


Maryland Register

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before September 19, 2011, 5 p.m.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 September 19, 2011.

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



Information About the Maryland Register and COMAR

MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

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

CITATION TO THE MARYLAND REGISTER

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

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

CODE OF MARYLAND REGULATIONS (COMAR)

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

CITATION TO COMAR REGULATIONS

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

DOCUMENTS INCORPORATED BY REFERENCE

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

HOW TO RESEARCH REGULATIONS

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

SUBSCRIPTION INFORMATION

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

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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

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

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PERSONS WITH DISABILITIES

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COMAR Online

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

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

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

Availability of Monthly List of Maryland Documents

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

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

**CLOSING DATES and ISSUE DATES through
 JANUARY 27, 2012**

Issue Date	Emergency and Proposed Regulations 5:00 p.m.	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
October 21**	October 3	October 12	October 7
November 4	October 17	October 26	October 24
November 18**	October 31	November 8	November 4
December 2**	November 14	November 18	November 16
December 16	November 28	December 7	December 5
December 30	December 12	December 21	December 19
January 13**	December 23	January 4	December 30
January 27	January 9	January 18	January 16

* 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

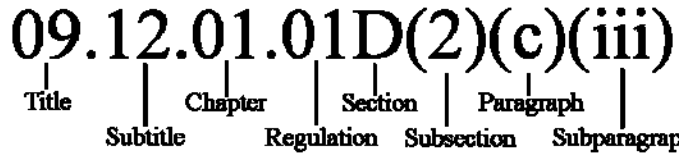
NOTE: ALL DOCUMENTS MUST BE SUBMITTED IN TIMES NEW ROMAN, 9-POINT, SINGLE-SPACED FORMAT. THE REVISED PAGE COUNTS REFLECT THIS FORMATTING REQUIREMENT.

** Note closing date changes

The regular closing date for Proposals and Emergencies is Monday.

REGULATIONS CODIFICATION SYSTEM

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



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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

Table of Pending Proposals

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

03 COMPTROLLER OF THE TREASURY

- 03.02.02.08 • 38:19 Md. R. 1150 (9-9-11)
- 03.02.06.01—.04 • 37:3 Md. R. 181 (1-29-10)
- 03.06.01.44 • 38:13 Md. R. 758 (6-17-11)

04 DEPARTMENT OF GENERAL SERVICES

- 04.01.01.13 • 38:17 Md. R. 1017 (8-12-11)
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05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

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- 05.02.07.03,.04 • 38:20 Md. R. 1208 (9-23-11) (ibr)
- 05.05.07.01—.31 • 37:20 Md. R. 1398 (09-24-10)
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- 09.12.28.01—.07 • 38:14 Md. R. 794 (7-1-11) (ibr)
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- 10.01.20.03 • 38:19 Md. R. 1158 (9-9-11)
- 10.01.21.01—.07 • 38:20 Md. R. 1213 (9-23-11)
- 10.04.01.01—.06 • 38:18 Md. R. 1082 (8-26-11)

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- 10.09.02.07 • 38:18 Md. R. 1084 (8-26-11) (ibr)
- 10.09.03.01,.03—.05,.05-1,.06,.07 • 38:16 Md. R. 955 (7-29-11)
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- 10.15.07.01 • 38:18 Md. R. 1086 (8-26-11) (ibr)
- 10.19.01.01—.05 • 38:19 Md. R. 1162 (9-9-11)
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- 10.34.35.01—.10 • 38:17 Md. R. 1034 (8-12-11)

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- 12.02.27.02—.05,.07—.09,.12,.13,.15—.27,
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- 12.02.28.01—.23 • 37:24 Md. R. 1674 (11-19-10)
- 12.04.01.04—.12,.14—.21 • 38:21 Md. R. 1297 (10-7-11)
- 12.04.02.01—.03,.11—.13 • 38:21 Md. R. 1297 (10-7-11)
- 12.04.05.01,.06 • 38:21 Md. R. 1297 (10-7-11)

- 12.04.06.01—.18 • 38:21 Md. R. 1297 (10-7-11)
- 12.10.01.04—.06,.08,.09,.14—.17,
.19—.27 • 38:15 Md. R. 904 (7-15-11)
- 12.10.04.01—.31 • 38:15 Md. R. 904 (7-15-11)
- 12.10.05.01 • 38:15 Md. R. 904 (7-15-11)
- 12.10.06.01—.16 • 38:15 Md. R. 904 (7-15-11)

13A STATE BOARD OF EDUCATION

- 13A.02.06.02 • 38:20 Md. R. 1244 (9-23-11)
- 13A.06.02.01—.05 • 38:16 Md. R. 971 (7-29-11)
- 13A.07.04.01,.01-1,.05,.06 • 37:16 Md. R. 1082 (7-30-10) (ibr)
- 13A.08.01.01 • 38:20 Md. R. 1244 (9-23-11)
- 13A.08.02.01 • 38:20 Md. R. 1244 (9-23-11) (ibr)
- 13A.12.02.27 • 38:14 Md. R. 815 (7-1-11)
- 13A.12.03.02,.03,.11 • 38:17 Md. R. 1038 (8-12-11)

14 INDEPENDENT AGENCIES

- 14.09.01.01,.19 • 38:19 Md. R. 1167 (9-9-11)
- 14.22.02.02 • 38:18 Md. R. 1090 (8-26-11)
- 14.27.01.01 • 38:19 Md. R. 1168 (9-9-11)
- 14.27.02.12 • 38:19 Md. R. 1168 (9-9-11)
- 14.27.02.16 • 38:19 Md. R. 1169 (9-9-11)
- 14.27.03.11 • 38:19 Md. R. 1170 (9-9-11)
- 14.32.05.02 • 37:1 Md. R. 33 (1-4-10)
37:15 Md. R. 1020 (7-16-10)

20 PUBLIC SERVICE COMMISSION

- 20.50.01.03 • 38:19 Md. R. 1170 (9-9-11)
- 20.50.01.03,.05 • 38:5 Md. R. 332 (2-25-11)
- 20.50.10.05 • 38:5 Md. R. 332 (2-25-11)
- 20.50.11.01—.06 • 38:19 Md. R. 1170 (9-9-11)
- 20.90.02.19 • 38:20 Md. R. 1245 (9-23-11)
- 20.90.03.17 • 38:20 Md. R. 1245 (9-23-11)

21 STATE PROCUREMENT REGULATIONS

- 21.11.03.01,.08,.09,.12,.12-1,.14 • 38:20 Md. R. 1247 (9-23-11)
- 21.11.12.01—.09 • 38:20 Md. R. 1249 (9-23-11)

23 BOARD OF PUBLIC WORKS

- 23.03.02.03,.05,.13,.28,.29 • 38:18 Md. R. 1096 (8-26-11)
- 23.03.03.04 • 38:18 Md. R. 1096 (8-26-11)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 08 — 12 (Part 2)

- 26.11.19.11 • 38:9 Md. R. 565 (4-22-11)
- 26.11.19.27-1 • 38:18 Md. R. 1099 (8-26-11)

Subtitles 13—18 (Part 3)

- 26.17.01.01 • 37:19 Md. R. 1329 (9-10-10) (err)
- 26.17.01.01—.11 • 37:18 Md. R. 1244 (8-27-10) (ibr)
38:18 Md. R. 1101 (8-26-11) (ibr)

29 MARYLAND STATE POLICE

- 29.05.01.01,.16 • 38:18 Md. R. 1105 (8-26-11)
- 29.06.04.03—.07 • 38:21 Md. R. 1310 (10-7-11)
- 29.06.06.01—.07 • 36:20 Md. R. 1554 (9-25-09)

PENDING PROPOSALS

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30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

30.03.05.02 • 38:19 Md. R. 1172 (9-9-11)
30.06.03.01 • 38:18 Md. R. 1106 (8-26-11)

31 MARYLAND INSURANCE ADMINISTRATION

31.09.14.01—.05 • 38:18 Md. R. 1106 (8-26-11)
31.12.08.04 • 38:17 Md. R. 1039 (8-12-11)
31.14.03.10 • 38:20 Md. R. 1251 (9-23-11)

33 STATE BOARD OF ELECTIONS

33.13.02.02 • 38:21 Md. R. 1313 (10-7-11)
33.13.03.02 • 38:21 Md. R. 1313 (10-7-11)
33.13.05.01,.02 • 38:21 Md. R. 1313 (10-7-11)
33.13.06.03—.05 • 38:21 Md. R. 1313 (10-7-11)
33.13.08.01—.05 • 38:21 Md. R. 1313 (10-7-11)
33.13.09.01—.05 • 38:21 Md. R. 1313 (10-7-11)

34 DEPARTMENT OF PLANNING

34.04.07.04 • 38:20 Md. R. 1252 (9-23-11)

The Governor

EXECUTIVE ORDER 01.01.2011.18

Rescission of Executive Orders 01.01.2011.14, 01.01.2011.15, and 01.01.2011.17

WHEREAS, I, Martin O'Malley, Governor of the State of Maryland, issued Executive Order 01.01.2011.14, which declared a state of emergency because of the threat to public health and safety caused by Hurricane Irene, Executive Order 01.01.2011.15—Emergency Hurricane Efforts – Vehicle Size and Weight Limits—to facilitate the movement of supplies and equipment in response to the state of emergency, and Executive Order 01.01.2011.17, which declared a continued state of emergency because of the threat of flooding from Tropical Storm Lee; and

WHEREAS, The emergency conditions necessitating Executive Orders 01.01.2011.14, 01.01.2011.15, and 01.01.2011.17 no longer exist.

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 THAT THE STATE OF EMERGENCY IN THE STATE OF MARYLAND IS TERMINATED AND RESCIND EXECUTIVE ORDERS 01.01.2011.14, 01.01.2011.15, and 01.01.2011.17.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 16th Day of September, 2011.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. MCDONOUGH
Secretary of State

[11-21-51]

The Judiciary

ADMINISTRATIVE OFFICE OF THE COURTS

ADMINISTRATIVE MEMORANDUM 11-2

ADMINISTRATIVE REGULATION XVIII — DEPARTMENT OF NATURAL RESOURCES FINE SCHEDULE, DCAR XVIII

By direction of Chief Judge Robert M. Bell, and for the information and guidance of all concerned, the attached notice is published for the purpose of advising of the revisions to the Department of Natural Resources Fine Schedule, DCAR XVIII, effective October 1, 2011. The attached has been adopted by the Chief Judge of the District Court and will become effective October 1, 2011.

FRANK BROCCOLINA
State Court Administrator

October 1, 2011

NOTICE

Under the authority of Natural Resources Article Sec. 1-801 of the Maryland Code, certain Pre-set Fines and/or Penalty Deposits for Natural Resources Laws have been revised and are to be in force effective October 1, 2011. Printed herewith are the revisions to DCAR XVIII.

BEN C. CLYBURN
Chief Judge
District Court of Maryland

October 1, 2011

DCAR XVIII

DEPARTMENT OF NATURAL RESOURCES FINE SCHEDULE

[Brackets around text] indicate language deleted from existing fine schedule.

Underlined text indicates language added to existing fine schedule.

