>	<i>\$5,000</i>	<i>\$100</i>
(17) <i>Knowingly fails to report suspected child abuse in violation of Family Law Article, §5-704, Annotated Code of Maryland</i>	<i>Revocation</i>	<i>Reprimand</i>	<i>\$5,000</i>	<i>\$100</i>
(18) <i>Fails to cooperate with a lawful investigation conducted by the Board</i>	<i>Revocation</i>	<i>Reprimand</i>	<i>\$5,000</i>	<i>\$500</i>

**.07 Payment of Penalty.**

A. A licensee or certificate holder shall pay to the Board a penalty imposed under this chapter as of the date the Board's order is issued, unless the Board's order specifies otherwise.

B. Filing an appeal under State Government Article, §10-222, Annotated Code of Maryland, or Health Occupations Article, §17-512, Annotated Code of Maryland, does not automatically stay payment of a penalty imposed by the Board under this chapter.

C. If a licensee or certificate holder fails to pay, in whole or in part, a penalty imposed by the Board under this chapter, the Board may not restore, reinstate, or renew a license until the penalty has been paid in full.

D. In its discretion, the Board may refer all cases of delinquent payment to the Central Collection Unit of the Department of Budget and Management to institute and maintain proceedings to ensure prompt payment.

E. The Board shall pay all monies collected under this chapter into the State's General Fund.

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

**Title 11  
DEPARTMENT OF  
TRANSPORTATION  
Subtitle 15 MOTOR VEHICLE  
ADMINISTRATION — VEHICLE  
REGISTRATION**

**11.15.09 Temporary Registration**

Authority: Transportation Article, §§12-104(b) and 13-405, Annotated Code of Maryland

**Notice of Proposed Action**  
[13-236-P]

The Administrator of the Motor Vehicle Administration proposes to amend Regulation .04 under **COMAR 11.15.09 Temporary Registration**.

**Statement of Purpose**

The purpose of this action is to amend regulations to clarify when a temporary registration expires and when a new validation tab and registration card can be issued. These amendments are the result of the Regulatory Review and Evaluation Report of COMAR 11.15.09

**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 Tracey C. Sheffield, Regulations Coordinator, Motor Vehicle Administration, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to [tsheffield@mdot.state.md.us](mailto:tsheffield@mdot.state.md.us), or fax to 410-768-7506. Comments will be accepted through September 23, 2013. A public hearing has not been scheduled.

**.01 Purpose of Temporary Registration.**

In order to [afford] *allow* an applicant for title and registration the means to transport a vehicle to be titled and registered to and from an authorized Maryland inspection station, weighing station, or repair facility, the Motor Vehicle Administrator may permit the issuance of temporary registration in accordance with Transportation Article, §13-405, Annotated Code of Maryland, upon the submission of application for title and registration accompanied by the proper fees as set forth in COMAR 11.11.05.

**.04 Expiration of Temporary Registration.**

A. The temporary registration expires at midnight on the [60th day] *expiration date* indicated on the temporary registration.

B. New validation tabs and a registration card shall be issued by the Administration:

(1) [on] *On* receipt of a valid vehicle inspection certificate issued by an authorized Maryland inspection station certifying that the vehicle has passed a safety inspection; *and*

(2) *Upon payment of the required fees as set forth in COMAR 11.11.05.*

JOHN T. KUO  
Administrator  
Motor Vehicle Administration

**Title 12**  
**DEPARTMENT OF PUBLIC**  
**SAFETY AND**  
**CORRECTIONAL SERVICES**

**Subtitle 04 POLICE TRAINING**  
**COMMISSION**

**Notice of Proposed Action**  
[13-229-P]

The Secretary of Public Safety and Correctional Services proposes to amend:

(1) Regulations .02, .03, .05, and .08—.14 under **COMAR 12.04.01 General Regulations**;

(2) Regulation .02 under **COMAR 12.04.02 Firearms Training**; and

(3) Regulation .02 under **COMAR 12.04.05 Electronic Control Device Training**.

This action was considered by the Police Training Commission at a public meeting on April 10, 2013.

**Statement of Purpose**

The purpose of this action is to clarify existing language, correct titles, cross-references, and update terminology.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Thomas C. Smith, Director, Policy and Process Review, Maryland Police and Correctional Training Commissions, 6852 4th Street Sykesville, MD 21784, or call 401-875-3605, or email to [tcsmith@dpsc.state.md.us](mailto:tcsmith@dpsc.state.md.us), or fax to 410-875-3584. Comments will be accepted through September 23, 2013. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by Police Training Commission during a public meeting to be announced.

**12.04.0101 General Regulations**

Authority: Correctional Services Article, §2-109; Public Safety Article, §3-208(a); Annotated Code of Maryland

**.02 General Requirements and Processing and Recording Employment Status.**

A. — B. (text unchanged)

C. Notification of Change of Employment or Certification Status.

(1) — (3) (text unchanged)

(4) Criminal Charges.

(a) An agency head shall notify the Commission when a police officer is:

(i) — (ii) (text unchanged)

(iii) Separated from employment [before a conviction on charges that, if convicted, would meet the conditions under §C(4)(a)(i) or (ii) of this regulation] *while criminal charges filed against the police officer were pending and any pending charge was a felony, or misdemeanor punishable by imprisonment for 1 year or more.*

(b) — (c) (text unchanged)

(5) — (6) (text unchanged)

**.03 Provisional Certification.**

A. — B. (text unchanged)

C. An individual [with] *who is granted* a provisional certification may not exercise the authority of a police officer beyond the [individual's probationary] period *that the provisional certification is valid, unless the individual is granted certification as a police officer.*

D. — F. (text unchanged)

**.05 Background Investigation and Criminal History.**

A. (text unchanged)

B. Criminal Record Checks and Fingerprints.

(1) (text unchanged)

(2) An agency head may conduct a criminal record check through the National [Criminal] *Crime* Information Center (NCIC) files instead of a local fingerprint check.

(3) — (5) (text unchanged)

**.08 Selection Standards for Recertification as a Police Officer.**

A. — D. (text unchanged)

E. Review of Previous Background Investigations.

(1) (text unchanged)

(2) The hiring agency head is responsible for *correcting* omissions [or] *and* discrepancies by the previous law enforcement agency [if the] *in a* prior investigation *that* was conducted *in conjunction with an AFC submitted to the Commission by a law enforcement agency* less than 5 years previously.

(3) (text unchanged)

**.09 Minimum Standards for Entrance-Level Training for Police Officers.**

A. — H. (text unchanged)

I. Standards for an Applicant's Admission to an Academy Providing Entrance-Level Training.

(1) (text unchanged)

(2) For an individual to attend a law enforcement academy, the law enforcement agency shall:

(a) (text unchanged)

(b) Perform a check of the [NCIC] *National Crime Information Center (NCIC)* files before the applicant is admitted to the program.

(3) (text unchanged)

**.10 Commission Requirements for an Academy or School Providing Commission-Required Police Officer Training.**

A. (text unchanged)

B. Unless an [instructor] *individual* is exempt from Commission certification under COMAR 12.04.06 *or* 12.10.06, only [a Commission-certified instructor] *an individual certified as an instructor by the Commission or the Correctional Training Commission* may provide police officer training required by the Commission [for police officer certification].

C. — H. (text unchanged)

**.11 Voluntary Attendance at an Entrance-Level Training Program.**

A. (text unchanged)

B. Selection Standards —Voluntary Entrance-Level Training.

(1) (text unchanged)

(2) The training director accepting an individual volunteering to attend police officer entrance-level training shall:

(a) Ensure a criminal record check is performed on the individual through, at a minimum, [NCIC] *the National Crime Information Center (NCIC)* to determine if there is derogatory information that conflicts with the requirements of the academy or Commission;

(b) — (c) (text unchanged)

C.—E. (text unchanged)

**.12 Police Officer Annual In-Service Training and Qualification.**

A. (text unchanged)

B. Annual Police Officer Firearms Training and Qualification Requirements.

(1) (text unchanged)

(2) Annual firearms training and qualification shall be conducted according to provisions under COMAR [12.04.02.11] 12.04.02.

(3) — (4) (text unchanged)

C. (text unchanged)

D. Curriculum, Attendance, and Testing for Police Officer Annual In-Service Training and Firearms Training and Qualification.

(1) — (4) (text unchanged)

(5) [Unless approved by the Deputy Director, or a designee, if a police officer is absent for more than 10 percent of an approved training of 18 hours or longer, the police officer may not receive credit toward required in-service training or firearms training and qualification for any portion of the Commission-approved training attended] *If a police officer is absent for more than 10 percent of the time required for a Commission-approved annual in-service training program, including electronic control device and firearms training and qualification, the police officer may not receive credit toward the annual in-service training requirements of this chapter for any portion of the program, unless the Deputy Director approves the police officer to receive full or partial credit.*

E. (text unchanged)

F. Failure to Complete Required Training.

(1) (text unchanged)

(2) If an officer is scheduled for certification renewal on July 1 of any year but did not receive the entire 18 hours of *annual* in-service training by December 31 of the previous calendar year, the agency head shall *provide the officer*:

(a) [Provide the] *Before the July 1 date on which the officer is scheduled for certification renewal, the hours of annual in-service training missed [in the previous year] for the calendar year immediately before July 1 [of the following year] date; and*

(b) [Provide the] *Before December 31 of the year during which the officer's certification renewal is scheduled, the 18 hours of annual in-service training required [for the following calendar year by December 31 of the same] to be completed by the officer for that year.*

(3) — (4) (text unchanged)

(5) Nonofficer Status.

(a) (text unchanged)

(b) Firearms Training.

(i) If a police officer fails to complete annual firearms qualification because the officer was on [official] *approved* nonofficer status, but has completed annual firearms qualification within 3 years *of returning to active duty from nonofficer status, before the officer may use or carry an authorized firearm*, the officer shall qualify with [each] *the* authorized firearm when the officer returns to active duty [before the officer may carry or use the firearm and.]. *Additionally* if the officer's certification has lapsed, *the officer shall meet the requirements of this chapter* be recertified by the Commission.

(ii) If a police officer returning to active duty as a police officer has not qualified with an authorized firearm within 3 consecutive calendar years immediately preceding return, *before the officer may use or carry an authorized firearm* the [individual] *officer* shall successfully complete a Commission-approved entrance-level firearms training program and qualification *for the firearm* under COMAR 12.04.02, or a firearms refresher training course and firearms qualification *for the authorized firearm* under COMAR 12.04.02 *or a firearms refresher training program and qualification under* Regulation .07B(4)(c) of this chapter [before being issued or using a firearm and.]. *Additionally*, if certification has lapsed, *the officer shall meet the requirements of this chapter to [being] be* recertified by the Commission.

(6) — (7) (text unchanged)

G. Waivers.

(1) (text unchanged)

(2) [An] *A request for a waiver of training requirements under this regulation shall be submitted, in accordance with Regulation .14 of this chapter by the agency head [shall submit a request for a*

waiver of training requirements according to provisions under Regulation .14 of this chapter].

H. Audit Requirements.

(1) — (3) (text unchanged)

(4) [Annually] *To verify compliance with Commission requirements*, the Commission shall *annually* audit a portion of the [approved law enforcement training programs not conducted at an academy to ensure compliance with this chapter] *the following Commission-approved annual in-service programs*:

- (a) *Law enforcement training*;
- (b) *Electronic control device training*;
- (c) *Firearms training*; and
- (d) *Firearms qualification*.