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
NATURAL RESOURCES ARTICLE			
TITLE 4 FISH AND FISHERIES			
<u>NOTE: NR 4-1201(H) allows for, in addition to any other penalty or fine provided in this title, any person who commits a separate commercial fishing violation while their license or authorization is suspended or revoked or engages in commercial fishing activity without holding the appropriate license or authorization to be subject to a fine not exceeding \$25,000 and/or 1 year imprisonment.</u>			
4-210	Unlicensed Commercial Fishing Guide (Tidal)	[650.00] <u>750.00</u>	[1 st /1000; 2 nd /2000 and/or 1 year] <u>25,000 and/or 1 year</u>
4-210.1	Unlicensed Commercial Fishing Guide (Non-Tidal)	[650.00] <u>750.00</u>	[1 st /1000; 2 nd /2000 and/or 1 year] <u>25,000 and/or 1 year</u>
SUBTITLE 6 FISHING IN NON-TIDAL WATERS			
4-604(c)	Fishing Without an Angler's License (Resident)	[55.00] <u>75.00</u>	1 st /1000; 2 nd /2000 and/or 1 year
4-604(c)	Fishing Without an Angler's License (Non-Resident)	[105.00] <u>125.00</u>	1 st /1000; 2 nd /2000 and/or 1 year
4-614	Failure to Obtain Trout Stamp (Resident)	[55.00] <u>75.00</u>	1 st /1000; 2 nd /2000 and/or 1 year
4-614	Failure to Obtain Trout Stamp (Non-Resident)	[105.00] <u>125.00</u>	1 st /1000; 2 nd /2000 and/or 1 year

THE JUDICIARY

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
SUBTITLE 7 FISH			
4-701(b)(4)	Failure to Obtain a Tidal Fish License for Commercial Activity	[250.00] <u>500.00</u>	[1 st /1000; 2 nd /2000 and/or 1 year] <u>25,000 and/or 1 year</u>
4-701(e)(2)	Failure to Pay Oyster Surcharge	[320.00] <u>700.00</u>	[1 st /1000; 2 nd /2000 and/or 1 year] <u>25,000 and/or 1 year</u>
4-702	Buy/Sell or Transport Fish Without a License	[450.00] <u>500.00</u>	[1 st /1000; 2 nd /2000 and/or 1 year] <u>25,000 and/or 1 year</u>
4-704(a)	Fishing Without a Finfish License	[250.00] <u>500.00</u>	[1 st /1000; 2 nd /2000 and/or 1 year] <u>25,000 and/or 1 year</u>
4-704.1	Catching Striped Bass Without a License	[250.00] <u>500.00</u>	1 st /1500 per fish; 2 nd /2500 per fish and/or <u>25,000 and/or 1 year</u>
4-708	Operation When License Suspended or Revoked	[450.00] <u>Must Appear</u>	[1 st /1000; 2 nd /2000 and/or 1 year] <u>25,000 and/or 1 year</u>
4-731	Selling Striped Bass Without a License	650.00	1 st /1500 per fish; 2 nd /2500 per fish and/or <u>25,000 and/or 1 year</u>
4-745(a)	Fishing Without Sport Fishing License (Resident)	[55.00] <u>75.00</u>	1 st /1000; 2 nd /2000 and/or 1 year
4-745(a)	Fishing Without Sport Fishing License (Non-Resident)	[105.00] <u>125.00</u>	1 st /1000; 2 nd /2000 and/or 1 year
SUBTITLE 8 CRABS			
4-804(a)	Crabbing Without a License: Commercial Crabbers	[450.00] <u>500.00</u>	[1 st /1000; 2 nd /2000 and/or 1 year] <u>25,000 and/or 1 year</u>
SUBTITLE 9 LOBSTER, TERRAPIN AND CONCH			
4-902	[Taking Terrapin Illegally] <u>Catching Terrapin Without Immediate Release:</u>		
4-902	First Offense	[250.00] <u>500.00</u>	1 st /1000; 2 nd /2000 and/or 1 year
4-906	Taking Conch Without a License: <u>Commercial</u>	[125.00] <u>500.00</u>	[1 st /1000; 2 nd /2000 and/or 1 year] <u>25,000 and/or 1 year</u>
SUBTITLE 10 OYSTERS AND CLAMS			
4-1004(a)	Taking Oysters or Clams Without a License: Commercial	650.00	[1 st /1000; 2 nd /2000 and/or 1 year] <u>25,000 and/or 1 year</u>
4-1013 (a)	Dredging Restrictions – Failure to have license	[125.00] <u>500.00</u>	[1 st /1000; 2 nd /2000 and/or 1 year] <u>25,000 and/or 1 year</u>
4-1015(b)	Possession of Unculled Oysters (Tonged/Scooped/Raked/Dredged):		
4-1015(b)	10-14% per Bushel	[250.00] <u>300.00</u>	1 st /1000; 2 nd /2000 and/or 1 year

THE JUDICIARY

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OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
4-1015(b)	15-30% per Bushel	[350.00] <u>450.00</u>	1 st /1000; 2 nd /2000 and/or 1 year
4-1015(b)	31-45% per Bushel	[450.00] <u>650.00</u>	1 st /1000; 2 nd /2000 and/or 1 year
4-1015(b)	46 [- 60% per Bushel] <u>% or more per Bushel</u>	[650.00] <u>Must Appear</u>	1 st /1000; 2 nd /2000 and/or 1 year
[4-1015(b)]	[61% and Over per Bushel]	[Must Appear]	[1 st /1000; 2 nd /2000 and/or 1 year]
4-1015.1(a)	Possession of Unculled Oysters (Diving Apparatus):		
4-1015.1(a)	6-9% [per Bushel] <u>of the sample taken as specified in 4-1015(b)</u>	155.00	1 st /1000; 2 nd /2000 and/or 1 year
4-1015.1(a)	10-14% [per Bushel] <u>of the sample taken as specified in 4-1015(b)</u>	[250.00] <u>300.00</u>	1 st /1000; 2 nd /2000 and/or 1 year
4-1015.1(a)	15-30% [per Bushel] <u>of the sample taken as specified in 4-1015(b)</u>	[350.00] <u>450.00</u>	1 st /1000; 2 nd /2000 and/or 1 year
4-1015.1(a)	31-45% [per Bushel] <u>of the sample taken as specified in 4-1015(b)</u>	[450.00] <u>650.00</u>	1 st /1000; 2 nd /2000 and/or 1 year
4-1015.1(a)	46 [- 60% per Bushel] <u>% or more of the sample taken as specified in 4-1015(b)</u>	[650.00] <u>Must Appear</u>	1 st /1000; 2 nd /2000 and/or 1 year
[4-1015.1(a)]	[61% and Over per Bushel]	[Must Appear]	[1 st /1000; 2 nd /2000 and/or 1 year]
4-1041	Catching Surf Clams Without License	[125.00] <u>500.00</u>	[1 st /1000; 2 nd /2000 and/or 1 year] <u>25,000 and/or 1 year</u>
TITLE 5 FORESTS AND PARKS			
5-608(a)	Operating a Forest Product Business Without a License	[125.00] <u>320.00</u>	1 st /500; 2 nd /1000 and/or 1 year
TITLE 8 WATERS			
SUBTITLE 7 STATE BOAT ACT			
8-712(b)	Failure to Obtain Annual Certificate of Number	[55.00] <u>85.00</u>	1 st /500; 2 nd /1000 and/or 1 year
8-712.1	Operation Without Validation Sticker	[55.00] <u>85.00</u>	1 st /500; 2 nd /1000 and/or 1 year
TITLE 10 WILDLIFE			
SUBTITLE 3 HUNTING LICENSES			
10-301[(a)] (b)	Failure to Obtain Hunting License	300.00	1 st /1500; 2 nd /4000 and/or 1 year
10-301[(f)] (g)(1)(i)	Failure to Obtain Bow and Arrow/ Black Powder	300.00	1 st /1500; 2 nd /4000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
	Stamp (Resident)		
NATURAL RESOURCES REGULATIONS			
FISH AND FISHERIES			
<u>08.02.01.07B</u>	<u>Chesapeake Bay and Coastal Sport Fishing License Not in Possession/Not in Possession of 2nd Form of Identification</u>	<u>35.00</u>	<u>1st/1000; 2nd/2000 and/or 1 year</u>
<u>08.02.01.07B(1)</u>	<u>Failure to register with Maryland Saltwater Angler Registry – License required</u>	<u>35.00</u>	<u>1st/1000; 2nd/2000 and/or 1 year</u>
<u>08.02.01.07B(5)</u>	<u>Failure to register with Maryland Saltwater Angler Registry – Area where no license required</u>	<u>35.00</u>	<u>1st/1000; 2nd/2000 and/or 1 year</u>
<u>08.02.01.07D</u>	<u>Failure to register with Maryland Saltwater Angler Registry – Free Fishing Area</u>	<u>35.00</u>	<u>1st/1000; 2nd/2000 and/or 1 year</u>
SOFT-SHELL CLAMS			
08.02.02.01A(1)	Operate Hydraulic Clam Dredge Without a License	650.00	[1 st /1000; 2 nd /2000 and/or 1 year] <u>25,000 and/or 1 year</u>
08.02.02.08A	Failure to Have Required Dealers License	[250.00] <u>500.00</u>	[1 st /1000; 2 nd /2000 and/or 1 year] <u>25,000 and/or 1 year</u>
CRABS			
08.02.03.14A(3)	Offering to sell or selling crabs, which were caught for recreational purposes	[450.00] <u>500.00</u>	1 st /1000; 2 nd /2000 and/or 1 year
08.02.03.14E	Sizes of Hard Crabs:		
08.02.03.14E	6 – 7 per Bushel	[155.00] <u>75.00</u>	1 st /1000; 2 nd /2000 and/or 1 year
08.02.03.14E(6)	Sizes of Peeler Crabs:		
08.02.03.14E(6)	11 – 12 per Bushel	[150.00] <u>75.00</u>	1 st /1000; 2 nd /2000 and/or 1 year
FISH			
08.02.05.08F	Fishing Eel Pot Without License	[125.00] <u>500.00</u>	[1 st /1000; 2 nd /2000 and/or 1 year] <u>25,000 and/or 1 year</u>
08.02.05.08G	Sell/Attempt to Sell Eels Without License	[125.00] <u>500.00</u>	[1 st /1000; 2 nd /2000 and/or 1 year] <u>25,000 and/or 1 year</u>
[08.02.05.09F]	[Chesapeake Bay Sport fishing License Not in Possession/Not in possession of 2 nd form of identification]	[35.00]	[1 st /1000; 2 nd /2000 and/or 1 year]
FISHING IN NON-TIDAL WATERS			

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OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.11.04L	No Commercial Harvest from Nontidal Waters	[1-3 fish: 100.00 4-10 fish: 50.00 per fish] <u>1-10 fish: 75.00 per fish</u> 11+ fish: Must Appear	1 st /1000; 2 nd /2000 and/or 1 year
<u>08.02.11.04W</u>	<u>Feeding Wildlife in Fisheries Management Area</u>	<u>50.00</u>	<u>1st/1000; 2nd/2000 and/or 1 year</u>
<u>FISHING LICENSE – POINT ASSIGNMENT, LICENSE REVOCATION AND SUSPENSION SCHEDULE AND CRITERIA, AND HEARING PROCEDURE</u>			
<u>08.02.13.05</u>	<u>Fishing on Suspended Recreational Fishing License</u>	<u>500.00</u>	<u>1st/1000; 2nd/2000 and/or 1 year</u>
STRIPED BASS			
<u>08.02.15.03E</u>	<u>Gear Restrictions – Striped Bass – Recreational – Chesapeake Bay and tidal tributaries</u>	<u>250.00</u>	<u>1st/1000; 2nd/2000 and/or 1 year</u>
NUISANCE SPECIES			
<u>08.02.19.07</u>	<u>Use of footgear with external felt soles</u>	<u>125.00</u>	<u>1st/1000; 2nd/2000 and/or 1 year</u>
WILDLIFE – FOREST WILDLIFE			
<u>08.03.04.22</u>	<u>Cervid Carcass and Part Importation (CWD)</u>	<u>500.00</u>	<u>1st/1500; 2nd/4000 and/or 1 year</u>
STATE PARKS			
<u>08.07.06.03A[(7)] (6)</u>	Trapping Without a Permit	125.00	1 st /500; 2 nd /1000 and/or 1 year
<u>08.07.06.03A[(8)] (7)</u>	Hunting in Violation of Permit	125.00	1 st /500; 2 nd /1000 and/or 1 year
<u>08.07.06.17A</u>	<u>Pet in Developed Area Off-Leash</u>	<u>45.00</u>	<u>1st/500; 2nd/1000 and/or 1 year</u>

[11-21-34]

COURT OF APPEALS OF MARYLAND

SCHEDULE

Thursday, November 3, 2011

Bar Admissions

- No. 30 Joanna Davis v. Michael A. Petito, Jr.
 No. 22 Michael D. Washington a/k/a Michael D. Washington-Bey v. State of Maryland
 No. 32 Wanda T. King v. Comptroller of the Treasury
 No. 28 Calvin Montgomery Waker v. State of Maryland
 No. 35 John Burson, et al. v. David Simard

Friday, November 4, 2011

- No. 24 Michael T. Polek, et ux. v. J.P. Morgan Chase Bank, N.A., et al.
 No. 25 Richard S. Dinnis, et ux. v. J.P. Morgan Chase Bank, N.A.
 No. 26 John W. Kinsey, Jr., et ux. v. J.P. Morgan Chase Bank, N.A.
 No. 38 Frank J. Schultz, Jr. v. Citimortgage, Inc.

Monday, November 7, 2011

- No. 33 Sam Nichols, Personal Representative of the Estate of Jesse W. Suiters v. Virginia Lee Suiters
 No. 39 Communications Workers of America, AFL-CIO v. Public Service Commission of Maryland, Verizon Maryland, Inc.
 No. 37 Kimberly Jones v. State of Maryland, et al.
 No. 132 Nicole Pace, as Mother and Next Friend of Liana Pace (2010 T.) v. State of Maryland

Tuesday, November 8, 2011

- AG 44 Attorney Grievance Commission of Maryland v. (2010 T.) Anthony Maurice Harmon
 No. 29 Pro-Football, Inc. t/a Washington Redskins, et al. v. Thomas J. Tupa, Jr.
 No. 36 Montgomery Preservation, Inc., et al. v. Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, et al.
 No. 34 Paul B. DeWolfe, in his official capacity as the Public Defender for the State of Maryland, et al. v. Quinton Richmond, et al.

On the day of argument, counsel are instructed to register in the Clerk's Office no later than 9:30 a.m. unless otherwise notified.

After November 8, 2011, the Court will recess until December 1, 2011.

BESSIE M. DECKER
Clerk

[11-21-47]

STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

SUPPLEMENTAL RULES ORDER

On September 8, 2011, this Court signed a Rules Order adopting certain amendments to Rules proposed in the One Hundred Seventy-First Report of the Court's Standing Committee on Rules of Practice and Procedure, with such amendments as made by the Court on its own initiative. Included in the Rules Order were amendments to Rules 3-306, 3-308, and 3-509, which the Court ordered would take effect on January 1, 2012 and apply to all actions commenced on or after January 1, 2012 and, insofar as practicable, to all actions then pending. On reconsideration, the Court concludes that the amendment to Rules 3-306, 3-308, and 3-509 should not apply to cases pending on January 1, 2012, but only to cases commenced on or after that date. It is therefore, this 15th day of September, 2011,

ORDERED, by the Court of Appeals of Maryland, that the amendments to Rules 3-306, 3-308, and 3-509 adopted by the Court on September 8, 2011 shall take effect and apply only to actions commenced on or after January 1, 2012.

ORDERED that a copy of this Order be published in the next issue of the *Maryland Register*.

Robert M. Bell
 Glenn T. Harrell, Jr.
 Lynne A. Battaglia
 Clayton Greene, Jr.
 Joseph F. Murphy, Jr.
 Sally D. Adkins
 Mary Ellen Barbera

Filed: September 15, 2011

BESSIE M. DECKER
Clerk
 Court of Appeals of Maryland

[11-21-35]

COURT OF SPECIAL APPEALS

SCHEDULE FOR NOVEMBER 1, 2, 3, 4, 7, 8, 9, 10, 14, 15, 16, 2011

Tuesday, November 1, 2011

Courtroom No. 1

- No. 01357/10 Carlton M. Green, Personal Representative of the Estate of Walter L. Green vs. Branchville Limited Partnership et al.
 No. 01572/10 David C. Robinson vs. First American Title Insurance Company
 No. 01417/10 Paul Darnell Scott vs. State of Maryland
 No. 01323/10 Thomas W. Furlow, Jr. vs. Leslie A. Furlow n/k/a Leslie A. Levitt
 No. 02112/10 Carmen Charlene Parson vs. State of Maryland

Courtroom No. 2

- No. 00311/11* Louisa Corrado vs. John Corrado**
 No. 01593/10* Louisa Corrado vs. John Corrado**
 No. 01655/10 Robert E. Smith et al. vs. Maryland Department of the Environment et al.
 No. 01674/10 Pizza Mania Italia, Inc. vs. Trellis Center, LLC.
 No. 02099/10 Robert Lee Johnson vs. State of Maryland

THE JUDICIARY

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No. 01681/10 Judy Nakada vs. Office of the Comptroller

*8-207(a)

**Consolidated Cases

Wednesday, November 2, 2011

Courtroom No. 1

No. 00944/11 In Re: Tatiana L.
 No. 00637/11* In Re: Ashley S. and Caitlyn S.
 No. 01557/10 Russell Swatek vs. Board of Elections of Howard County
 No. 02413/10 Charles Brandon Martin vs. State of Maryland
 No. 02583/10 George Carroll vs. State of Maryland

*8-207(a)

Courtroom No. 2

No. 01654/10 Baltimore Podiatry Group et al. vs. National Direct Response, LLC et al.
 No. 01573/10 John T. Turner et ux. vs. Donald E. Bouchard
 No. 01648/10 Sylvia Jung et al. vs. Southside Church of Christ
 No. 01583/10 Janice A. Jones et al. vs. Non-Profit Promotions, Inc.

Thursday, November 3, 2011

Courtroom No. 1

No. 01569/10 James L. Morgan, III vs. Aspenleigh, LLC
 No. 01015/10 S & S Oil, Inc. vs. Elaine W. Jackson
 No. 01707/10 Felix L. Johnson, Jr., Deceased vs. Mayor and City Council of Baltimore
 No. 01265/10 Rufus I. Butler t/a Butler's Place vs. Alcohol Beverage Board of St. Mary's County
 No. 02358/10 Harvey Paige vs. Department of Human Resources, Baltimore City Office of Child Support Enforcement
 No. 01497/10 Grace James vs. Jennifer O. Schiffer et al., Substitute Trustees

Courtroom No. 2

No. 00426/11* In Re: Nikki G. and Joseph G.
 No. 02566/10 Anne-Therese Bechamps, Substitute Trustee vs. 1190 Augustine Herman, LC et al.
 No. 00517/10 Council of Unit Owners of South Beach Boardwalk Residential Condominium vs. Southern Builders, Inc. et al.
 No. 01903/10 Kareem Hassan Turton vs. State of Maryland
 No. 01330/10 Jennifer Peckman vs. Richard Mc Nerney et al.

*8-207(a)

Friday, November 4, 2011

Courtroom No. 1

No. 01649/10 Eileen M. York vs. Richard Hession
 No. 01560/10 Timothy R. Dantoni vs. Melissa Ann Dantoni
 No. 01923/10 Carl Crews vs. Isaac Dorn
 No. 00308/11* Hollie Marie Mance Morris vs. Robert R. Morris
 No. 01570/10 Montgomery County, Maryland vs. John E. Fairley

*8-207(a)

Courtroom No. 2

No. 01205/10 Robert Sungenis vs. Brigitte D. Anwar f/k/a Brigitte Sungenis
 No. 01974/10 Louis Brock a/k/a Lewis Brock vs. State of Maryland

No. 02299/10
 No. 00854/10

Michael Florencio Hernandez vs. State of Maryland
 Eric S. Roland, Personal Representative of the Estate of Laura B. Roland vs. Arlin E. Messersmith, Jr.

Monday, November 7, 2011

Courtroom No. 1

No. 02118/10 Alonzo Jay King, Jr. vs. State of Maryland
 No. 00237/11* Charles Warren Farmer vs. Kimberly Ann Farmer
 No. 01582/10 Tierra Jones et al. vs. Housing Authority of Baltimore City
 No. 01662/10 William Epperson vs. Baltimore Police Department
 No. 00397/10 Benjamin Igboemeka vs. Nkem Igboemeka
 No. 01530/10 Eric Marquette Barnes vs. State of Maryland

*8-207(a)

Courtroom No. 2

No. 00727/10 Shih Ping Li vs. Tzu Lee
 No. 01980/10 Marquis Evans a/k/a Marquise Evans vs. State of Maryland
 No. 01550/10 Allan T. Hanifee, Sr. et ux. vs. Board of Education of Kent County et al.
 No. 01306/10 North Brook Property Management, LLC vs. U.S. Bank National Association
 No. 01461/10 Mabel Y. Apenyo vs. Kofi Apenyo

Tuesday, November 8, 2011

Courtroom No. 1

No. 01428/10 Baltimore County, Maryland vs. Baltimore County Fraternal Order of Police, Lodge No. 4
 No. 02737/10 Franklin Y. Cornejo-Lagos vs. State of Maryland
 No. 02115/10 Emelyn Besem vs. State of Maryland
 No. 01748/10 Williams Realty LLC vs. Board of Liquor License Commissioners

Courtroom No. 2

No. 01185/10 Scott Garrity vs. Injured Workers' Insurance Fund et al.
 No. 01562/10 Maria Iglesias vs. Pentago Title and Escrow, LLC et al.
 No. 01563/10 Maria Iglesias vs. Pentagon Title & Escrow, LLC et al.
 No. 01630/10 Jimmie Dailey Beatty, Jr. vs. State of Maryland
 No. 01612/10 Bonita Thomas Forrester vs. 7-Eleven, Inc.

Wednesday, November 9, 2011

Courtroom No. 1

No. 01262/10 Howard E. Wimbrow vs. Ronald W. Hickman et al.
 No. 01455/10 David Hillman et al. vs. First American Title Insurance Company LLC et al.
 No. 00772/10 201 East Diamond Avenue, LLC vs. Kenwood Construction, Inc.
 No. 00901/10 Kirk Anthony Bell vs. State of Maryland
 No. 01184/10 Onyebuchi Uguru vs. Pamela Brown
 No. 01997/09 Carl Jackson Thomas vs. State of Maryland

Thursday, November 10, 2011

Courtroom No. 1

No. 01274/10 Old Town Builders, Inc. vs. Hampshire, Hampshire & Andrews, Inc.
 No. 01272/10 Robert Dugger vs. McDonald's Restaurants of Maryland, Inc. et al.