**.13 Minimum Standards—Police Officer First-Line Supervisor and Administrator Training.**

A. (text unchanged)

B. Police Officer Supervisor and Administrator Training Minimum Requirements.

(1) The Commission requires that:

(a) — (e) (text unchanged)

(f) The agency head submit the proposed police officer supervisor or administrator training to the Commission for approval at least 20 *working* days before the start of the proposed training.

(2) — (4) (text unchanged)

C. Waivers.

(1) (text unchanged)

(2) The Commission has determined that the following programs are generally acceptable substitutes for the Commission-required supervisor or administrator training if the police officer successfully completed the training within 2 years preceding or 1 year following the promotion:

(a) The Northwestern [Institute] *University School of Police Staff and Command program*;

(b) — (d) (text unchanged)

(3) (text unchanged)

D. (text unchanged)

**.14 Waiver of a Selection or Training Standard.**

A. (text unchanged)

B. Waiver of a Selection Standard. An agency head petitioning the Commission *on behalf of an individual* for a waiver of a police officer selection standard under this chapter shall, at a minimum, include the following as part of the petition under this regulation:

(1) A completed application for certification (*AFC*) *for the individual*;

(2) The COMAR citation for the standard for which the waiver is requested *on behalf of the individual*;

(3) — (4) (text unchanged)

C. Waiver of an In-service Training Standard.

(1) An agency head petitioning the Commission *on behalf of an individual* for a waiver of an *annual* in-service training standard shall[, in addition to the information under §B of this regulation,] provide the *following information that the agency head believes is justification for the Commission to waive the training standard*:

(a) *The COMAR citation for the standard for which the waiver is requested*;

[(a)] (b) A copy of the lesson plan or course outline *that the individual successfully completed*;

[(b)] (c) A written description of the course *that the individual successfully completed*;

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

[(d)] (e) Other information supporting the petition *or that is requested by the Executive Director*.

(2) (text unchanged)

D. Waiver of Firearms Training.

(1) An agency head may petition the Commission *on behalf of an individual* for a waiver of firearms training and qualification requirements if [an] *the individual* completed firearms training and qualification that meets or exceeds requirements of COMAR 12.04.02 during the calendar year in which firearms training and qualification are required *to be completed by the individual*.

(2) An agency head shall include in the petition for a waiver of firearms training and qualification:

(a) Information required under §C(2) of this regulation as it relates to the firearms training and qualification [received] *completed by the individual*; and

(b) (text unchanged)

E. Waiver of an Entrance-Level Training Standard.

(1) An individual who completed entrance-level training in another state or through the federal government may be [exempted from] *granted a waiver from completing* portions of the entrance-level training standards under Regulation .09 of this chapter *if the entrance-level training completed in another state or through the federal government was comparable to the standards under Regulation .09 of this chapter*.

(2) An agency head petitioning the Deputy Director *on behalf of an individual* for a waiver of an entrance-level training standard required under Regulation .09 of this chapter shall provide the Deputy Director with *the following information that the agency head believes is the basis for requesting the waiver*:

(a) A copy of the lesson plan or course outline *for the course that the individual successfully completed*;

(b) A written description of the course *that the individual successfully completed*;

(c) The number of hours of the course the individual *successfully completed*; and

(d) Other information supporting the petition *or that is requested by the Deputy Director*.

(3) — (8) (text unchanged)

**12.04.02 Firearms Training**

Authority: Correctional Services Article, §2-109; Public Safety Article, §3-208; Annotated Code of Maryland

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) — (8) (text unchanged)

(9) “Deputy Director” means the Deputy Director of the [Training and Certification Section of the] Police and Correctional Training Commissions, or a designee.

(10) — (32) (text unchanged)

(33) “Type 3 long gun” means a long gun without an optical sighting device, or with an optical *sighting* device of 4 power or less.

(34) — (35) (text unchanged)

**12.04.05 Electronic Control Device Training [and Instructor Certification]**

Authority: Correctional Services Article, §2-109; Public Safety Article, §§3-207 and 3-208; Annotated Code of Maryland

**.02 Minimum Requirements.**

A. (text unchanged)

B. A law enforcement agency may adopt police officer training [and instructor certification] requirements related to use of an electronic control device in addition to Commission requirements under this chapter.

C. (text unchanged)

GARY D. MAYNARD  
Secretary of Public Safety and Correctional Services

# Title 14 INDEPENDENT AGENCIES

## Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

### Notice of Proposed Action [13-243-P]

The State Commission on Criminal Sentencing Policy proposes to amend:

- (1) Regulations .01—.03 under **COMAR 14.22.01 General Regulations**; and
- (2) Regulations .01 and .02 under **COMAR 14.22.02 Criminal Offenses and Seriousness Categories**.

#### Statement of Purpose

The purpose of this action is to indicate modifications to the scope, definitions, and sentencing guidelines worksheets instructions in Regulations .01, .02, and .03 under COMAR 14.22.01. Additionally, the purpose of this action is to indicate modifications to the list of offense headings in Regulation .01 and table of seriousness categories in Regulation .02 under COMAR 14.22.02.

#### 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 David Soule, Executive Director, Maryland State Commission on Criminal Sentencing Policy, 4511 Knox Road, Suite 309, College Park, MD 20742, or call 301-403-4165, or email to dsoule@umd.edu, or fax to 301-403-4164. Comments will be accepted through September 23, 2013. A public hearing has not been scheduled.

### 14.22.01 General Regulations

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

#### .01 Scope.

A. The Maryland sentencing guidelines apply to criminal cases prosecuted in a circuit court. The following sentencing matters handled by judges in a circuit court are excluded from guidelines coverage:

- (1)—(2) (text unchanged)
- (3) Crimes which carry no possible penalty of incarceration;

and

[(4) First degree murder convictions if the death penalty is sought under Criminal Law Article, §2-303, Annotated Code of Maryland; and]

[(5)] (4) (text unchanged)

B. (text unchanged)

#### .02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(6-1) (text unchanged)

(7) Guidelines Offense.

(a)—(b) (text unchanged)

(c) “Guidelines offense” does not include:

(i)—(ii) (text unchanged)

(iii) Offenses which carry no possible penalty of incarceration; *or*

[(iv) First degree murder offenses if the death penalty is sought under Criminal Law Article, §2-303, Annotated Code of Maryland; *or*]

[(v)] (iv) (text unchanged)

(8)—(15) (text unchanged)

(15-1) “Sentencing event” means a sentencing disposition or hearing for an individual defendant conducted in front of one judge on the same day.

(16)—(22) (text unchanged)

#### .03 Sentencing Guidelines Worksheet.

A.—D. (text unchanged)

E. Sentencing Event.

(1) One set of sentencing guidelines shall be completed for each sentencing event.

(2) Multiple criminal events (as often indicated by multiple unique case numbers) sentenced by the same judge on the same day constitute one sentencing event, and only one set of guidelines worksheets shall be completed for all of the counts in the sentencing event.

(3) The offender score includes any adjudication of guilt prior to the current sentence date and shall be the same for each offense in the sentencing event.

(4) The overall sentence across all included offenses shall be compared to the overall guidelines for the sentencing event to determine if the sentence is a departure from the guidelines.

[E.] F.—[F.]G. (text unchanged)

### 14.22.02 Criminal Offenses and Seriousness Categories

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

#### .01 List of Offense Headings.

A

Abuse and Other Offensive Conduct

Accessory After the Fact

Alcoholic Beverages

Animals, Crimes Against

Arson and Burning

Assault and Other Bodily Woundings

Assault [Pistols] Weapons

Assisted Suicide

B—W (text unchanged)

PROPOSED ACTION ON REGULATIONS

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.02 Seriousness Categories.

	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Ser. Category	Fine
1—2-1 (text unchanged)									
3	<b>Abuse and Other Offensive Conduct</b> Child Abuse—sexual	1-0322 1-0922	CR, §3-602(b)	Felony	25Y ♦♦		Person	II	
4—5 (text unchanged)									
5-1	<b>Abuse and Other Offensive Conduct</b> <i>Prevent or interfere with the making of a report of suspected child abuse or neglect</i>		FL, §5-705.2 (penalty)	Misd.	5Y		Person	V	\$10,000
6—6-1 (text unchanged)									
6-2 [Vacant]	<b>Abuse and Other Offensive Conduct</b> <i>Failure to report disappearance of a minor</i>		CR, §3-608	Misd.	3Y		Person	VI	
6-3	<b>Abuse and Other Offensive Conduct</b> <i>Failure to report death of a minor</i>		CR, §3-609	Misd.	3Y		Person	VI	
7—8 (text unchanged)									
8-1	<b>Accessory after the Fact</b> <i>Accessory after the fact to 1<sup>st</sup> degree murder</i>		CR, §1-301(b)(1)	Felony	10Y		Person	V	
8-2	<b>Accessory after the Fact</b> <i>Accessory after the fact to 2<sup>nd</sup> degree murder</i>		CR, §1-301(b)(2)	Felony	10Y		Person	V	
9	<b>Accessory after the Fact</b> Accessory after the fact to a felony	1-1480	[CR, §1-301] CR, §1-301(a)	Felony	Lesser of 5Y or max. term penalty for the crime		Person, Drug, Property	V	
9-1	<b>[Animals, Crimes Against Aggravated Animal Cruelty]</b> <b>Alcoholic Beverages</b> <i>Intoxicated and endanger safety of person or property; or intoxicated or drink alcoholic beverage in public place and cause public disturbance</i>	[1-0505 1-0508] 1-0349 1-4200	[CR, §10-606(b)] 2B, §19-101 2B, §19-102 (penalty)	[Felony] Misd.	[3Y] 90D		[Property] Person	[VI] VII	[\$5,000] \$100
9-2	<b>Animals, Crimes Against Aggravated animal cruelty</b>	1-0505 1-0508	CR, §10-606	Felony	3Y		Property	VI	\$5,000

PROPOSED ACTION ON REGULATIONS

10	<b>Animals, Crimes Against</b> [Arranging, conducting, or using dog in dogfight] <i>Use dog in dogfight or for baiting; arrange dogfight; possess, own, etc. dog for dogfight or baiting; allow dogfight or baiting on premises</i>	1-0506 <i>1-0510</i>	[CR, §10-607(b)] <i>CR, §10-607</i>	Felony	3Y		Property	VI	\$5,000
11—30-4 (text unchanged)									
31	<b>Assault [Pistols] Weapons</b> Use of assault [pistol:] <i>weapon or</i> magazine with a capacity of more than [20] 10 rounds in the commission of a felony or crime of violence, <b>subsequent</b>	3-5260	CR, §4-306(b)(3)	Misd.	20Y	10Y	Person	II	[\$5,000]
32	<b>Assault [Pistols] Weapons</b> Use of assault [pistol:] <i>weapon or</i> magazine with a capacity of more than [20] 10 rounds in the commission of a felony or crime of violence, 1 <sup>st</sup> offense	3-5260	CR, §4-306(b)(2)		20Y	MM*= 5Y	Person	III	[\$5,000]
33	<b>Assault [Pistols] Weapons</b> Unlawfully possess, sell, offer to sell, transfer [in], purchase, etc., an assault [pistol:] <i>weapon or</i> a detachable magazine with a capacity of more than [20] 10 rounds [of ammo]	3-5250 3-5255	CR, §4-303(a) CR, §4-305(b) CR, §4-306(a)	Misd.	3Y		Person	VI	\$5,000
34 (text unchanged)									
35	<b>Bad Check</b> Felony [Bad Check, \$500] <i>bad check, \$100,000 or greater</i>	[3-4040 3-4050 3-4060 3-4070 3-4080 2-2610 2-2620]	CR, §8-103 [CR, §8-106(a), (b)] <i>CR, §8-106(a)(3)</i>	Felony	[15Y] 25Y		Property	V	[\$1,000] \$25,000
35-1	<b>Bad Check</b> <i>Felony bad check, at least \$10,000 but less than \$100,000</i>		CR, §8-103 CR, §8-106(a)(2)	Felony	15Y		Property	V	\$15,000
35-2	<b>Bad Check</b> <i>Felony bad check, at least \$1,000 but less than \$10,000</i>		CR, §8-103 CR, §8-106(a)(1)	Felony	10Y		Property	V	\$10,000
35-3	<b>Bad Check</b> <i>Multiple bad checks within a 30-day period, each less than \$1,000 and totaling \$1,000 or more</i>		CR, §8-103 CR, §8-106(b)	Felony	10Y		Property	V	\$10,000