No. 01663/10 Sheng Bi vs. Delores A. Gibson
 No. 00741/10 Winston Martin Holding Group, LLC vs. Jason Fenwick
 No. 01665/10 Six Flags America LP vs. Brenda M. Demory

No. 01139/10 Gregory L. Granger vs. State of Maryland
 No. 01396/10 Daniel Joseph Pair vs. State of Maryland
 *8-207(a)

Monday, November 14, 2011

All cases submitted on brief
Courtroom No. 1

No. 00881/10 Joey Dayle Richards f/k/a Joey Maruschak vs. Gary Maruschak et al.
 No. 01581/10 Tibebe Samuel vs. Bezuayehu Yenefanta
 No. 00437/10 Wardell Monroe Brooks vs. State of Maryland
 No. 02590/10 Anthony McMillian vs. Bobby Shearin, Warden
 No. 02116/10 Garrett Cornelius Lively vs. State of Maryland
 No. 02119/10 Thomas Edward Ingram vs. State of Maryland
 No. 02126/10 Leroy Poole vs. State of Maryland
 No. 02222/10 Dion Pierre Lofland vs. State of Maryland
 No. 02227/10 Stacey Aaron Sheppard vs. State of Maryland
 No. 02233/10 Walter Eric Mitchell vs. State of Maryland
 No. 02234/10 Antoine Ernest Malone vs. State of Maryland

Courtroom No. 2

No. 00413/10 Michael A. McNeil vs. Sarah P. McNeil
 No. 02642/10* Michael A. McNeil vs. Sarah P. McNeil
 No. 02606/09 Antoine Froneberger vs. State of Maryland
 No. 01877/09 Virginia Lee Christian vs. State of Maryland
 No. 02673/09 Dominic Brown vs. State of Maryland
 No. 03032/09 Phillip Thane Olson vs. State of Maryland
 No. 00582/10 David Antonio Epps vs. State of Maryland
 No. 00643/10 Douglas James Wiley vs. State of Maryland
 No. 00891/10 Matthew Troy Evans vs. State of Maryland

*8-207(a)

Tuesday, November 15, 2011

All cases submitted on brief
Courtroom No. 1

No. 01700/10* Dean Lake vs. Carolyn Tadiarca Lake
 No. 00882/11* In Re: Matthew L. and Sophia L.
 No. 02237/10 Quincey Lamar Maness vs. State of Maryland
 No. 02240/10 Jackie Lee Williams vs. State of Maryland
 No. 01939/10 Mark Davis vs. Harry C. Knipp, et al.
 No. 02251/10 Tyrone Bryant vs. State of Maryland
 No. 02254/10 James Wesley Spriggs vs. State of Maryland
 No. 02255/10 Kenneth Sherrod vs. State of Maryland
 No. 02256/10 Tianee Devon vs. State of Maryland
 No. 02287/10 Damien Davis vs. State of Maryland
 No. 02386/10 Percy Lee Sanders, Jr. vs. Department of Human Resources, Calvert County Bureau of Support Enforcement ex rel. Jamie Lynn Sanders

*8-207(a)

Courtroom No. 2

No. 01704/10 Timothy Lee Pittman vs. State of Maryland
 No. 00974/11* In Re: Dominique S.
 No. 01763/10 Kirk W. Blowe a/k/a Kazim Khalid vs. State of Maryland
 No. 01771/10 William Burgess vs. State of Maryland
 No. 00591/10 Osama Mohamed vs. Leticia Lusung
 No. 00914/10 William Curtis Rouse vs. State of Maryland
 No. 01080/10 John Miller Bailiff, Jr. vs. State of Maryland
 No. 01094/10 Garette Edgar Kearsse vs. State of Maryland
 No. 01111/10 Kyle Matthew Witt vs. State of Maryland

Wednesday, November 16, 2011

All cases submitted on brief
Courtroom No. 1

No. 00638/11* In Re: Juliana B.
 No. 01753/10 Barrington D. Henry et al. vs. Litton Loan Servicing L.P. et al.
 No. 02445/10 Chad Nathan Dietz vs. State of Maryland
 No. 01668/10** Edward C. McReady vs. University System of Maryland et al.
 No. 01669/10** Edward C. McReady vs. University System of Maryland et al.
 No. 01670/10** Edward C. McReady vs. University System of Maryland et al.
 No. 02446/10 Reginald Lamar Jenkins vs. State of Maryland
 No. 02466/10 Carlas Warker a/k/a Carlan Warker a/k/a Carlos Walker a/k/a Carlas Walker vs. State of Maryland
 No. 02475/10 Edward Lee McLean vs. State of Maryland
 No. 02519/10 Nathaniel Maurice Bates vs. State of Maryland
 No. 02539/10 Marshall D. Ockiya vs. State of Maryland
 No. 02588/10 Anita Barrow vs. State of Maryland
 No. 02589/10 Ronnie Peters vs. State of Maryland

*8-207(a)

**Consolidated Cases

Courtroom No. 2

No. 01492/10 John Walter Cahill vs. Joan E. Doherty
 No. 01626/10 Tae M. Kim vs. Allstate Insurance Company
 No. 00937/10 Michael T. Scott vs. State of Maryland
 No. 01835/10 Mark Douglas Imm vs. State of Maryland
 No. 01947/10 Michael Anthony Wallace vs. State of Maryland
 No. 02009/10 Andre Holness vs. State of Maryland
 No. 02010/10 Dino Marsiglia vs. State of Maryland
 No. 02011/10 Antoine Daniel Epps a/k/a Antione Epps vs. State of Maryland
 No. 02012/10 Robert White vs. State of Maryland
 No. 02035/10 George Edward Seal, Jr. vs. State of Maryland
 No. 02081/10 In Re: Daquan W.
 No. 02098/10 Gregory Alan Corron vs. State of Maryland

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 November, 2011, the Court will recess until December, 2011.

LESLIE D. GRADET
 Clerk

ADMINISTRATIVE ORDER

Pursuant to Maryland Rule 8-522(a), I hereby direct that oral argument in the month of November 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 November, 2011.

Chief Judge's signature appears on original Administrative Order

Dated: September 23, 2011

[11-21-44]

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 03

COMPTROLLER OF THE TREASURY

Subtitle 02 ALCOHOL AND TOBACCO TAX

03.02.02 Tobacco Tax

Authority: Tax-General Article, §§2-103 and 12-306, Annotated Code of Maryland

Notice of Extension of Emergency Status

[11-134-E-1]

The Joint Committee on Administrative, Executive, and Legislative Review has granted an extension of emergency status to the repeal of Regulation .08 under **COMAR 03.02.02 Tobacco Tax**.

Emergency status has been extended to: March 16, 2012.

Emergency action was published in: 38:11 Md. R. 670 (May 20, 2011).

PETER FRANCHOT
Comptroller of the Treasury

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

08.18.39 Chesapeake and Delaware Canal

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

Notice of Emergency Action

[11-281-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulation .01 under a new chapter, **COMAR 08.18.39 Chesapeake and Delaware Canal**.

Emergency status began: September 17, 2011.

Emergency status expires: February 3, 2012.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Economic Impact on Small Businesses

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

.01 Chesapeake and Delaware Canal — Maryland Waters.

A. All of the waters of the Chesapeake and Delaware Canal, east of a line beginning at a point on the shore of Welch Point, at or near Lat. 39° 31.466' N., Long. 75° 52.681' W., then running 137° (True) to a point on the southern shore of Back Creek, at or near Lat. 39° 31.181' N., Long. 75° 52.343' W.; and west of the Maryland-Delaware State line, beginning at a point on the north shore of the canal, at or near Lat. 39° 32.197' N., Long. 75° 46.769' W., then running 176° (True) to a point on the south shore of the canal, at or near Lat. 39° 32.077' N., Long. 75° 46.759' W.

B. The Maryland portion of the canal shall have at all times a maximum speed limit of 35 knots sunrise to sunset and 20 knots sunset to sunrise for all watercraft.

JOHN R. GRIFFIN
Secretary of Natural Resources

Title 11
DEPARTMENT OF
TRANSPORTATION
Subtitle 02 TRANSPORTATION
SERVICE HUMAN RESOURCES
SYSTEM

11.02.08 Disciplinary Action

Authority: Transportation Article, §§2-102 and 2-103.4, Annotated Code of Maryland

Notice of Emergency Action
[11-275-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations .01—.07-1, .09, and .10, the repeal of existing Regulation .08, and new Regulation .08 under **COMAR 11.02.08 Disciplinary Action**.

Emergency status began: October 1, 2011.
Emergency status expires: March 29, 2012.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 38:20 Md. R. 1216—1220 (September 23, 2011), referenced as [11-275-P].

BEVERLEY K. SWAIM-STALEY
Secretary of Transportation

Subtitle 11 MOTOR VEHICLE
ADMINISTRATION —
ADMINISTRATIVE PROCEDURES

Notice of Emergency Action
[11-274-E]

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

- (1) Regulation .03 under **COMAR 11.11.05 Motor Vehicle Fees**;
- (2) Regulation .02 under **COMAR 11.11.11 Ignition Interlock Vehicle Exemption for Financial Hardship**; and
- (3) Regulations .01, .03, .05, and .07 under **COMAR 11.11.13 Ignition Interlock Program**.

Emergency status began: October 1, 2011.
Emergency status expires: March 29, 2012.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 38:20 Md. R. 1220—1222 (September 23, 2011), referenced as [11-274-P].

JOHN T. KUO
Administrator
Motor Vehicle Administration

Title 12
DEPARTMENT OF PUBLIC
SAFETY AND
CORRECTIONAL SERVICES
Subtitle 02 DIVISION OF
CORRECTION

12.02.27 Inmate Discipline

Authority: Correctional Services Article, §3-205, Annotated Code of Maryland

Notice of Emergency Action
[11-245-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to the repeal of existing Regulations .02, .04, .09, .13, .16, .18, .19, .26, and .31, new Regulations .02, .04, .09, .13, .16, .18, .19, .26, and .31, and amendments to Regulations .03, .05, .07, .08, 12, .15, .17, .20—.25, .27, .30, .32—.37, and .39 under **COMAR 12.02.27 Inmate Discipline**.

Emergency status began: September 17, 2011.
Emergency status expires: March 15, 2012.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 38:20 Md. R. 1222—1243 (September 23, 2011), referenced as [11-245-P].

GARY D. MAYNARD
Secretary of Public Safety and Correctional Services

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 07

DEPARTMENT OF HUMAN RESOURCES

Subtitle 02 SOCIAL SERVICES ADMINISTRATION

07.02.04 Social Services Eligibility Requirements Based on Income

Authority: Human Services Article, §§4-205 and 4-207, Annotated Code of Maryland;
Federal Statutory Reference: 42 U.S.C. §§621 and 9902

Notice of Final Action

[11-189-F]

On September 13, 2011, the Secretary of Human Resources adopted the repeal of existing Regulation .08 and new Regulation .08 under **COMAR 07.02.04 Social Services Eligibility Requirements Based on Income**. This action, which was proposed for adoption in 38:16 Md. R. 947—948 (July 29, 2011), has been adopted as proposed.

Effective Date: October 17, 2011.

THEODORE DALLAS
Secretary of Human Resources

Subtitle 03 FAMILY INVESTMENT ADMINISTRATION

07.03.05 Temporary Disability Assistance Program

Authority: Human Services Article, §§1-205, 2-209, 5-201, and 5-207, Annotated Code of Maryland

Notice of Final Action

[11-194-F]

On September 23, 2011, the Secretary of Human Resources adopted amendments to Regulation .10 under **COMAR 07.03.05 Temporary Disability Assistance Program**. This action, which was proposed for adoption in 38:16 Md. R. 948 (July 29, 2011), has been adopted as proposed.

Effective Date: October 17, 2011.

THEODORE DALLAS
Secretary of Human Resources

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

Notice of Final Action

[11-211-F]

On September 27, 2011, the Secretary of Natural Resources adopted:

- (1) New Regulation .09 under **COMAR 08.02.01 General**;
- (2) The repeal of existing Regulations .10 and .11 under **COMAR 08.02.11 Fishing in Nontidal Waters**; and
- (3) Amendments to Regulation .04 and new Regulation .08 under **COMAR 08.02.19 Nuisance and Prohibited Species**.

This action, which was proposed for adoption in 38:17 Md. R. 1020—1022 (August 12, 2011), has been adopted as proposed.

Effective Date: October 17, 2011.

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.08 Shellfish

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

Notice of Final Action

[11-222-F]

On September 27, 2011, the Secretary of Natural Resources adopted new Regulation .05 under **COMAR 08.02.08 Shellfish**. This action, which was proposed for adoption in 38:17 Md. R. 1022—1023 (August 12, 2011), has been adopted with the nonsubstantive changes shown below.

Effective Date: October 17, 2011.

Attorney General's Certification

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

Regulation .05: The requirement for a tidal fish licensee to submit the application for declaration no later than March 31 of the license year for which the licensee intends to harvest has been removed. The goal of this regulation is to account for those harvesters participating in the clam fishery, ensure those licensees receive area closure information, and verify from whom to collect reports. At this time, this goal can be achieved without the March 31 cut-off date to declare for the clam fishery. This change has been made after discussions with both industry and the administrators of the oyster program. The

change as described is less restrictive than originally proposed and does not need to be repropoed.

.05 Clam Harvester Declaration.

A. Registration.

(1) (proposed text unchanged)

(2) *Declaration Schedule.*

[[*(a)*]] *A tidal fish licensee may submit an application of declaration during license renewal as described in Natural Resources Article, §4-701, Annotated Code of Maryland.*

[[*(b)*]] *A tidal fish licensee shall submit the application for declaration no later than March 31 of the license year for which the licensee intends to harvest.*]]

B. — D. (proposed text unchanged)

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.11 Fishing in Nontidal Waters

Authority: Natural Resources Article, §§4-205, 4-215, 4-215.2, 4-219, 4-402, 4-602, 4-603, 4-616, 5-209, and 10-808, Annotated Code of Maryland

Notice of Final Action

[11-210-F]

On September 27, 2011, the Secretary of Natural Resources adopted amendments to Regulations **.01**, **.03** — **.05**, and **.08** and the repeal of Regulations **.02**, **.07**, and **.09** under **COMAR 08.02.11 Fishing in Nontidal Waters**. This action, which was proposed for adoption in 38:17 Md. R. 1023—1026 (August 12, 2011), has been adopted as proposed.

Effective Date: October 17, 2011.

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 07 FORESTS AND PARKS

08.07.07 Licensed Tree Experts

Authority: Natural Resources Article, §§5-415—5-423, Annotated Code of Maryland

Notice of Final Action

[11-212-F]

On September 27, 2011, the Secretary of Natural Resources adopted new Regulation **.07** and the recodification of existing Regulation **.07** to be Regulation **.08** under **COMAR 08.07.07 Licensed Tree Experts**. This action, which was proposed for adoption in 38:17 Md. R. 1026—1027 (August 12, 2011), has been adopted as proposed.

Effective Date: October 17, 2011.

JOHN R. GRIFFIN
Secretary of Natural Resources

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 07 HOSPITALS

10.07.05 Residential Service Agencies

Authority: Health-General Article, Title 19, Subtitle 4A, Annotated Code of Maryland

Notice of Final Action

[11-090-F]

On September 23, 2011, the Secretary of Health and Mental Hygiene adopted the repeal of existing Regulations **.01—08** in their entirety and new Regulations **.01—28** under **COMAR 10.07.05 Residential Service Agencies**.

For more information on these new regulations, go to: http://dhmh.maryland.gov/ohcq/download/RSA%20Clarification%20DRAFT%209-11-2.docx.doc%20final_4_1.pdf.

This action, which was proposed for adoption in 38:4 Md. R. 269—280 (February 11, 2011), has been adopted with the nonsubstantive changes shown below.

Effective Date: May 1, 2012.

Attorney General's Certification

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

Regulation .02B(5)(c) has been changed to delete the language that a certified medication technician may only perform delegated nursing functions of medicine administration. Under the Board of Nursing's regulations, a certified medication technician may perform the nursing function of medication administration only if that function has been delegated to a certified medication technician by a licensed nurse in accordance with the Board's regulations. This requirement is not changed by the deletion of this language in the final regulation governing residential service agencies. Instead, consistent with current law, this deletion clarifies that a certified medication technician may perform functions other than medication administration to the same extent those functions may be performed by other unlicensed persons.

Regulation .12G(1), (3), (4), and (5) have been changed to require a residential service agency to permit clients or representatives to contact the agency via communication devices in addition to telephones. This change enhances the ability of clients and representatives to contact residential service agencies without imposing any significant burden on these agencies.

Regulation .18B(6) has been changed to replace the term "respiratory services" with "ventilator services." The use of the term "respiratory services" was not meant to be interpreted as a limitation on the types of medical equipment that would be subject to this regulation. This change clarifies that all medical equipment used with the provision of any type of ventilator service would be subject to this regulation.

.02 Definitions.

A. (proposed text unchanged)

B. Terms Defined.

(1)—(4) (proposed text unchanged)

(5) “*Certified medication technician*” means an individual

who:

(a) Has completed a Board-approved medication technician training program; and

(b) Is certified by the Board as a medication technician[[: and]]

[[*(c) Only performs delegated nursing functions of medicine administration*]].

(6)—(30) (proposed text unchanged)

.12 Services Provided.

A.—F. (proposed text unchanged)

G. *On-Call Services. The agency shall:*

(1) *Establish a procedure by which current clients or their representatives may contact a representative of the agency by [[telephone]] communication device at any time, 24 hours a day and 7 days a week;*

(2) (proposed text unchanged)

(3) *Ensure that the [[call]] inquiry is directed to an individual for response as required by medical and nursing standards;*

(4) *Ensure that the individual responds to [[a telephone]] an inquiry not later than 1 hour after the inquiry is received by the agency or sooner as necessitated by medical standards;*

(5) *Maintain a log of [[telephone]] inquiries that includes the identity of the response personnel, content of the inquiry, and the time of each inquiry; and*

(6) (proposed text unchanged)

.18 Special Requirements for the Provision of Ventilator Services.

A. (proposed text unchanged)

B. *This regulation applies to ventilator services provided in the home, including:*

(1)—(5) (proposed text unchanged)

(6) *All related medical equipment used with the provision of [[respiratory]] ventilator services, including but not limited to:*

(a)—(c) (proposed text unchanged)

C.—D. (proposed text unchanged)

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

**Subtitle 21 MENTAL HYGIENE
ADMINISTRATION**

**10.21.22 Community Mental Health Programs
— Residential Rehabilitation Programs**

Authority: Health-General Article, §§10-901 and 10-902, Annotated Code of Maryland

Notice of Final Action

[11-184-F]

On September 20, 2011, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .07 under **COMAR 10.21.22 Community Mental Health Programs — Residential Rehabilitation Programs**. This action, which was proposed for adoption in 38:15 Md. R. 902—903 (July 15, 2011), has been adopted as proposed.

Effective Date: October 17, 2011.

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

**Subtitle 24 MARYLAND HEALTH
CARE COMMISSION**

**10.24.05 Continuation of Non-Primary Research
Waivers Through Participation in the Follow-
On C-PORT E Registry**

Authority: Health-General Article, §§19-101, 19-118, and 19-120, Annotated Code of Maryland

Notice of Final Action

[11-203-F]

On September 15, 2011, the Maryland Health Care Commission adopted amendments to Regulation .04 under **COMAR 10.24.05 Continuation of Non-Primary Research Waivers Through Participation in the Follow-On C-PORT E Registry**. This action was considered by the Commission at an open meeting on September 15, 2011, notice of which was given through publication in the Maryland Register, under State Government Article, §10-506, Annotated Code of Maryland. This action, which was proposed for adoption in 38:16 Md. R. 962 (July 29, 2011), has been adopted as proposed.

Effective Date: October 17, 2011.

MARILYN MOON, Ph.D.
Chair
Maryland Health Care Commission

**Subtitle 25 MARYLAND HEALTH
CARE COMMISSION**

**10.25.08 Evaluation of Quality and Performance
of Health Benefit Plans**

Authority: Health-General Article, §§19-109(a)(1) and (7), 19-132, and 19-134(c), Annotated Code of Maryland

Notice of Final Action

[11-202-F]

On September 15, 2011, the Maryland Health Care Commission adopted new Regulations .01—.06 under a new chapter, **COMAR 10.25.08 Evaluation of Quality and Performance of Health Benefit Plans**. This action was considered by the Commission at an open meeting held on September 15, 2011, notice of which was given through publication in the Maryland Register, under State Government Article, §10-506, Annotated Code of Maryland. This action, which was proposed for adoption in 38:16 Md. R. 962—964 (July 29, 2011), has been adopted as proposed.

Effective Date: October 17, 2011.

MARILYN MOON, Ph.D.
Chair
Maryland Health Care Commission

Subtitle 26 BOARD OF ACUPUNCTURE

Notice of Final Action

[11-200-F]

On September 23, 2011, the Secretary of Health and Mental Hygiene adopted amendments to:

- (1) Regulation **.03** under **COMAR 10.26.01 Fee Schedule**; and
- (2) Regulation **.07** under **COMAR 10.26.02 General Regulations**.

This action, which was proposed for adoption in 38:16 Md. R. 968 (July 29, 2011), has been adopted as proposed.

Effective Date: October 17, 2011.

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

Subtitle 27 BOARD OF NURSING

10.27.12 Nurse Psychotherapists in Independent Practice

Authority: Health Occupations Article, §8-205, Annotated Code of Maryland

Notice of Final Action

[11-201-F]

On September 23, 2011, the Secretary of Health and Mental Hygiene adopted amendments to Regulation **.03** under **COMAR 10.27.12 Nurse Psychotherapists in Independent Practice**. This action, which was proposed for adoption in 38:16 Md. R. 968—969 (July 29, 2011), has been adopted as proposed.

Effective Date: October 17, 2011.

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

Subtitle 53 BOARD OF NURSING — ELECTROLOGY PRACTICE COMMITTEE

Notice of Final Action

[11-198-F]

On September 23, 2011, the Secretary of Health and Mental Hygiene adopted amendments to:

- (1) Regulation **.03** under **COMAR 10.53.04 Continuing Education**; and
- (2) Regulation **.01** under **COMAR 10.53.12 Fees**.