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36	<b>Bad [Checks] Check</b> Misdemeanor [Bad Check] <i>bad check</i> , less than [\$500] \$1,000	[3-4045 3-4055 3-4065 3-4075 3-4085]	CR, §8-103 CR, §8-106(c)	Misd.	18M		Property	VII	[\$100] \$500
36-1	<b>Bad [Checks] Check</b> Misdemeanor [Bad Check] <i>bad check</i> , less than \$100	1-1141 1-1142 1-1143 1-1144	CR, §8-103 CR, §8-106(d)	Misd.	90D		Property	VII	\$500
37—81 (text unchanged)									
82	<b>Commercial Fraud, Other</b> Fraudulent Insurance Acts—Violation of §27-407 or any other provision of §§27-403, 27-404, 27-405, 27-406, 27-406.1, 27-407, [or] 27-407.1, or 27-407.2 where the value of the fraud is \$300 or greater	1-0625 3-0120 3-0125 3-0126 3-0130 3-0150 3-0160 3-0180	IN, §27-408(a)(1) (penalty)	Felony	15Y		Property	V	\$10,000
82-1	<b>Commercial Fraud, Other</b> Fraudulent Insurance Acts—Violation of §27-407 or any provision of §§27-403, 27-404, 27-405, 27-406, 27-406.1, 27-407, 27-407.1, or 27-407.2 where the value of the fraud is less than \$300	3-0127 3-0135 3-0140 3-0145 3-0155 3-0160 3-0165	IN, §27-408(a)(2) (penalty)	Misd.	18M		Property	VII	\$10,000
83—84-9 (text unchanged)									
84-10	<b>Commercial Fraud, Other</b> Violation of any provision of Maryland Mortgage Assistance Relief Services Act		RP, §7-509 (penalty)	Misd.	3Y		Property	VI	\$10,000
84-11	<b>Commercial Fraud, Other</b> Violation of any provision of Business Regulation Article, Title 5, Subtitle 6, 1 <sup>st</sup> offense		BR, §5-610(a)(1), (b)(1) (penalty)	Misd.	1Y		Property	VII	\$5,000
84-12	<b>Commercial Fraud, Other</b> Violation of any provision of Business Regulation Article, Title 5, Subtitle 6, 2 <sup>nd</sup> offense		BR, §5-610(a)(2), (b)(2) (penalty)	Misd.	2Y		Property	VII	\$10,000
84-13	<b>Commercial Fraud, Other</b> Violation of any provision of Business Regulation Article, Title 5, Subtitle 6, 3 <sup>rd</sup> or subsequent offense		BR, §5-610(a)(3), (b)(3) (penalty)	Misd.	3Y		Property	VI	\$20,000
84-14	<b>Commercial Fraud, Other</b> Misappropriation or fraudulent conversion of perpetual care trust funds in excess of \$100		BR, §5-610(c)	Felony	10Y		Property	V	\$25,000



PROPOSED ACTION ON REGULATIONS

84-15	<b>Commercial Fraud, Other</b> Violation of any provision of Business Regulation Article, Title 5, Subtitle 9, 1 <sup>st</sup> offense		BR, §5-904(1) (penalty)	Misd.	1Y		Property	VII	\$5,000
84-16	<b>Commercial Fraud, Other</b> Violation of any provision of Business Regulation Article, Title 5, Subtitle 9, 2 <sup>nd</sup> offense		BR, §5-904(2) (penalty)	Misd.	2Y		Property	VII	\$10,000
84-17	<b>Commercial Fraud, Other</b> Violation of any provision of Business Regulation Article, Title 5, Subtitle 9, 3 <sup>rd</sup> or subsequent offense		BR, §5-904(3) (penalty)	Misd.	3Y		Property	VI	\$15,000
84-18	<b>Commercial Fraud, Other</b> Failure to deposit money received under or in connection with preneed burial contract, 1 <sup>st</sup> offense		BR, §5-712(b)(1)(i), (b)(2)(i)	Misd.	1Y		Property	VII	\$10,000
84-19	<b>Commercial Fraud, Other</b> Failure to deposit money received under or in connection with preneed burial contract, 2 <sup>nd</sup> offense		BR, §5-712(b)(1)(ii), (b)(2)(ii)	Misd.	2Y		Property	VII	\$15,000
84-20	<b>Commercial Fraud, Other</b> Failure to deposit money received under or in connection with preneed burial contract, 3 <sup>rd</sup> or subsequent offense		BR, §5-712(b)(1)(iii), (b)(2)(iii)	Misd.	3Y		Property	VI	\$20,000
84-21	<b>Commercial Fraud, Other</b> Misappropriation or fraudulent conversion of preneed trust funds in excess of \$100		BR, §5-712(c)	Felony	10Y		Property	V	\$25,000
84-22	<b>Commercial Fraud, Other</b> Violations of law relating to returnable containers and returnable textiles, 1 <sup>st</sup> offense		BR, §19-304	Misd.	1Y		Property	VII	\$1,000
84-23	<b>Commercial Fraud, Other</b> Violations of law relating to returnable containers and returnable textiles, <b>subsequent</b>		BR, §19-304	Misd.	3Y		Property	VII	\$2,500
84-24	<b>Commercial Fraud, Other</b> Violations of law relating to plastic secondary packaging, 1 <sup>st</sup> offense		BR, §19-308(e)(1)	Misd.	1Y		Property	VII	\$1,000
84-25	<b>Commercial Fraud, Other</b> Violations of law relating to plastic secondary packaging, <b>subsequent</b>		BR, §19-308(e)(2)	Misd.	3Y		Property	VII	\$2,500
85—95 (text unchanged)									

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96 <i>Vacant</i>	<b>[Commercial Fraud, Other</b> Fraudulent Insurance Acts—Violation of §27-407 or any provision of §§27-403, 27-404, 27-405, 27-406, 27-406.1, 27-407, or 27-407.1 where the value of the fraud is less than \$300]	[3-0127 3-0135 3-0140 3-0145 3-0155 3-0160 3-0165]	[IN, §27-408(a)(2) (penalty)]	[Misc.]	[18M]		[Property]	[VII]	[\$10,000]
97—114 (text unchanged)									
114-1	<b>Credit Card Crimes</b> [Falsely make or emboss credit card, transfer or possess falsely made or embossed credit card, or sign credit card with intent to defraud] <i>Felony credit card crimes, \$100,000 or greater</i>	[1-0196 1-0198]	[CR, §8-205] CR, §8-206(c)(1)(iii) CR, §8-207(b)(1)(iii) CR, §8-209(b)(1)(iii)	Felony	[15Y] 25Y		Property	V	[\$1,000] \$25,000
114-2	<b>Credit Card Crimes</b> <i>Felony credit card crimes, at least \$10,000 but less than \$100,000</i>		CR, §8-206(c)(1)(ii) CR, §8-207(b)(1)(ii) CR, §8-209(b)(1)(ii)	Felony	15Y		Property	V	\$15,000
114-3	<b>Credit Card Crimes</b> <i>Felony credit card crimes, at least \$1,000 but less than \$10,000</i>		CR, §8-206(c)(1)(i) CR, §8-207(b)(1)(i) CR, §8-209(b)(1)(i)	Felony	10Y		Property	V	\$10,000
114-4	<b>Credit Card Crimes</b> <i>Misdemeanor credit card crimes, less than \$1,000</i>		CR, §8-206(c)(2) CR, §8-207(b)(2) CR, §8-209(b)(2)	Misd.	18M		Property	VII	\$500
115	<b>Credit Card Crimes</b> [Felony credit card crimes, greater than \$500] <i>Misdemeanor credit card crimes, not exceeding \$100</i>	[1-0197] [3-4125] [3-4145] [3-4155] [3-4165] [3-4175] 1-0581 1-0582 1-0583	[CR, §8-206(c)(1)] [CR, §8-207(b)(1)] [CR, §8-209(b)(1)] CR, §8-206(c)(3) CR, §8-207(b)(3) CR, §8-209(b)(3)	[Felony] Misd.	[15Y] 90D		Property	[V] VII	[\$1,000] \$500
115-1—116-2 (text unchanged)									
117	<b>Credit Card Crimes</b> [Misdemeanor credit card crimes, \$500 or less] <i>Falsely make or emboss credit card, transfer or possess falsely made or embossed credit card, or sign credit card with intent to defraud</i>	[3-4120 3-4130 3-4140 3-4150 3-4160 3-4170] 1-0196 1-0198	[CR, §8-206(c)(2)] CR, §8-207(b)(2) CR, §8-209(b)(2)] CR, §8-205	[Misc.] Felony	[18M] 15Y		Property	[VII] V	[\$500] \$1,000

118—127-1 (text unchanged)									
127-2	<b>Disturbing the Peace, Disorderly Conduct, and Related Crimes</b> Affray	3-5399	Common Law	Misd.	LIFE		Person	VI	
128—135 (text unchanged)									
135-1	<b>Election Offenses</b> Violate election laws as defined in Election Law Article, §16-201, Annotated Code of Maryland		EL, §16-201	Misd.	5Y		Property	VII	[\$2,500] \$5,000
136—137 (text unchanged)									
138	<b>Extortion and Other Threats</b> Felony Extortion—by anyone, [greater than \$500] \$100,000 or greater	[3-5060]	CR, §3-701(c)(3)	Felony	[10Y] 25Y		Property	[V] II	[\$5,000] \$25,000
138-1	<b>Extortion and Other Threats</b> Felony Extortion—by anyone, at least \$10,000 but less than \$100,000		CR, §3-701(c)(2)	Felony	15Y		Property	IV	\$15,000
138-2	<b>Extortion and Other Threats</b> Felony Extortion—by anyone, at least \$1,000 but less than \$10,000		CR, §3-701(c)(1)	Felony	10Y		Property	V	\$10,000
138-3	<b>Extortion and Other Threats</b> Misdemeanor Extortion—by anyone, less than \$1,000		CR, §3-701(d)	Misd.	18M		Property	VII	\$1,000
139	<b>Extortion and Other Threats</b> Felony Extortion—by State or local officer, [greater than \$500] \$100,000 or greater	[3-5080]	[CR, §3-702(b)] CR, §3-702(e)	Felony	[10Y] 25Y		Property	[V] II	[\$5,000] \$25,000
139-1	<b>Extortion and Other Threats</b> Felony Extortion—by State or local officer, at least \$10,000 but less than \$100,000		CR, §3-702(d)	Felony	15Y		Property	IV	\$15,000
139-2	<b>Extortion and Other Threats</b> Felony Extortion—by State or local officer, at least \$1,000 but less than \$10,000		CR, §3-702(c)	Felony	10Y		Property	V	\$10,000
139-3	<b>Extortion and Other Threats</b> Misdemeanor Extortion—by State or local officer, less than \$1,000		CR, §3-702(f)	Misd.	18M		Property	VII	\$500
140—141 (text unchanged)									

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142	<b>Extortion and Other Threats</b> [Send threat or threaten] <i>Threaten</i> to take the life, kidnap, or cause [bodily] <i>physical</i> injury to State or local official, deputy or assistant State's Attorney, or assistant Public Defender	1-0477 1-0478	CR, §3-708(b),(c)	Misd.	3Y		Person	VI	\$2,500
143—144 (text unchanged)									
145 <i>Vacant</i>	<b>[Extortion and Other Threats]</b> Misdemeanor Extortion—by anyone, less than \$500]	[3-5050]	[CR, §3-701(d)]	[Misd.]	[18M]		[Property]	[VII]	[\$500]
146 <i>Vacant</i>	<b>[Extortion and Other Threats]</b> Misdemeanor Extortion—by State or local officer, less than \$500]	[3-5070]	[CR, §3-702(c)]	[Misd.]	[6M]		[Property]	[VII]	[\$500]
147-1—151 (text unchanged)									
151-1	<b>False Statements, Other</b> <i>File false lien or encumbrance or make false statement on lien or encumbrance, 1<sup>st</sup> offense</i>		CR, §3-807(b)(1)	Misd.	1Y		Property	VII	\$10,000
151-2	<b>False Statements, Other</b> <i>File false lien or encumbrance or make false statement on lien or encumbrance, subsequent</i>		CR, §3-807(b)(2)	Misd.	5Y		Property	VI	\$10,000
152—154 (text unchanged)									
154-1	<b>Fraud, Financial Crimes Against Vulnerable Adults</b> Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence. [less than \$500] <i>\$100,000 or greater</i>	[1-0781]	[CR, §8-801(c)(2)] CR, §8-801(c)(1)(iii)	[Misd.] <i>Felony</i>	[18M] 25Y		Property	[VII] <i>II</i>	[\$500] \$25,000
154-2	<b>Fraud, Financial Crimes Against Vulnerable Adults</b> Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence. [\$500 or greater] <i>at least \$10,000 but less than \$100,000</i>	[1-0782]	[CR, §8-801(c)(1)] CR, §8-801(c)(1)(ii)	Felony	15Y		Property	[V] <i>IV</i>	[\$10,000] \$15,000

PROPOSED ACTION ON REGULATIONS

154-3	<b>Fraud, Financial Crimes Against Vulnerable Adults</b> Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, at least \$1,000 but less than \$10,000		CR, §8-801(c)(1)(i)	Felony	10Y		Property	V	\$10,000
154-4	<b>Fraud, Financial Crimes Against Vulnerable Adults</b> Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, less than \$1,000		CR, §8-801(c)(2)	Misd.	18M		Property	VII	\$500
155—159-1 (text unchanged)									
159-2	<b>Fraud, Miscellaneous</b> Violation of any provision of Health Occupations Article, Title 19, Subtitle 4		HO, §19-407	Misd.	2Y		Person	VII	\$5,000
159-3	<b>Fraud, Miscellaneous</b> Practicing medicine without a license or misrepresentation as practitioner of medicine		HO, §14-601 HO, §14-602 HO, §14-606(a)(4) (penalty)	Felony	5Y		Person	VI	\$10,000
160—162 (text unchanged)									
162-1	<b>Fraud, Miscellaneous</b> Act as contractor or subcontractor without a license, 1 <sup>st</sup> offense	1-1597 1-1598	BR, §8-601	Misd.	6M		Property	VII	\$1,000
163—163-1 (text unchanged)									
164	<b>Fraud, Miscellaneous</b> Willful transportation of unstamped cigarettes or other tobacco products on which tobacco tax has not been paid	1-7520	TG, §13-1015	Felony	2Y		Property	VII	[Not exceeding \$50 for each carton] Mandatory \$150/carton for a first offense, or \$300/carton for a subsequent offense
164-1—185 (text unchanged)									
186	<b>Handguns—In General</b> Sale of a handgun manufactured on or before 12/31/02 with no external safety lock	2-2020	PS, §5-132 [PS, §5-143] PS, §5-144 (penalty)	Misd.	5Y		Person	VI	\$10,000
187—206 (text unchanged)									
206-1	<b>Identity Fraud</b> Possess, obtain personally identifying information or willfully assume the identity of another, benefit \$100,000 or greater		CR, §8-301(b), (c) CR, §8-301(g)(1)(iii) (penalty)	Felony	25Y		Property	II	\$25,000

## PROPOSED ACTION ON REGULATIONS

206-2	<b>Identity Fraud</b> <i>Possess, obtain personally identifying information or willfully assume the identity of another, benefit at least \$10,000 but less than \$100,000</i>		CR, §8-301(b), (c) CR, §8-301(g)(1)(ii) (penalty)	Felony	15Y		Property	IV	\$15,000
206-3	<b>Identity Fraud</b> <i>Possess, obtain personally identifying information or willfully assume the identity of another, benefit at least \$1,000 but less than \$10,000</i>		CR, §8-301(b), (c) CR, §8-301(g)(1)(i) (penalty)	Felony	10Y		Property	V	\$10,000
206-4	<b>Identity Fraud</b> <i>Possess, obtain personally identifying information or willfully assume the identity of another, benefit less than \$1,000</i>		CR, §8-301(b), (c) CR, §8-301(g)(2) (penalty)	Misd.	18M		Property	VII	\$500
206-5	<b>Identity Fraud</b> <i>Use a re-encoder or skimming device for purpose of identity theft, benefit \$100,000 or greater</i>		CR, §8-301(d) CR, §8-301(g)(1)(iii) (penalty)	Felony	25Y		Property	II	\$25,000
206-6	<b>Identity Fraud</b> <i>Use a re-encoder or skimming device for purpose of identity theft, benefit at least \$10,000 but less than \$100,000</i>		CR, §8-301(d) CR, §8-301(g)(1)(ii) (penalty)	Felony	15Y		Property	IV	\$15,000
207	<b>Identity Fraud</b> [Possess, obtain personally identifying information or willfully assume the identity of another. Benefit less than \$500] <i>Use a re-encoder or skimming device for purpose of identity theft, benefit at least \$1,000 but less than \$10,000</i>	[2-0071] [2-0073] [2-0083]	[CR, §8-301(b), (c)] [CR, §8-301(g)(2)] CR, §8-301(d) CR, §8-301(g)(1)(i) (penalty)	[Misd.] Felony	[18M] 10Y		Property	[VII] V	[\$5,000] \$10,000
207-1	<b>Identity Fraud</b> [Possess, obtain personally identifying information or willfully assume the identity of another. Benefit \$500 or greater] <i>Use a re-encoder or skimming device for purpose of identity theft, benefit less than \$1,000</i>	[1-1300 1-1301 1-1302]	[CR, §8-301(b), (c)] CR, §8-301(g)(1)] CR, §8-301(d) CR, §8-301(g)(2) (penalty)	[Felony] Misd.	[15Y] 18M		Property	[V] VII	[\$25,000] \$500
207-2 (text unchanged)									
207-3	<b>Identity Fraud</b> Falsely represent self as another person	2-0082 1-1305	CR, §8-301(c)(1), (f) CR, §8-301(g)(4) (penalty)	Misd.	18M		Property	VII	[\$5,000] \$500

PROPOSED ACTION ON REGULATIONS

207-4 <i>Vacant</i>	<b>[Identity Fraud]</b> Use a re-encoder or skimming device for purpose of identity theft. Benefit less than \$500]	[1-0767 1-0769]	[CR, §8-301(d) CR, §8-301(g)(2) (penalty)]	[Misd.]	[18M]		[Property]	[VII]	[\$5,000]
207-5 <i>Vacant</i>	<b>[Identity Fraud]</b> Use a re-encoder or skimming device for purpose of identity theft. Benefit \$500 or greater]	[1-0768 1-0779]	[CR, §8-301(d) CR, §8-301(g)(1) (penalty)]	[Felony]	[15Y]		[Property]	[V]	[\$25,000]
207-6	<b>Identity Fraud</b> Possess, obtain, or help another obtain a re-encoder or skimming device for purpose of identity theft	1-0778	CR, §8-301(e) CR, §8-301(g)(4) (penalty)	Misd.	18M		Property	VII	[\$5,000] \$500
208—236 (text unchanged)									
237	<b>Malicious Destruction and Related Crimes</b> Destruction of property, less than [\$500] \$1,000	3-4025	CR, §6-301(c)	Misd.	60D		Property	VII	\$500
238	<b>Malicious Destruction and Related Crimes</b> Destruction of property, [\$500] \$1,000 or greater	3-4030 3-4035	CR, §6-301(b)	Misd.	3Y		Property	VII	\$2,500
239—250 (text unchanged)									
250-1	<b>Motor Vehicle Offense</b> <i>Driver failing to remain at scene of accident that results only in damage to attended vehicle or property</i>		TR, §27-101(c)(15) TR, §20-103	Misd.	2M		Property	VII	\$500
251—256 (text unchanged)									
256-1	<b>Motor Vehicle Offense</b> <i>Driving without having been issued a license, 1<sup>st</sup> offense</i>		TR, §27-101(y)(1) TR, §16-101	Misd.	60D		Property	VII	\$500
257—317-1 (text unchanged)									

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318	<p><b>Public Fraud</b>                  [State Health Plan Fraud, Resulting in Death;                  Defraud State Health Plan; Obtain State Health Plan benefits by false representation; Defraud State Health Plan of the right to honest services; Defraud State Health Plan by false representation; Solicit, offer, make, etc., kickback, bribe in connection with State Health Plan services, etc.; Solicit, offer, make, etc., a rebate of a fee, charge, etc., in connection with State Health Plan referral; Induce false representation with respect to conditions, etc. of a facility, etc., to help such facility qualify to receive reimbursement under State Health Plan; Fraudulently obtain or aid in obtaining a drug product/medical care using State Health Plan funds; Possession of a medical or pharmacy assistance card without authorization]  <i>State health plan fraud, resulting in death</i></p>	2-2125 2-2165 2-2325 2-2365 2-2990 2-2880 2-2930 2-4125 2-2970	CR, §8-509 <i>CR, §8-510</i> CR, §8-511 CR, §8-512 CR, §8-513 CR, §8-514 CR, §8-515 CR, §8-516	Felony	LIFE		Person	II	\$200,000
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PROPOSED ACTION ON REGULATIONS