This action, which was proposed for adoption in 38:16 Md. R. 969—970 (July 29, 2011), has been adopted as proposed.

Effective Date: October 17, 2011.

JOSHUA M. SHARFSTEIN, M.D.
Secretary 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 Final Action

[11-199-F]

On September 27, 2011, the Secretary of Health and Mental Hygiene adopted amendments to Regulation **.18** under **COMAR 10.54.02 Local Agency**. This action, which was proposed for adoption in 38:16 Md. R. 970—971 (July 29, 2011), has been adopted as proposed.

Effective Date: October 17, 2011.

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

Title 13B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 02 ACADEMIC REGULATIONS

Notice of Final Action

[11-159-F]

On September 26, 2011, the Maryland Higher Education Commission adopted:

(1) Amendments to Regulations **.04**, **.05**, **.07**, and **.08** under **COMAR 13B.02.01 Requirements for Authorization of Out-of-State Degree-Granting Institutions to Operate in Maryland**;

(2) Amendments to Regulations **.04** and **.06** under **COMAR 13B.02.02 Minimum Requirements for In-State Degree-Granting Institutions**;

(3) New Regulation **.02-1** under **COMAR 13B.02.03 Academic Programs — Degree-Granting Institutions**; and

(4) Amendments to Regulation **.03** under **COMAR 13B.02.04 Exemption Procedures for Religious Educational Institutions and Religious Institutions**.

This action, which was proposed for adoption in 38:14 Md. R. 815—817 (July 1, 2011), has been adopted with the nonsubstantive changes shown below.

Effective Date: October 17, 2011.

Attorney General's Certification

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

Regulation 13B.02.03.02-1: In the chart, the category name “Substantive Fee” was changed to “Substantial Fee”. This corrects a typographical error in the proposed regulations.

13B.02.03 Academic Programs — Degree-Granting Institutions

Authority: Education Article, §11-105(o), Annotated Code of Maryland

02-1. Program Review Fees.

A. (proposed text unchanged)

B. *The following schedule sets forth the fees for academic program review actions.*

Category	Actions Covered	Fee
No Fee — Modest Fee	(proposed text unchanged)	
[[Substantive]] Substantial Fee	<ul style="list-style-type: none"> • New Stand-Alone Certificate Program • New Academic Program • BTPS Program • Cooperative Degree Program • New Academic Program at Approved Out-of-State Institution Within a Non-Renewal Year 	\$850
New Degree Level Fee	(proposed text unchanged)	

C. (proposed text unchanged)

DANETTE G. HOWARD, Ph.D.
Interim Secretary of Higher Education

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

**Subtitle 08 DESIGNATION OF
TRAUMA AND SPECIALTY
REFERRAL CENTERS**

30.08.17 Comprehensive Stroke Center Standards

Authority: Education Article, §13-509, Annotated Code of Maryland

Notice of Final Action

[11-179-F]

On September 13, 2011, the Maryland Emergency Medical Services Board adopted new Regulations **.01—,19** under a new chapter, **COMAR 30.08.17 Comprehensive Stroke Center Standards**. This action, which was proposed for adoption in 38:15 Md. R. 924—929 (July 15, 2011), has been adopted as proposed.

Effective Date: October 17, 2011.

ROBERT R. BASS, M.D.
Executive Director
Maryland Institute for Emergency
Medical Services Systems (MIEMSS)

**Title 14
INDEPENDENT AGENCIES**

Subtitle 01 STATE LOTTERY AGENCY

14.01.10 Video Lottery Terminals

Authority: State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland

Notice of Final Action

[11-226-F]

On September 27, 2011, the Maryland State Lottery Agency adopted amendments to Regulation **.13** under **COMAR 14.01.10 Video Lottery Terminals**. This action, which was proposed for adoption in 38:17 Md. R. 1039 (August 12, 2011), has been adopted as proposed.

Effective Date: October 17, 2011.

STEPHEN L. MARTINO
Director
State Lottery Agency

Withdrawal of Regulations

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 25 MARYLAND HEALTH CARE COMMISSION

10.25.16 Electronic Health Record Incentives

Authority: Health-General Article, §§19-103(c)(2)(i) and (ii), 19-109(a)(1), 19-143(d)(1), (2), (3), (4) and (i), Annotated Code of Maryland

Notice of Withdrawal

[11-204-W]

The Maryland Health Care Commission withdraws the proposal to amend Regulations **.01—07** under **COMAR 10.25.16 Electronic Health Record Incentives**, as published in 38:16 Md. R. 964—967 (July 29, 2011).

MARILYN MOON, Ph.D.
Chair
Maryland Health Care Commission

Title 14

INDEPENDENT AGENCIES

Subtitle 09 WORKERS' COMPENSATION COMMISSION

14.09.03 Guide of Medical and Surgical Fees

Authority: Labor and Employment Article, §§9-309, 9-663, and 9-731, Annotated Code of Maryland

Notice of Withdrawal

[11-080-W]

The Workers' Compensation Commission withdraws the amendments to Regulations **.01** and **.04** and new Regulation **.09** under **COMAR 14.09.03 Guide of Medical and Surgical Fees**, as published in 38:3 Md. R. 207 — 210 (January 28, 2011).

R. KARL AUMANN
Chairman
Workers' Compensation Commission

Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 17 COMMUNITY LEGACY

Notice of Proposed Action

[11-289-P]

The Secretary of Housing and Community Development proposes to:

(1) Repeal existing Regulations .01—**.13** and adopt new Regulations .01—**.13** under **COMAR 05.17.01 Community Legacy Program**; and

(2) Adopt new Regulations .01—**.07** under **COMAR 05.17.02 Designation of Sustainable Community**.

Statement of Purpose

The purpose of this action is to amend regulations to be consistent with the Sustainable Communities Act of 2010.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This action consolidates two DHCD geographic revitalization designations into a single Sustainable Communities area designation consistent with the Sustainable Communities Act of 2010. Implementing the regulations will require updating program documents and will require a separate, interagency review of Sustainable Community designation applications and approval by the Governor’s Smart Growth subcabinet. The application review will be led by DHCD in conjunction with other State agencies. The applications will be approved by the Governor’s Smart Growth subcabinet. The application review and approval will be accomplished with existing staff and resources.

Location within a designated Sustainable Community is a threshold requirement for the Community Legacy program, which provides grants and loans to local governments to support local revitalization efforts, and the Neighborhood BusinessWorks program, which provides gap financing for new and expanding small businesses. Other State revitalization programs provide enhanced benefits, or added points in the application process for projects located within Sustainable Communities. The consolidation of revitalization designations will make eligibility easier to understand for applicants, including local governments, small businesses, and nonprofit organizations. The single designation will also simplify administration for State and local government agencies.

Local governments, nonprofit organizations and small businesses will benefit from updated local revitalization strategies (Sustainable Community Plans) and improved coordination and targeting of public resources within designated Sustainable Communities. Local governments will benefit from increased local revenue resulting from implementation of revitalization strategies. The public will benefit from local revitalization initiatives and improved targeting and coordination of public and private resources.

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

E. On other industries or trade groups: (+) Indeterminable

F. Direct and indirect effects on public: (+) Indeterminable

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

C. Local governments will benefit from updated local revitalization strategies (Sustainable Community Plans) and improved coordination and targeting of public resources within designated Sustainable Communities. Local governments will benefit from increased local revenue resulting from implementation of revitalization strategies.

D. Small businesses will benefit from updated local revitalization strategies (Sustainable Community Plans) and improved coordination and targeting of public resources within designated Sustainable Communities.

E. Nonprofit organizations and small businesses will benefit from updated local revitalization strategies (Sustainable Community Plans) and improved coordination and targeting of public resources within designated Sustainable Communities.

F. The public will benefit from implementation of local revitalization initiatives and improved targeting and coordination of public and private resources within designated Sustainable Communities.

Economic Impact on Small Businesses

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

The Sustainable Communities designation process consolidates several designations into a single designation improving interagency coordination and making it easier for applicants, including small businesses to determine their eligibility and apply for resources from DHCD and other State agencies. Local governments applying for Sustainable Communities designation will be approved for a period of 5 years, after which the designation can be returned.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Kevin Baynes, Director of Community Programs, Division of Neighborhood Revitalization, Department of Housing and Community Development, 10 North Calvert Street, Suite 444, Baltimore, Maryland 21225, or call 410-209-5807, or email to Baynes@mdhousing.org, or fax to 410-685-8270. Comments will be accepted through November 7, 2011. A public hearing has not been scheduled.

05.17.01 Community Legacy Program

Authority: Housing and Community Development Article, Title 6, Subtitle 2, Annotated Code of Maryland; Ch. 567, Acts of 2001

.01 Purpose.

The purpose of this chapter is to prescribe the policies and procedures for providing financial assistance for community legacy projects, and for administering the Community Legacy Program.

.02 Definitions.

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

B. Terms Defined.

(1) "Act" means Housing and Community Development Article, Title 6, Subtitle 2, Annotated Code of Maryland.

(2) "Application" means an application to the Department as described in Regulation .05 of this chapter.

(3) "Community development financial institution (CDFI)" means a certified community development financial institution as defined under 12 U.S.C. §4702, as amended.

(4) "Community development organization (CDO)" means a nonprofit organization that operates for the purpose of improving the physical, economic, or social environment of its geographic areas of operation.

(5) "Community legacy agreement" means an agreement between the Department and a Sponsor to implement one or more community legacy projects in a designated Sustainable Community.

(6) "Community legacy project" or "project" means a project submitted by a Sponsor to the Secretary for approval in accordance with the Act and this chapter for one or more of the following purposes:

(a) Create, improve, or preserve housing opportunities, including the acquisition, construction, rehabilitation, or improvement of new or existing homeownership or rental properties;

(b) Strategically demolish buildings or improvements that are dangerous for use or occupancy, or so deteriorated that rehabilitation is not feasible, to prepare the property for redevelopment or sale;

(c) Create, improve, or preserve mixed use or commercial development, including any appropriate combination of properties related to business, housing, open space, and institutional uses;

(d) Develop public infrastructure supporting the implementation of other revitalized projects, such as streets, parking, public utilities, landscaping, lighting, and improvements to pedestrian and bicycle circulation;

(e) Encourage and develop cooperative ownership and control of open space;

(f) Develop or create strategies targeted at increasing investment in existing communities, including outreach activities designed to attract business, capital, residents, and visitors, and the development and maintenance of resources directly related to the implementation of a community legacy project;

(g) Acquire or improve vacant buildings or unimproved land, including the practice of land banking;

(h) Provide financial assistance for a neighborhood intervention project; or

(i) Develop or implement any other community legacy project that the Department considers necessary to further the purposes of the Act.

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

(8) "Financial assistance" means a grant, loan, assurance, guarantee, other credit enhancement, reduction in the principal obligation of or in the rate of interest payable on a loan or portion of a loan, or prepayment of interest on a subordinate or superior loan or portion of a loan.

(9) "Fund" means the Community Legacy Financial Assistance Fund established under Housing and Community Development Article, §6-213, Annotated Code of Maryland.

(10) "Land banking" means the acquisition and holding of improved or unimproved property in anticipation of future development of the property, or to ensure that the future use of the property and improvements remains affordable.