319	<p><b>Public Fraud</b>                  [State Health Plan Fraud, Resulting in Serious Injury Defraud State Health Plan; Obtain State Health Plan benefits by false representation; Defraud State Health Plan of the right to honest services; Defraud State Health Plan by false representation; Solicit, offer, make, etc., kickback, bribe in connection with State Health Plan services, etc.; Solicit, offer, make, etc., a rebate of a fee, charge, etc., in connection with State Health Plan referral; Induce false representation with respect to conditions, etc., of a facility, etc., to help such facility qualify to receive reimbursement under State Health Plan; Fraudulently obtain or aid in obtaining a drug product/medical care using State Health Plan funds; Possession of a medical or pharmacy assistance card without authorization]  <i>State health plan fraud, resulting in serious injury</i></p>	2-2120 2-2160 2-2320 2-2360 2-2985 2-2875 2-2925 2-4120 2-2965	CR, §8-509 <i>CR, §8-510</i> CR, §8-511 CR, §8-512 CR, §8-513 CR, §8-514 CR, §8-515 CR, §8-516	Felony	20Y		Person	III	\$100,000
320—322 (text unchanged)									

PROPOSED ACTION ON REGULATIONS

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322-1	<p><b>Public Fraud</b>                  [State Health Plan Fraud, less than \$500: Defraud State Health Plan; Obtain State Health Plan benefits by false representation; Defraud State Health Plan of the right to honest services; Defraud State Health Plan by false representation; Solicit, offer, make, etc., kickback, bribe in connection with State Health Plan services, etc.; Solicit, offer, make, etc., a rebate of a fee, charge, etc., in connection with State Health Plan referral; Induce false representation with respect to conditions, etc., of a facility, etc., to help the facility qualify to receive reimbursement under State Health Plan; Fraudulently obtain or aid in obtaining a drug product/medical care using State Health Plan funds; Possession of a medical or pharmacy assistance card without authorization]  <i>State health plan fraud, less than \$1,000</i></p>	2-2110 2-2150 2-2190 2-2350 2-2975 2-2865 2-2910 2-4110 2-2955	CR, §8-509 <i>CR, §8-510</i> CR, §8-511 CR, §8-512 CR, §8-513 CR, §8-514 CR, §8-515 CR, §8-516	Misd.	3Y		Property	VII	\$50,000
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PROPOSED ACTION ON REGULATIONS

323	<p><b>Public Fraud</b>                  [State Health Plan Fraud, \$500 or greater; Defraud State Health Plan; Obtain State Health Plan benefits by false representation; Defraud State Health Plan of the right to honest services; Defraud State Health Plan by false representation; Solicit, offer, make, etc., kickback, bribe in connection with State Health Plan services, etc.; Solicit, offer, make, etc., a rebate of a fee, charge, etc., in connection with State Health Plan referral; Induce false representation with respect to conditions, etc., of a facility, etc., to help such facility qualify to receive reimbursement under State Health Plan; Fraudulently obtain or aid in obtaining a drug product/medical care using State Health Plan funds; Possession of a medical or pharmacy assistance card without authorization]  <i>State health plan fraud, \$1,000 or greater</i></p>	2-2115 2-2155 2-2195 2-2355 2-2980 2-2870 2-2920 2-4115 2-2960	CR, §8-509 <i>CR, §8-510</i> CR, §8-511 CR, §8-512 CR, §8-513 CR, §8-514 CR, §8-515 CR, §8-516	Felony	5Y		Property	V	\$100,000
324—330-1 (text unchanged)									
331	<p><b>Public Health and Safety, Crimes Against Endangering others</b></p>	2-0015	[EN, §7-265 (d)] <i>EN, §7-265(d)</i>	Felony	15Y		Person	II	\$250,000
332	<p><b>Public Health and Safety, Crimes Against Hazardous substances—storing, treating, dumping, etc., in other than hazardous substance facility; transporting for treatment, storage, etc. to any place other than hazardous substance facility; falsifying required information; authorizing, directing, etc., any offense listed in this section</b></p>	1-0012 2-0012 2-0013 2-0014	[EN, §7-265 (a)(1),(2)(3),(4)] <i>EN, §7-265(a)</i>	Felony	5Y		Person	V	\$100,000
333—334 (text unchanged)									
335	<p><b>Public Health and Safety, Crimes Against Pollutants—dispersing into State waters, 1<sup>st</sup> offense</b></p>	1-5516	[EN, §9-322] <i>EN, §9-343(a)(1)(i) (penalty)</i>	Misd.	1Y		Property	VII	\$25,000
336	<p><b>Public Health and Safety, Crimes Against Pollutants—dispersing into State waters, subsequent</b></p>		[EN, §9-322] <i>EN, §9-343(a)(1)(ii) (penalty)</i>	Misd.	2Y		Property	VII	\$50,000

PROPOSED ACTION ON REGULATIONS

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337	<b>Public Health and Safety, Crimes Against</b> Pollutants—dispersing into State waters, falsification	[2-0865] 1-0895	EN, §9-343(b) (penalty)	Misd.	[6M] 2Y		Property	VII	[\$10,000] \$50,000
338—362 (text unchanged)									
363	<b>Sexual Crimes</b> Sex Offense, 4 <sup>th</sup> degree	1-1623 1-1624 1-1625 1-1626 4-3600	CR, §3-308(d)(1)	Misd.	1Y		Person	VII	\$1,000
363-1 (text unchanged)									
363-2	<b>Sexual Crimes</b> Sex Offense, 4 <sup>th</sup> degree, subsequent	1-1623 1-1624 1-1625 1-1626 4-3600	CR, §3-308(d)(2)	Misd.	3Y		Person	VI	\$1,000
364—365-1 (text unchanged)									
365-2	<b>[Statewide DNA Data Base System, Crimes Involving</b> Improper disclosure of DNA information to a person/agency not entitled to receive the information] <b>Stalking and Harassment</b> <i>Aiming laser pointer at aircraft</i>		[PS, §2-512 (a), (e)] CR, §3-807	[Felony] <i>Misd.</i>	[5Y] 3Y		[Property] <i>Person</i>	[V] VI	[\$5,000] \$2,500
365-3	<b>Statewide DNA Data Base System, Crimes Involving</b> [Fraudulent obtainment of DNA information from the Statewide DNA data base/repository] <i>Improper disclosure of DNA information to a person/agency not entitled to receive the information</i>		[PS, §2-512 (b), (e)] PS, §2-512(a), (e)	Felony	5Y		Property	V	\$5,000
365-4	<b>Statewide DNA Data Base System, Crimes Involving</b> [Willfully testing DNA for information not related to identification of individuals] <i>Fraudulent obtainment of DNA information from the Statewide DNA data base/repository</i>		[PS, §2-512 (c), (e)] PS, §2-512(b), (e)	Felony	5Y		Property	V	\$5,000
366 [Vacant]	<b>Statewide DNA Data Base System, Crimes Involving</b> <i>Willfully testing DNA for information not related to identification of individuals</i>		PS, §2-512(c), (e)	Felony	5Y		Property	V	\$5,000
366-1—376-1 (text unchanged)									

PROPOSED ACTION ON REGULATIONS

377	<b>Telecommunications and Electronics, Crimes Involving</b> [Sending lewd, lascivious, and obscene material by electronic communication to harass] <i>Use of electronic communication to alarm or seriously annoy another</i>	2-1135	[CR, §3-805(b)] <i>CR, §3-805(b)(1)</i> <i>CR, §3-805(e)</i> <i>(penalty)</i>	Misd.	1Y		Person	VII	\$500
377-1	<b>Telecommunications and Electronics, Crimes Involving</b> <i>Use an interactive computer service to inflict emotional distress on a minor or place a minor in fear of death or serious bodily injury</i>		<i>CR, §3-805(b)(2)</i> <i>CR, §3-805(e)</i> <i>(penalty)</i>	<i>Misd.</i>	<i>1Y</i>		<i>Person</i>	<i>VII</i>	<i>\$500</i>
378—392-2 (text unchanged)									
392-3	<b>Weapons Crimes—In General</b> <i>Possess or use restricted firearm ammunition in a crime of violence</i>		<i>CR, §4-110</i>	<i>Misd.</i>	<i>5Y</i>		<i>Person</i>	<i>V</i>	<i>\$5,000</i>
393	<b>Weapons Crimes—In General</b> Carrying or possessing firearm, knife, or deadly weapon on school property, other than handgun	1-5203	CR, §4-102[(b)] [PS, §5-141]	Misd.	3Y		Person	VI	\$1,000
394—399 (text unchanged)									
400	<b>Weapons Crimes—In General</b> [Possession of rifle or shotgun by someone suffering from a mental disorder] <i>Possession of rifle or shotgun by restricted person (convicted of a disqualifying crime, fugitive, habitual drunkard, etc.)</i>	1-0439	PS, §5-205	Misd.	3Y		Person	VI	\$1,000
400-1—401 (text unchanged)									
402	<b>Weapons Crimes—In General</b> Possession of regulated firearm by restricted person (convicted of a disqualifying crime, fugitive, habitual drunkard, etc.)	1-1106	PS, §5-133(b) [PS, §5-143] <i>PS, §5-144</i> <i>(penalty)</i>	Misd.	5Y		Person	VI	\$10,000
403 (text unchanged)									
404	<b>Weapons Crimes—In General</b> Possession of regulated firearm by person younger than 21 years old	1-5285	PS, §5-133(d) [PS, §5-143] <i>PS, §5-144</i> <i>(penalty)</i>	Misd.	5Y		Person	VI	\$10,000

PROPOSED ACTION ON REGULATIONS

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404-1	<b>Weapons Crimes—In General</b> <i>Possession of ammunition by a restricted person or after having been convicted of a crime of violence or select drug crimes</i>		<i>PS, §5-133.1</i>	<i>Misd.</i>	<i>1Y</i>		<i>Person</i>	<i>VII</i>	<i>\$1,000</i>
405	<b>Weapons Crimes—In General</b> Sell, rent, or transfer regulated firearm to restricted person (younger than 21 years old, convicted of a disqualifying crime, fugitive, habitual drunkard, etc.)	1-1105	PS, §5-134(b) [PS, §5-143] <i>PS, §5-144</i> (penalty)	Misd.	5Y		Person	VI	\$10,000
406 (text unchanged)									
407	<b>Weapons Crimes—In General</b> Sell, rent, or transfer a regulated firearm before the expiration of 7 days-dealer	1-5230	PS, §5-123 [PS, §5-143] <i>PS, §5-144</i> (penalty)	Misd.	5Y		Person	VI	\$10,000
408	<b>Weapons Crimes—In General</b> Sell, rent, transfer, or purchase a regulated firearm before the expiration of 7 days-person	1-5240	PS, §5-124 [PS, §5-143] <i>PS, §5-144</i> (penalty)	Misd.	5Y		Person	VI	\$10,000
409	<b>Weapons Crimes—In General</b> Sell, rent, or transfer a regulated firearm to an applicant whose application is placed on hold	1-5250	PS, §5-125 [PS, §5-143] <i>PS, §5-144</i> (penalty)	Misd.	5Y		Person	VI	\$10,000
410	<b>Weapons Crimes—In General</b> Possess, sell, transfer, or otherwise dispose of stolen regulated firearm	1-2801	PS, §5-138 [PS, §5-143] <i>PS, §5-144</i> (penalty)	Misd.	5Y		Person	VI	\$10,000
411 (text unchanged)									
412	<b>Weapons Crimes—In General</b> Straw purchase of regulated firearm	1-5220	PS, §5-136(b) [PS, §5-143] <i>PS, §5-144</i> (penalty)	Misd.	5Y		Person	V	\$10,000
413—414 (text unchanged)									
415	<b>Weapons Crimes—In General</b> Sell, rent, or transfer regulated firearms without license	2-5210	PS, §5-106 [PS, §5-143] <i>PS, §5-144</i> (penalty)	Misd.	5Y		Person	VI	\$10,000
415-1	<b>Weapons Crimes—In General</b> Illegal sale, rental, transfer, purchase, possession, or receipt of regulated firearm	1-0642	[PS, §5-143] <i>PS, §5-144</i>	Misd.	5Y		Person	VI	\$10,000
416 (text unchanged)									

416-1	<b>Weapons Crimes—In General</b> Failure by licensed firearms dealer to comply with record-keeping and reporting requirements, subsequent		PS, §5-145	Misd.	3Y		Person	VI	\$10,000
417—419 (text unchanged)									
419-1	<b>Weapons Crimes—In General</b> Use, possess, or purchase bulletproof body armor after being convicted of a crime of violence or a drug trafficking crime	1-1449	CR, §4-107	Misd.	5Y		Person	V	\$5,000
420	<b>Weapons Crimes—In General</b> Obliterate, remove, change, or alter manufacturer's identification mark or number on firearm	1-1612	PS, §5-142 [PS, §5-143] PS, §5-144 (penalty)	Misd.	5Y		Person	VI	\$10,000

Footnotes (text unchanged)

General Rules:

(a)—(c) (text unchanged)

[(d) Incidents in which the State is seeking the death penalty (i.e., CR, §2-303) are exclusions under the Maryland Sentencing Guidelines. There is no need to prepare a Guidelines Worksheet for these offenses.]

DAVID SOULE  
Executive Director  
Maryland State Commission on  
Criminal Sentencing Policy

## Title 29

# DEPARTMENT OF STATE POLICE

### Subtitle 04 LICENSING AND PERMITS

#### 29.04.04 Outdoor Music Festivals

Authority: Business Regulation Article, §§17-1401—17-1407; Public Safety Article, §2-205(a); Annotated Code of Maryland; *Ch. 100, Acts of 2013*

#### Notice of Proposed Action

[13-230-P]

The Secretary of the Department of State Police proposes to repeal Regulations .01—.03 under **COMAR 29.04.04 Outdoor Music Festivals**.

#### Statement of Purpose

The purpose of this action is to remove the requirement that a promoter of an outdoor musical festival obtain a permit from the Maryland State Police. This permit is no longer required as a result of H.B. 350, Ch. 100, Acts of 2013.

#### 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 Thomas L. Vondersmith, Jr., Administrator, Maryland State Police, 1201 Reisterstown Road, Pikesville, MD 21208, or call 410-653-4253, or email to thomas.vondersmith@maryland.gov, or fax to 410-653-4250. Comments will be accepted through September 23, 2013. A public hearing has not been scheduled.

MARCUS L. BROWN  
Secretary of State Police

# Title 31 MARYLAND INSURANCE ADMINISTRATION

## Subtitle 03 INSURANCE PRODUCERS AND OTHER INSURANCE PROFESSIONALS

### 31.03.17 Consolidated Services Center — SHOP Exchange Enrollment Permits

*Authority: Insurance Article, §§ 2-109 and 31-113.1, Annotated Code of Maryland*

#### Notice of Proposed Action

[13-239-P]

The Insurance Commissioner proposes to adopt new Regulations **.01— .09** under a new chapter, **COMAR 31.03.17 Consolidated Services Center—SHOP Exchange Enrollment Permits**.

#### Statement of Purpose

The purpose of this action is to supply a method for employees of the Consolidated Services Center, which is operated by the Maryland Health Benefit Exchange, to obtain a SHOP Exchange Enrollment Permit as required by Insurance Article, §31-113.1, Annotated Code of Maryland.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

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

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Katrina Lawhorn, Regulations Coordinator, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, Maryland 21202, or call 410-468-2450, or email to Katrina.Lawhorn@Maryland.Gov, or fax to 410-468-2020. Comments will be accepted through September 23, 2013. A public hearing has not been scheduled.

#### **.01 Purpose.**

*The purpose of this chapter is to establish certain requirements that shall be satisfied in order to qualify for a SHOP Exchange enrollment permit.*

#### **.02 Applicability.**

*This chapter applies to any employee of the Consolidated Services Center seeking to provide the services set forth in Insurance Article, §31-112(c)(1), Annotated Code of Maryland.*

#### **.03 Definitions.**

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

B. Terms Defined.

(1) "Administration" means the Maryland Insurance Administration.

(2) "Applicant" means a person who is applying for a SHOP Exchange enrollment permit.

(3) "Application" means a written request for a permit in a form approved by the Commissioner.

(4) "Commissioner" means the Maryland Insurance Commissioner.

(5) "Consolidated Services Center" has the meaning set forth in Insurance Article, §31-101(c-2), Annotated Code of Maryland.

(6) "Effective date" means the date on which a permit takes effect.

(7) "Examination" means the examination given under the authority of the Commissioner pursuant to Insurance Article, §31-112(d), Annotated Code of Maryland.

(8) "Maryland Health Benefit Exchange" means the public corporation established under Insurance Article, §31-102, Annotated Code of Maryland.

(9) "Permit" means a SHOP Exchange enrollment permit.

(10) "SHOP Exchange" has the meaning set forth in Insurance Article, §31-101(w), Annotated Code of Maryland.

(11) "SHOP Exchange Enrollment Permit" means a permit issued by the Commissioner to Consolidated Services Center employees, as required under Insurance Article, §31-113.1(b)(3), Annotated Code of Maryland.

(12) "SHOP Exchange Navigator License" has the meaning set forth in Insurance Article, §31-101(y), Annotated Code of Maryland.

(13) "Training program" means the educational program offered to an applicant by the SHOP Exchange that must be completed subject to Insurance Article, §31-112(2)(v), Annotated Code of Maryland.

#### **.04 Permit Requirements.**

A. Before an employee of the Consolidated Services Center may provide the services set forth in Insurance Article, §31-112(c)(1), Annotated Code of Maryland, the person shall obtain a permit issued by the Commissioner.

B. To qualify for a permit, an applicant shall:

(1) Be at least 18 years of age;

(2) Successfully complete the training program;

(3) Complete and pass both sections of the examination;

(4) Submit an application and any additional information the Commissioner deems necessary to the Administration;

(5) Pay to the Administration initial permit and application fees if permitted by law;

(6) Be of good character and trustworthy;

(7) Not have committed any act the Commissioner finds would warrant suspension or revocation of a permit under Insurance Article, §31-113.1(b)(4), Annotated Code of Maryland; and

(8) Be engaged by the Consolidated Services Center and receive compensation only through the Consolidated Services Center.

#### **.05 Examination.**

A. For an applicant to qualify to take the examination, the Maryland Health Benefit Exchange, or its designee, must submit evidence of the applicant's successful completion of the training program to the Commissioner.

B. The examination shall be the same examination administered by the Commissioner to those individuals seeking a SHOP Exchange Navigator License.

C. An applicant who fails a single section of the examination may retake the failed section of the examination within 1 year of the initial examination date. If the applicant does not pass the failed section within that time, the applicant shall retake both sections of the examination to be eligible to pass the examination. The examination may not be taken more than three times in a 6-week period.

#### **.06 Changes to Information in the Application.**

A. Within 30 days after a change to any information in an initial or renewal application, a permit holder shall file with the



Commissioner, in a form required by the Commissioner, the change in information.

B. If a permit holder fails to timely file with the Commissioner a change to the information specified in § A of this regulation, the permit holder is in violation of Insurance Article, §31-112(e)(1)(i), Annotated Code of Maryland.

**.07 Permit Term.**

A. An initial permit expires on the last day of the permit holder's birth month following the second anniversary of the effective date of the initial permit.

B. A renewal permit expires on the second anniversary of its effective date.

**.08 Permit Renewal.**

A. To qualify to renew a permit, a permit holder shall:

(1) Submit to the Commissioner a renewal application approved by the Commissioner;

(2) Pay a permit renewal fee if permitted by law;

(3) Submit to the Commissioner any additional information the Commissioner deems necessary;

(4) Complete the continuing education requirements as set forth in §A(7) of this regulation;

(5) Be of good character and trustworthy;

(6) Not have committed any act the Commissioner finds would warrant suspension or revocation of a SHOP Exchange enrollment permit under Insurance Article, § 31-113.1(b)(4), Annotated Code of Maryland;

(7) Complete 16 credit hours of continuing education during the prior permit period as approved by the Administration in consultation with the Maryland Health Benefit Exchange which shall include the following:

(a) A minimum of nine credit hours in health insurance; and

(b) A minimum of three credit hours in ethics;

(8) Have paid all undisputed taxes and unemployment insurance contributions payable to the Comptroller of Maryland and the Maryland Secretary of Labor, Licensing, and Regulation or has provided for payment in a manner satisfactory to the unit responsible for collection;

(9) Have paid any amount in arrears on an applicant's child support obligation, if any, or has provided for payment in a manner satisfactory to the unit responsible for collection; and

(10) Be engaged by the Consolidated Services Center and receive compensation only through the Consolidated Services Center.

B. A renewal application is considered timely filed if:

(1) The application contains all of the required information;

(2) The renewal permit fee, if permitted by law, has been received by the Administration; and

(3) The application is:

(a) Mailed and postmarked on or before the expiration date of the permit; or

(b) Submitted electronically and received by an information processing system that the Administration has designated for the purpose of receiving electronic applications prior to the expiration date of the permit.

C. If, at least 2 calendar weeks before a permit expires, the permit holder makes sufficient application for renewal of the permit, the permit shall not expire until:

(1) The Administration takes final action on the renewal application; and

(2) The time for seeking judicial review of the action expires or any judicial stay of the Administration's final action expires.

**.09 Expired Permit Reinstatement.**

A. An individual whose permit has expired:

(1) Is prohibited from providing the services set forth in the Insurance Article, §31-112(c)(1), Annotated Code of Maryland; and

(2) For up to 1 year after the expiration date of the permit, may obtain reinstatement of the expired permit by:

(a) Submitting to the Commissioner a reinstatement application approved by the Commissioner;

(b) Meeting all of the renewal requirements under Regulation .08A—B(1), (2) and (3)(b) of this chapter; and

(c) Paying to the Administration the reinstatement fee, if permitted by law.

B. An individual who does not qualify for reinstatement under §A(2) of this regulation may apply for an initial permit as described in Regulation .04 of this chapter.

C. The Commissioner may waive the reinstatement procedures for a Consolidated Services Center employee who is unable to comply with the renewal and reinstatement procedures due to:

(1) Military service; or

(2) Other extenuating circumstances, including a long-term medical disability.

THERESE M. GOLDSMITH  
Insurance Commissioner

**Subtitle 08 PROPERTY AND CASUALTY INSURANCE**

**31.08.11 Liability of Insurer — Failure to Act in Good Faith**

Authority: Insurance Article, §§2-109(a)(1) and 27-1001; Courts and Judicial Proceedings Article, §3-1701; Annotated Code of Maryland

**Notice of Proposed Action**

[13-240-P]

The Insurance Commissioner proposes to amend Regulations .04 and .05 under COMAR 31.08.11 Liability of Insurer—Failure to Act in Good Faith.

**Statement of Purpose**

The purpose of this action is to correct a typographical error and to reduce the number of copies required to be filed.