(11) "Local government" means any of the 23 counties of the State, the City of Baltimore, a municipal corporation of the State subject to the provisions of the State Constitution, Article XI-E, or any of their duly authorized agencies or instrumentalities.

(12) "Mixed use" means a use that combines commercial, business, institutional, open space, and residential uses, or some combination of those uses, in the same building or on the same site.

(13) "Neighborhood intervention project" means a project sponsored by a local government or a CDFI that is for the purpose of:

(a) Buying properties that need rehabilitation and redeveloping the properties through rehabilitation, demolition, reconstruction, or reuse; or

(b) Demolishing property improvements and preparing properties for revitalization, redevelopment, or reuse.

(14) "Nonprofit organization" means a corporation, foundation, or other legal entity that specifies in its charter or bylaws that no part of the net earnings may inure to the benefit of a private shareholder or individual holding any interest in the entity.

(15) "Priority funding area" means an area designated as a priority funding area under State Finance and Procurement Article, §5-7B-02, Annotated Code of Maryland.

(16) "Program" means the Community Legacy Program established under the provisions of the Act.

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

(18) "Sponsor" means a local government, a group of local governments, a CDO, or a CDFI.

(19) "Subcabinet" means the smart growth subcabinet established under Chapter .02 of the Act.

(20) "Sustainable community" means the part of a priority funding area that has been designated a sustainable community in accordance with Chapter .02 of the Act.

(21) "Sustainable community plan" means a plan consisting of one or more community legacy projects or other revitalization projects that are located in a sustainable community.

.03 Minimum Eligibility Requirements.

A. A Sponsor, or a Sponsor's designated third party, shall meet the following minimum requirements:

(1) Be a local government, a group of local governments, a CDO, or a CDFI, except as provided in Regulation .05(C)(2) of this chapter with respect to Neighborhood Intervention Projects;

(2) Not have defaulted on any prior financial assistance from the Department;

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

(4) Have the legal capacity and all necessary legal authority to incur the obligations involved in the form of financial assistance provided under the Program;

(5) In the case of CDOs or other business entities, be in good standing and qualified to do business in Maryland; and

(6) In the case of CDFIs, be certified in compliance with 12 U.S.C. §4702.

B. Any recipient of financial assistance from a Sponsor as permitted under Regulation .04C of this chapter shall satisfy the minimum requirements of §A(2)–(5) of this regulation.

.04 Eligible Uses of Financial Assistance.

A. Except as limited by §B of this regulation, financial assistance may be used for any costs and expenses related to the development or implementation of a community legacy project as approved by the Secretary.

B. Total noncapital expenditures from the Fund to Sponsors may not exceed 15 percent of total annual Program funds.

C. A Sponsor may grant or lend all or a portion of the financial assistance the Sponsor receives from the Program to a designated third party to carry out the Project in accordance with the terms and conditions of the financial assistance awarded to the Sponsor. The Sponsor shall provide evidence to the Department that a designated third party complies with the minimum eligibility requirements of Regulation .03 of this chapter.

D. Financial assistance from the Program may be used in conjunction with financial assistance from other divisions or programs of the State or the Department.

.05 Application Requirements.

A. An application submitted to the Department shall:

(1) Be on standard forms prescribed by the Department;

(2) Be submitted by a Sponsor;

(3) Be for a project that:

(a) Is located within a sustainable community; and

(b) Is part of and serves to implement a sustainable community plan;

(4) Describe the proposed project in detail;

(5) State the amount and type of financial assistance requested;

(6) Specify the ability of a Sponsor to carry out the proposed project, as well as the strength and quality of partnerships created among federal, State, and local governments, community development organizations, or other private organizations for implementing the project, including:

(a) Financial support;

(b) Dedication of staff and resources; and

(c) The local government's commitment to and development of local smart growth policies;

(7) Propose benchmarks for evaluating whether the proposed project results in a desired outcome such as community stabilization or reversing the social, economic, and physical decline of the sustainable community in which the project is located;

(8) Describe the process used to solicit and receive public input on the proposed project, including the nature and extent of the public support for or in opposition to the proposed project;

(9) Demonstrate that the project can be completed within the time period of the grant award agreement, as determined by the Department;

(10) Include a budget, in a form acceptable to the Department, that at a minimum shows anticipated project costs and expenses, anticipated sources of project revenue, and identification of the revenues that can be used to repay the financial assistance provided by the Program if provided as a loan;

(11) For projects that include the ownership, acquisition, demolition, construction, or rehabilitation of land or improvements:

(a) Demonstrate that, upon completion, the project will be in compliance with all applicable zoning requirements and standards, as well as the applicable building code of the local government in which jurisdiction the project is located; and

(b) Demonstrate site control through ownership, leasehold interest, contract, option, or other written agreement satisfactory to the Department that evidences the legal right of the Sponsor or its approved designated third party to acquire, occupy, or demolish the property in furtherance of the project;

(12) Provide a projected timeline for implementation of the project;

(13) Contain a resolution of support for the proposed project from the local government in whose jurisdiction the project is located, as follows:

(a) If the project affects a sustainable community located entirely within a municipal corporation, the resolution shall come from the municipal corporation rather than the surrounding county; and

(b) If the project affects a sustainable community located within the territory of more than one local government, the Sponsor shall obtain a resolution from each local government in which the community legacy project is located or will be operated; and

(14) Include other information or documentation the Department may require.

B. An application for financial assistance may be submitted for the following purposes:

- (1) To fund one or more community legacy projects; or
- (2) To fund a neighborhood intervention project.

C. In addition to the requirements of §A of this regulation, an application for financial assistance for one or more neighborhood intervention projects shall satisfy the following requirements:

(1) Unless waived under Regulation .06C(4) of this chapter, provide evidence that the neighborhood in which the project is located is in a sustainable community and is part of a sustainable community plan;

(2) The Sponsor shall be either a local government or a CDFI. If the Sponsor is a CDFI, it shall:

(a) Certify that the financial assistance will be made to individuals or businesses that are owner-occupants, CDOs, or local governments; and

(b) Certify that it will use the financial assistance, and any repayments and prepayments, primarily to make loans for the purposes set forth in this chapter;

(3) Unless waived under Regulation .06C(3) of this chapter, for a neighborhood intervention project involving demolition, the Sponsor shall agree to repay the financial assistance to the fund, up to the amount received by the Sponsor from:

(a) The net proceeds of the sale of the property on which the demolition took place; or

(b) Any payment to the Sponsor relating to the property, including any payment for the cost incurred in demolishing the improvements on the property;

(4) Provide information that the property will be revitalized, redeveloped, sold, or reused as part of a Board-approved redevelopment strategy or plan;

(5) Provide evidence that the Sponsor has complied with the requirements of State Finance and Procurement Article, §§5A-325—5A-326, Annotated Code of Maryland, and Financial Institutions Article, §13-1112(b), Annotated Code of Maryland;

(6) Provide evidence that the financial assistance from the program is the least amount necessary to complete the project; and

(7) Include other information or assurances as requested by the Department.

D. A Sponsor may file one or more applications in accordance with schedules established by the Department.

.06 Application Processing.

A. Application Evaluation.

(1) Each application shall be submitted to the Department to determine whether all of the information required under Regulation .05 of this chapter is contained in the application.

(2) Upon receipt of all required information, the Department shall:

(a) Accept public input on the application;

(b) Undertake an analysis of each application as to the following considerations:

(i) Whether the financial assistance for the proposed project should be approved;

(ii) The amount and type of financial assistance the Sponsor should receive for the proposed project;

(iii) Any special terms and conditions which should be imposed on the project;

(iv) What other Department or State programs or resources could be used in conjunction with the financial assistance from the Program;

(v) The geographical balance of the application in relation to other applications previously received or approved by the Department;

(vi) The likelihood of repayment of the financial assistance provided; and

(vii) Other matters that the Department considers relevant; and

(c) Refer the application to members of the subcabinet and other State agencies, as the Department considers appropriate, to undertake the analysis in §A(2)(c) of this regulation.

(3) The Department, in its discretion, may request from the Sponsor additional information concerning an application, including oral presentations.

(4) Upon completion of the requirements in §A(1)—(3) of this regulation, the Department shall make a recommendation on the application to the Secretary.

B. Approval of Applications.

(1) Upon receipt of the Department’s recommendation, the Secretary:

(a) May request additional information from the Sponsor concerning the application, including oral presentations; and

(b) Shall act on the application by approving, disapproving, or approving such application with modifications.

(2) In approving applications and awarding financial assistance, the Department shall give priority to applications that provide for the likely repayment of the financial assistance to a CDFI or to the Fund.

(3) The Secretary shall award financial assistance to a Sponsor, or a third party designated by a Sponsor and approved by the Department, in an amount and type determined by the Secretary, and under the terms and conditions of a community legacy agreement and such other documents as the Department considers necessary to evidence the financial assistance and to secure any security interest taken by the State with respect to a project.

C. Neighborhood Intervention Projects.

(1) The Secretary may not:

(a) Allocate annually more than 15 percent of the Fund to neighborhood intervention projects; or

(b) Award more than \$500,000 in financial assistance for any one neighborhood intervention project.

(2) The restrictions in §C(1) of this regulation do not apply to projects approved by the Secretary under Regulation .13 of this chapter.

(3) The Secretary, acting under §B of this regulation or Regulation .13 of this chapter, may waive, in whole or in part, the requirements of Regulation .05C(3)(a) or (b) of this chapter regarding the repayment of financial assistance in connection with a neighborhood intervention project involving demolition.

(4) The Secretary, acting under §B of this regulation or Regulation .13 of this chapter, may waive, in whole or in part, the requirements of Regulation .05C(1) of this chapter that the project be located in a sustainable community and be part of a sustainable community plan.

D. Denial of Applications. If the Secretary determines not to approve all or part of an application, the Department shall issue a written notice of denial.

E. Reconsideration.

(1) An applicant may request initial reconsideration of a denial by submitting a written request to the Department, which must be received by the Department within 30 days following the date of the denial notice. The request for reconsideration shall address each reason for the denial and provide documentation supporting reasons for reconsideration of the application. The Department shall respond in writing to the applicant’s request for reconsideration within 90 days of receipt by the Department of the request for reconsideration.

(2) An initial decision or reconsideration of a decision is not a contested case within the meaning of the Administrative Procedure Act or COMAR 05.01.01.02.

.07 Program Administration.

A. The Department may establish from time to time detailed Program guidelines containing application schedules, procedures, underwriting standards, processing requirements, and other requirements or matters relating to the Program.