**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, Maryland 21202, or call 410-468-2450, or email to Katrina.Lawhorn@Maryland.Gov, or fax to 410-468-2020. Comments will be accepted through September 23, 2013. A public hearing has not been scheduled.

**.04 Filing the Complaint.**

A. Plaintiff Filing a Complaint.

(1) A plaintiff filing a complaint that is required to be filed with the Administration in accordance with Insurance Article, §27-1001, Annotated Code of Maryland, shall submit the complaint to the Administration in accordance with the following procedures:

(a) (text unchanged)

(b) The plaintiff shall file an original and [two copies] *one copy* of the 27-1001 filing; and

(c) (text unchanged)

(2) (text unchanged)

**.05 Defendant Insurer's Responsive Filing.**

A. Not later than 30 days after the Administration forwards the 27-1001 filing to the defendant insurer, the defendant insurer shall [fie] *file* a responsive filing with the Administration and mail a copy of it to the plaintiff.

B. — D. (text unchanged)

E. The defendant insurer shall file an original and [two copies] *one copy* of its responsive filing and the index required under §C of this regulation, along with an electronic copy of the responsive filing and the index on a CD-ROM formatted in PDF (Portable Document Format). The CD-ROM submitted by the defendant insurer may not include the documents submitted to the Administration for in-camera inspection under §D of this regulation.

F. — H. (text unchanged)

THERESE M. GOLDSMITH  
Insurance Commissioner

# Errata

## COMAR 13A.13.01.05

At 40:15 Md. R. 1232 (July 26, 2013), column 1, after line 7 from the top:

Insert: *F.* (proposed text unchanged)  
[13-17-34]

## COMAR 33.09.05

At 40:11 Md. R. 1005 (May 31, 2013), column 1, after line 26 from the top:

Insert: [(7)—(10) (Reserved)]  
[.11].05 (text unchanged)  
[13-17-27]

## Special Documents

### DEPARTMENT OF THE ENVIRONMENT LAND MANAGEMENT ADMINISTRATION

#### Notice of Tentative Determination and Public Hearing

In accordance with § 1-604 of the Environment Article, Annotated Code of Maryland, notice is given that the Land Management Administration has made Tentative Determination to reissue the following State and National Pollution Discharge Elimination System (NPDES) General Discharge Permits:

General Permit for Discharges of Storm Water and Hydrostatic Test Water From Oil Terminals (MDG34).

This permit authorizes the discharge of storm water from storage tank diked and loading rack areas and hydrostatic test water to surface or ground waters of the State from petroleum terminals having less than 5,000,000 gallons storage of oil. This permit sets numerical limits on the concentration of the petroleum product contamination following treatment of the storm water or hydrostatic test water.

General Permit for Discharges of Treated Ground Water from Oil Contaminated Ground Water Sources (MDG91).

This permit authorizes the discharges of treated ground water previously contaminated by petroleum products as the result of leaks or spills. This permit sets numerical limits on the effluent concentration of the petroleum product contamination following treatment of the contaminated ground water.

The Department has scheduled a Public Hearing at the Maryland Department of the Environment located at 1800 Washington Blvd., Baltimore MD 21230. The Hearing will be on September 24, 2013 at 2:00pm in the Aeris and Aqua Conference Rooms. Written comments on the Tentative Determination and draft permits will be accepted until the close of business on October 7, 2013. Comments should be addressed to:

Mr. Horacio Tablada, Director  
Land Management Administration  
Maryland Department of the Environment  
1800 Washington, Boulevard, Suite 620  
Baltimore, Maryland 21230

Similar permits have been authorized for these discharge classes on a 5 year cycle since 1997. A Notice of Tentative Determination and Opportunity to Request a Public Hearing was previously posted in the December 28, 2012 Maryland Register (Volume 39, Issue 26). However, as a result of additional changes to these permits and review by U.S. EPA, this Tentative Determination replaces the December 28, 2012 Notice.

Both federal (40 CFR 122) and State (COMAR 26.08.04) regulations require discharge permits for these activities. Specifically, State regulations require that discharges of any wastes or wastewater to surface or ground water, regardless of volume, be authorized by a discharge permit. Federal regulations address discharges to surface waters only, requiring a permit for the discharge of pollutants. The limits for these permits are based on what has been demonstrated to be technologically achievable. Self-monitoring is required to verify compliance. The permits also require testing to verify that discharges with a specified volume and duration be tested to verify that the effluent is not toxic to aquatic life, and if toxicity is present, the permit requires its elimination. This is a requirement of the federal

Clean Water Act. This permit also sets operational requirements, such as inspection routines.

Permit Fact Sheets, Draft Permits, and other information relating to the Department's Tentative Determination may be reviewed at the Department's offices at 1800 Washington Boulevard, Suite 620, Baltimore, Maryland 21230, by appointment. Copies of these documents may be obtained at a reasonable charge. The draft permits may also be viewed via MDE's website at: [www.mde.state.md.us](http://www.mde.state.md.us).

For further information regarding this Notice; to schedule an appointment to review documentation; or to request an interpreter; please contact Mr. Thomas Yoo, Oil Control Program Regulatory and Compliance Engineer, at (410) 537-3403.

[13-17-16]

### DEPARTMENT OF TRANSPORTATION

#### Disadvantaged Business Enterprise Goals for Upcoming Federal Fiscal Years (FFYs) 2014 — 2016

The Office of the Secretary of the Maryland Department of Transportation announces, in accordance with Code of Federal Regulations, 49 CFR §26.45, the Proposed Overall Disadvantaged Business Enterprise Goals for its three federally financed modal administrations as follows: State Highway Administration (SHA) — 24.5 percent (for FFYs 2014 through 2015); Maryland Aviation Administration (MAA) — 23.3 percent (for FFYs 2014 through 2016) and Maryland Transit Administration (MTA) — 27 percent (for FFYs 2014 through 2016).

Information concerning the rationale used in the formulation of the overall goals will be available for inspection during normal business hours for 30 days following the date of this notice. For an appointment to inspect this information, all interested persons may contact the Maryland Department of Transportation Office of Diversity and Equity at (410) 865-1156 or 1-800-544-6056. The Maryland Department of Transportation will accept written comments for 45 days from the date this notice appears in the Maryland Register. All written comments should be addressed to: Maryland Department of Transportation, Office of Diversity and Equity, 7201 Corporate Center Drive, Post Office Box 548, Hanover, Maryland 21076.

[13-17-33]

#### Purple Line Presolicitation Report Synopsis

In accordance with State Finance and Procurement Article §10A-201, the Maryland Department of Transportation (MDOT), on behalf of the Maryland Transit Administration (MTA), submitted a public-private partnership (P3) presolicitation report for the Purple Line Light Rail Transit project (the Purple Line) to the Comptroller, the State Treasurer, the budget committees, and the Department of Legislative Services (DLS) on August 5, 2013. Also in accordance with State Finance and Procurement Article §10A-201, the presolicitation report has been posted on the Purple Line project website. As required under State Finance and Procurement Article §10A-201, MDOT (as the reporting agency) shall include in the Maryland Register a brief synopsis of, and a link to, the presolicitation report. A brief synopsis of the presolicitation report is included here and the full report can be accessed at [www.purplelinemd.com/p3](http://www.purplelinemd.com/p3).

The proposed P3 solicitation for the project will be structured using a Design-Build-Finance-Operate-Maintain (DBFOM) delivery model. Implementing this P3 structure for the Purple Line will involve a long-term, performance-based agreement between MDOT/MTA and a private entity in which appropriate risks and benefits can be allocated in a cost-effective manner between the contractual partners. The private entity, also referred to as the concessionaire, will be responsible for key aspects of final design, construction, financing, operations, and maintenance of the Purple Line asset over an operating period of approximately 30 years. MDOT/MTA would retain ownership of the asset and remain ultimately accountable for the Purple Line and its public function. The concessionaire would be paid using an availability payment structure, which would be directly linked to the long-term performance of the Purple Line measured on a frequent basis. In an availability payment P3, the public agency pays the concessionaire milestone or construction progress payments during the construction period and regularly-scheduled payments, called availability payments, during the operating period of the P3 agreement. These payments to the concessionaire would be paid from a combination of sources including Maryland's Transportation Trust Fund (TTF) appropriations, federal grants, and local government contributions. MDOT/MTA would make deductions from these payments if the concessionaire does not meet pre-determined performance targets.

This project delivery approach has been found to be advantageous for the Purple Line for the following reasons:

**Operational factors:** The Purple Line is a natural stand-alone asset and the P3 approach will also increase the likelihood of consistently excellent, highly responsive service.

**Risk transfer efficiencies:** The P3 will integrate various project elements into a single agreement that clearly outlines the optimal allocation of project risk between the public and private partners.

**Whole life-cycle planning and cost optimization:** The P3 will provide greater incentive to make investment decisions that are optimized over the life of the asset.

**Schedule discipline:** A P3 agreement structure focused on asset availability will provide strong incentives for the concessionaire to maintain schedule discipline during asset delivery.

**Enhanced opportunities for innovation:** The P3 will provide the private sector with opportunities and incentives to propose state-of-the-art enhancements to the asset design and delivery approach that could benefit long-term operating and maintenance performance.

**Potential financial value:** Due to the operational benefits, risk transfer efficiencies, life-cycle planning, scheduling discipline, and innovation opportunities of the P3 approach, there is potential for long-term financial savings relative to a traditional project delivery approach.

MDOT and MTA have taken a series of steps over the past two years leading up to the decision to use a P3 delivery method for the Purple Line, including a thorough consideration of key project delivery risks and mitigation strategies. It has been concluded that delivery of the Purple Line using a DBFOM approach is consistent with project goals and the State's P3 policies. A Purple Line P3 project delivery team, led by executives from MDOT and MTA and supported by technical, legal, and financial advisory experts, is prepared to commence a robust, transparent, and fair competitive solicitation process for the selection of a Purple Line private partner. The solicitation process will be consistent with the framework outlined in COMAR 11.01.17 (MDOT's P3 Regulations) and will be submitted to the Board of Public Works (BPW) for approval before issuing a public notice of solicitation, currently anticipated for fall 2013.

[13-17-38]

## General Notices

### Notice of ADA Compliance

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

#### BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS

**Subject:** Public Meeting  
**Date and Time:** September 13, 2013, 9:30 a.m.  
**Place:** 4201 Patterson Ave., Baltimore, MD  
**Contact:** Gwendolyn A. Joyner (410) 764-5996

[13-17-01]

#### CHILDREN'S ENVIRONMENTAL HEALTH AND PROTECTION ADVISORY COUNCIL

**Subject:** Public Hearing on Regulations  
**Date and Time:** September 18, 2013, 9 — 11 a.m.  
**Place:** Maryland Dept. of the Environment, 1800 Washington Blvd., Baltimore, MD  
**Contact:** Rachel Hess-Mutinda (410) 767-2196

[13-17-09]

#### CONSUMER COUNCIL OF MARYLAND

**Subject:** Public Meeting  
**Date and Time:** September 6, 2013, 9:15 — 11 a.m.  
**Place:** 200 St. Paul Pl., 16th Fl., Baltimore, MD  
**Contact:** Stephanie A. Hodge (410) 576-6557

[13-17-14]

#### BOARD OF DIETETIC PRACTICE

**Subject:** Public Meeting  
**Date and Time:** September 18, 2013, 12:30 — 3:30 p.m.  
**Place:** 4201 Patterson Ave., Rm. 105, Baltimore, MD  
**Contact:** Lenelle Cooper (410) 764-4733

[13-17-08]

#### BOARD FOR PROFESSIONAL ENGINEERS

**Subject:** Public Meeting  
**Date and Time:** September 12, 2013, 9 a.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Pamela J. Edwards (410) 230-6262

[13-17-29]

#### BOARD OF FORESTERS

**Subject:** Public Meeting  
**Date and Time:** September 9, 2013, 10 a.m. — 12 p.m.  
**Place:** 90 State Circle, Rm. 206, Annapolis, MD  
**Contact:** Dennis Gring (410) 230-6224

[13-17-15]

#### DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**Subject:** Public Hearing  
**Date and Time:** September 3, 2013, 10 — 11 a.m.  
**Place:** Maryland Dept. of Housing and Community Development (DHCD), 100 Community Pl., Rm. 1.100, Crownsville, MD  
**Add'l. Info:** A public hearing will be held to solicit comments on DHCD's submission for the U.S. Department of Energy Weatherization Assistance Program (WAP) State Plan for 2013 and changes to the WAP 2012 State Plan. The 2012 State Plan will be modified to reflect changes to Local Weatherization Agencies (LWA) performing in various jurisdictions. The revised LWA selection for the 2012 State Plan and the 2013 State Plan is based upon the criteria set forth in the DOE regulations and public comment received during the hearing. Request for subgrantee applications was distributed to interested providers. Applications were reviewed and are ready for recommendation. Written comments for 2012 or 2013 State Plan recommendations must be submitted not later than 4:30 p.m., September 4, 2013, to Rodney Jones, Assistant Senior Manager, Energy Programs, at the above address.  
**Contact:** Rodney Jones (410) 514-7669

[13-17-18]

#### FACILITIES ADVISORY BOARD FOR JUVENILE SERVICES

**Subject:** Public Meeting  
**Date and Time:** September 14, 2013, 10 a.m. — 12 p.m.; Additional Dates: October 12 and November 9, 2013, 10 a.m. — 12 p.m.  
**Place:** Baltimore City Juvenile Justice Center, 300 N. Gay St., 2nd Fl. Large Conf. Rm., Baltimore, MD  
**Add'l. Info:** BCJJC Facility Advisory Board  
**Contact:** Bridgett Tucker (410) 752-3500

[13-17-32]

#### STATE ADVISORY BOARD FOR JUVENILE SERVICES

**Subject:** Public Meeting  
**Date and Time:** September 17, 2013, 2 — 4 p.m.  
**Place:** Annapolis Office, 49 Old Solomon's Island Rd., Ste .300, Annapolis, MD  
**Contact:** Tim Gilbert (410) 627-5318

[13-17-31]

#### DIVISION OF LABOR AND INDUSTRY/MARYLAND APPRENTICESHIP AND TRAINING COUNCIL

**Subject:** Public Meeting  
**Date and Time:** September 10, 2013, 9 a.m. — 12 p.m.  
**Place:** Heat and Frost Insulators and Allied Workers Local No. 24 Joint Apprenticeship Committee, 901 Montgomery St., Laurel, MD  
**Add'l. Info:** The Apprenticeship and Training Council will consider the approval and registration of new apprenticeship programs, revisions to presently approved apprenticeship programs and other business which may come before the Council.  
**Contact:** C. Edward Poarch II (410) 767-2246

[13-17-23]

**BOARD FOR PROFESSIONAL LAND SURVEYORS**

**Subject:** Public Meeting  
**Date and Time:** September 4, 2013, 10 a.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Pamela J. Edwards (410) 230-6262  
 [13-17-30]

**MARYLAND HEALTH CARE COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** September 9, 2013, 3 — 5 p.m.  
**Place:** Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD  
**Add'l. Info:** Meeting of the Management Service Organizations Panel  
**Contact:** Christine Karayinopulos (410) 764-3444  
 [13-17-24]

**MARYLAND HEALTH CARE COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** September 11, 2013, 3 — 5 p.m.  
**Place:** Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD  
**Add'l. Info:** Telemedicine Technology Solutions and Standards Advisory Group Meeting  
**Contact:** Christine Karayinopulos (410) 764-3444  
 [13-17-26]

**MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE**

**Subject:** Public Meeting  
**Date and Time:** September 4, 2013, 8:30 a.m. — 5 p.m.  
**Place:** 7201 Corporate Center Dr., Hanover, MD  
**Contact:** Antonio Cabanas (410) 865-1260  
 [13-17-35]

**DEPARTMENT OF NATURAL RESOURCES/FOREST SERVICE**

**Subject:** Public Meeting  
**Date and Time:** September 4, 2013, 7 — 9 p.m.  
**Place:** New Germany State Park Lake House, Grantsville, MD  
**Add'l. Info:** The Department of Natural Resources (DNR) will be holding a public meeting on September 4, 2013, at the New Germany State Park Lake House from 7—9

p.m. regarding the management and designation of new Off-Road Vehicle (ORV) Trails on DNR managed lands in Garrett and Washington Counties. Three new ORV Trails will be reviewed: one ORV Trail in Garrett County on the Savage River State Forest in the general vicinity of St. John's Rock-Red Dog Road and two ORV Trails in Washington County, on DNR managed lands on Sideling Hill north and south. Location maps and descriptions will be provided at the meeting. Public comments will be taken at the meeting following a presentation by DNR staff. Public comments will also be received for 30 days following the public hearing, through October 4, 2013. Comments can be sent to Jack Perdue, Maryland DNR, Tawes State Office building, E-1, 580 Taylor Avenue, Annapolis, MD 21401, or online at [http://dnr.maryland.gov/publiclands/orv\\_projects.asp](http://dnr.maryland.gov/publiclands/orv_projects.asp).

**Contact:** Jack Perdue (410) 260-8505  
 [13-17-11]

**BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS**

**Subject:** Public Meeting  
**Date and Time:** September 11, 2013, 9:30 a.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Patricia Hannigan (410) 764-4750  
 [13-17-04]

**BOARD OF OCCUPATIONAL THERAPY PRACTICE**

**Subject:** Public Meeting  
**Date and Time:** September 20, 2013, 8:30 a.m. — 2 p.m.  
**Place:** Spring Grove Hospital Center, 55 Wade Ave., Catonsville, MD  
**Add'l. Info:** Health Occupations Article, Title 10, Annotated Code of Maryland, and COMAR 10.46 amendments, additions, and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session. Sign 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  
 [13-17-03]

**BOARD OF PLUMBING**

**Subject:** Public Meeting  
**Date and Time:** September 19, 2013, 10 a.m. — 12:15 p.m.  
**Place:** 500 N. Calvert St., Rm. 302, Baltimore, MD  
**Contact:** Brenda Clark (410) 230-6164  
 [13-17-13]

**BOARD OF PODIATRIC MEDICAL EXAMINERS**

**Subject:** Public Meeting  
**Date and Time:** September 12, 2013, 1 p.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Sheri Henderson (410) 764-4785  
 [13-17-19]

**BOARD OF PODIATRIC MEDICAL EXAMINERS**

**Subject:** Public Meeting  
**Date and Time:** October 10, 2013, 1 p.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Sheri Henderson (410) 764-4785  
 [13-17-20]

**BOARD OF PODIATRIC MEDICAL EXAMINERS**

**Subject:** Public Meeting  
**Date and Time:** November 14, 2013, 1 p.m.  
**Place:** 4201 Patterson Ave., Rm. 100, Baltimore, MD  
**Contact:** Sheri Henderson (410) 764-4785  
 [13-17-21]

**BOARD OF PODIATRIC MEDICAL EXAMINERS**

**Subject:** Public Meeting  
**Date and Time:** December 12, 2013, 1 p.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Sheri Henderson (410) 764-4785  
 [13-17-22]

**PRINCE GEORGE'S COUNTY JUVENILE COURT AND SCHOOL SAFETY WORKGROUP**

**Subject:** Public Meeting  
**Date and Time:** September 30, 2013, 10 a.m. — 12 p.m.  
**Place:** Largo Government Center, 9201 Basil Ct., Penthouse, Rm. 500, Lake Arbor, MD  
**Add'l. Info:** H.B. 1338 of 2013  
**Contact:** Tim Gilbert (410) 627-5318  
 [13-17-02]

**RACING COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** September 17, 2013, 12:30 — 1 p.m.  
**Place:** Laurel Park, Laurel, MD  
**Contact:** J. Michael Hopkins (410) 296-9682

[13-17-25]

**RETIREMENT AND PENSION SYSTEM — BOARD OF TRUSTEES**

**Subject:** Public Meeting  
**Date and Time:** September 17, 2013, 10 a.m.  
**Place:** 120 E. Baltimore St., 16th Fl. Boardroom, Baltimore, MD  
**Add'l. Info:** Meeting date, time, and location are subject to change. Anyone interested in attending should contact the Retirement Agency for confirmation. Please note that the meeting may include a closed session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 410-625-5609 or 1-800-735-2258 TTY.  
**Contact:** Angie Jenkins (410) 625-5609

[13-17-07]

**STATE TREASURER'S OFFICE**

**Subject:** Public Meeting  
**Date and Time:** September 12, 2013, 2 — 3:30 p.m.  
**Place:** Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm., Annapolis, MD  
**Add'l. Info:** Review the State's Capital Programs and Size and Condition of Debt of Higher Education Institutions  
**Contact:** Amber Teitt (410) 260-7920

[13-17-05]

**STATE TREASURER'S OFFICE**

**Subject:** Public Meeting  
**Date and Time:** September 25, 2013, 1:30 — 2:30 p.m.  
**Place:** Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm., Annapolis, MD  
**Add'l. Info:** Recommendation of General Obligation Bond Authorization  
**Contact:** Amber Teitt (410) 260-7920

[13-17-06]



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<b>Title 18</b>	Assessments and Taxation	\$20	\$12	_____	_____
<b>Title 19A</b>	State Ethics Commission	\$24	\$14	_____	_____
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- 05 Freestanding Ambulatory Care Facilities
- 06 Diseases
- 07 Hospitals
- 08 Health Facilities Grants

#### Part 2

- 09 Medical Care Programs

#### Part 3

- 10 Laboratories
- 11 Maternal and Child Health
- 12 Adult Health
- 13 Drugs
- 14 Cancer Control
- 15 Food
- 16 Housing
- 17 Sanitation
- 18 Human Immunodeficiency Virus (HIV) Infection and  
Acquired Immunodeficiency Syndrome (AIDS)
- 19 Dangerous Devices and Substances
- 20 Kidney Disease Program
- 21 Mental Hygiene Regulations
- 22 Developmental Disabilities

#### Part 4

- 23 Advance Directive Registry
- 24 Maryland Health Care Commission
- 25 Maryland Health Care Commission
- 26 Board of Acupuncture
- 27 Board of Nursing
- 28 Board of Examiners in Optometry
- 29 Board of Morticians and Funeral Directors
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- 32 Board of Physicians
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- 54 Special Supplemental Nutrition Program for Women,  
Infants, and Children (WIC)
- 55 State Board of Spinal Cord Injury Research
- 56 Board of Dietetic Practice
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- 59 Catastrophic Health Emergencies
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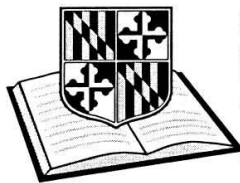
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