B. The Department.

(1) After financial assistance has been awarded to a Sponsor, the Department may:

(a) Determine specific terms and conditions, including length of term and rate of interest, for the financial assistance, which may be awarded as grants, recoverable grants, unsecured loans, or loans secured by a mortgage or other lien or security interest, which security interest may be superior or subordinate to other mortgages, liens, or other security interests on the collateral;

(b) Enforce the terms of grants, loans, or other financial assistance according to their terms and conditions;

(c) Notwithstanding any other provision of law, with respect to loans or grants secured by first or subordinate mortgages or other liens:

(i) Commence and pursue any action to protect or enforce any right conferred by law, contract, or other agreement;

(ii) Foreclose on property that the Department has a security interest in, and which is the subject of a community legacy agreement;

(iii) Bid for and purchase such property at any foreclosure or at any other sale, or acquire or take possession of the property through conveyance in lieu of foreclosure or otherwise, and convey property after acquisition;

(iv) Settle or compromise any debt or obligation to the Department;

(v) Pay the principal of and interest on any obligations incurred in connection with the property, and dispose of or otherwise deal with the property, in any manner necessary or desirable to protect the interest of the Program; or

(vi) Release or sell any mortgage, obligation, or property held by the Department at public or private sale, with or without public bidding;

(d) Require and obtain appraisals, credit information, and other information related to making loans and enforcing the terms and conditions;

(e) Enter into contracts with any governmental or private party for the furnishing of property or services necessary to the operation of the Program or the implementation of community legacy projects, including private property managers, mortgage servicers, architects, engineers, or other consultants;

(f) Enter into agreements with other government agencies, including local, State, or federal agencies, for the purpose of establishing partnerships to carry out the Program;

(g) Modify any provision of any grant, loan, or other financial assistance in order to facilitate the successful completion or operation of a project;

(h) Contract for and accept any grant, contribution, or loan of funds, property, or other aid from the federal government or other sources and, subject to the provisions of the Act, do all things necessary to qualify for, participate in, or administer any federal program consistent with the purposes of the Act;

(i) Modify the scope of work, location, or other aspect of a community legacy project; or

(j) Exercise all powers necessary or desirable for the implementation of the Program.

.08 Books and Accounts.

A. Sponsors, contractors, and subcontractors shall maintain such books, accounts, and records, and shall file with the Department such financial and other reports as the Department may from time to time

require. All of these books, accounts, and records shall be open to the inspection of representatives of the Department or other agencies of the State during reasonable working hours. Books, accounts, and records of designated third parties, contractors, and subcontractors shall be maintained and made available for inspection for 3 years past the date of termination of the contractual relationship between a designated third party, contractor, or subcontractor and the Sponsor.

B. Sponsors shall submit quarterly reports to the Department on the progress or implementation of a community legacy project.

.09 Fees and Charges.

A. The Department may establish application fees.

B. The Department may establish other fees to be paid to the Department related to the processing of applications and servicing of financial assistance.

.10 Nondiscrimination.

A. A Sponsor may not discriminate against a person on the basis of race, color, religion, national origin, sex, marital status, physical or mental handicap, sexual orientation, or age in any aspect of the Program.

B. A Sponsor shall comply with all applicable federal, State, and local laws and Department policies and programs regarding discrimination and equal opportunity in employment, housing, credit practices, and drug-free and alcohol-free workplaces, including:

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

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

(3) The Governor's Executive Order 01.01.1995.19, Code of Fair Employment Practices;

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

(5) The Governor's Executive Order 01.01.1989.18 on Drug and Alcohol Free Workplaces (Non-State Entities);

(6) The Americans with Disabilities Act, as amended; and

(7) The Maryland Building Rehabilitation Code.

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

.11 Waiver.

The Secretary may waive or vary provisions of this chapter to the extent that the waiver or variance is consistent with the Act and if, in the written determination of the Secretary, the application of a regulation in a specific case or in an emergency situation would be inequitable or contrary to the purposes of the Act.

.12 False Statements.

A. An individual may not knowingly make or cause to be made a false statement or report in any document required to be furnished to the Secretary or the Department by an agreement relating to financial assistance.

B. An individual applying for or benefiting from financial assistance under the Program may not knowingly make or cause to be made a false statement or report for the purpose of influencing the action of the Secretary or the Department on an application or for the purpose of influencing the action of the Secretary or the Department affecting financial assistance already provided.

C. An individual who violates §A or B of this regulation is subject to immediate cancellation or acceleration of the financial assistance provided by the Program and any other penalties authorized by law.

.13 Urgent or Emergency Projects Reserve.

A. In any fiscal year, the Secretary may hold up to 10 percent of the money in the Fund in reserve for emergency use or urgent projects.

B. After determining an emergency or urgent project exists, the Secretary may approve a community legacy project or a neighborhood intervention project.

C. Any funds held in reserve that are not used for emergency use or urgent projects shall be administered in accordance with the Act.

05.17.02 Designation of Sustainable Community

Authority: Housing and Community Development Article, Title 6, Subtitle 2, Annotated Code of Maryland

.01 Purpose.

The purpose of this chapter is to prescribe the policies and procedures for designating sustainable communities by the Subcabinet or the Secretary.

.02 Definitions.

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

B. Terms Defined.

(1) "Act" means Housing and Community Development Article, Title 6, Subtitle 2, Annotated Code of Maryland.

(2) "Application" means an application to the Department as described in Regulation .03 of this chapter.

(3) "Community development financial institution (CDFI)" has the meaning stated in COMAR 05.17.01.02.

(4) "Community development organization (CDO)" has the meaning stated in COMAR 05.17.01.02.

(5) "Community legacy project" or "project" has the meaning stated in COMAR 05.17.01.02.

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

(7) "Local government" has the meaning stated in COMAR 05.17.01.02.

(8) "Nonprofit organization" has the meaning stated in COMAR 05.17.01.02.

(9) "Priority funding area" has the meaning stated in COMAR 05.17.01.02.

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

(11) "Sponsor" has the meaning stated in COMAR 05.17.01.02.

(12) "Subcabinet" means the smart growth cabinet defined in State Government Article, §9-1406, Annotated Code of Maryland.

(13) "Sustainable community" means the part of a priority funding area that:

(a) Has been designated as a sustainable community in accordance with this chapter;

(b) Has been designated as a BRAC Revitalization and Incentive Zone under Economic Development Article, Title 5, Subtitle 13, Annotated Code of Maryland; or

(c) Has been designated as a transit-oriented development under Transportation Article, §7-101, Annotated Code of Maryland.

(14) "Sustainable community plan" means a plan, consisting of one or more community legacy projects or other revitalization projects, to prevent or reverse the decline of or disinvestment in a sustainable community through improvements in residential, commercial, or other public or private properties.

.03 Application Requirements.

A. An application for a sustainable community designation shall be submitted to the Department in accordance with the schedule that the Department establishes.

B. An application shall:

(1) Be on standard forms prescribed by the Department and Subcabinet;

(2) Be submitted by a local government or local governments that comply with the minimum eligibility requirements set forth in COMAR 05.17.01.03A(2)—(4);

(3) Provide a detailed map and description of the proposed sustainable community;

(4) Provide a sustainable community plan;

(5) Specify the ability of a Sponsor to carry out the proposed sustainable community plan;

(6) Describe the strength and quality of partnerships created among the federal government, the State government, local governments, political subdivisions, community development organizations, and other private organizations to develop the sustainable community plan, including:

(a) Financial support;

(b) Dedication of staff and resources; and

(c) Commitment to and development of local smart growth policies;

(7) Describe proposed benchmarks for evaluating whether the proposed sustainable community plan results in a desired outcome for a proposed sustainable community, such as:

(a) Stabilization;

(b) Reversal of social, economic, or physical decline; or

(c) Development of social, economic, or physical improvements;

(8) Describe the process used to seek and receive public input on the proposed sustainable community plan or community legacy project, including the nature and extent of public support or opposition; and

(9) Contain a resolution of support for the proposed area from the local government(s) in whose jurisdiction(s) the area is located.

C. In addition to the requirements of §B of this regulation, an application or initial designation of a sustainable community shall demonstrate that:

(1) The sustainable community is in a priority funding area;

(2) Past and current trends in homeownership, property values, commercial and residential vacancy, and business or housing investment indicate that there is a need for reinvestment in the proposed area; and

(3) The sustainable community satisfies one or more of the following criteria:

(a) Entities in the community such as local governments, employers, educational institutions, civic organizations, community organizations, or cultural organizations support the proposed sustainable community plan or community legacy project and have pledged resources to its development or implementation;

(b) The proposed sustainable community plan addresses the need for reinvestment in the area and enhances the area, including providing individuals of different incomes with a range of housing options, employment opportunities, or other amenities;

(c) There is a cultural or historical significance in the community or communities located in the proposed area;

(d) The proposed area is close to a town center or a transportation center;

(e) The proposed sustainable community plan is consistent with and complements other existing or proposed projects for housing, commercial or community development, education, historic preservation, neighborhood revitalization, transportation, or other factors significant to the comprehensive enhancement of the community; or

(f) There is a demonstrated need for financing assistance for small businesses, nonprofit organizations, or microenterprises.

.04 Application Processing.

A. Application Evaluation.

(1) Each application shall be submitted to the Department to determine whether all of the information required under Regulation .03 of this chapter is contained in the application.

(2) Upon receipt of all required information, the Department shall:

(a) Convene an interagency review team from the agencies of the Subcabinet to:

- (i) Review applications and plans;
- (ii) Provide assistance and guidance to applicants; and
- (iii) Make recommendations to the Secretary.

(b) Accept public input on the application;

(c) Refer the application to other State agencies for comment, as the Department considers appropriate;

(d) Consider any recommendation from a State unit or member of the Subcabinet;

(e) Consider geographic balance when reviewing applications; and

(f) Analyze each application as to determine whether the proposed sustainable community merits designation.

(3) The Department, in its discretion, may request additional information from the Sponsor concerning an application, including oral presentations.

(4) Upon completion of the requirements in §A(1)—(3) of this regulation, the Department shall make a recommendation on the application to the Secretary.

B. Recommendation by the Secretary. Upon receipt of the Department's recommendation, the Secretary:

(1) May request additional information from the Sponsor concerning the application, including oral presentations; and

(2) Shall make a recommendation to the Subcabinet on whether it should approve, disapprove, or approve with modifications the designation of the area as a sustainable community.

.05 Designation of a Sustainable Community.

A. The Subcabinet, on the recommendation of the Secretary, may designate an area as a sustainable community.

B. If the Subcabinet has not acted within 90 days of a recommendation from the Secretary, the Secretary may designate an area as a sustainable community without the approval of the Subcabinet.

C. Denial of Applications. If the Subcabinet or the Secretary, acting under §B of this regulation, determines not to designate all or part of an area as a sustainable community, such party shall issue a written notice of denial with an evaluation and explanation of the denial.

D. Reconsiderations.

(1) An applicant may request initial reconsideration of a denial by submitting a written request to the party that issued the denial notice.

(2) The request for reconsideration must be received within 30 days following the date of the denial notice.

(3) The request for reconsideration shall address each reason for the denial and provide documentation supporting reasons for reconsideration of the application.

(4) The Subcabinet or Secretary, as applicable, shall respond in writing to the applicant's request for reconsideration within 90 days of receipt of the request for reconsideration.

(5) An initial decision or reconsideration of a decision is not a contested case within the meaning of the Administrative Procedure Act or COMAR 05.01.01.02.

.06 Maintaining a Sustainable Community Designation.

A. To maintain a sustainable community designation, a local government or local governments shall file an updated plan and application with the Department every 5 years

B. Regulations .03-.05 of this chapter shall apply to the procedures and approval process for redesignating and maintaining a sustainable community designation.

C. The Department may establish an abbreviated application for redesignating and maintaining a sustainable community designation.

.07 Modification of a Sustainable Community Designation.

A. A local government or local governments may submit modifications to a sustainable community designation to the Department in accordance with the schedule that the Department establishes.

B. The subcabinet, on the recommendation of the Secretary, may approve modifications to a sustainable community designation.

C. Regulations .03—.05 of this chapter shall apply to the procedures and approval process for modifying a sustainable community designation.

D. The Department may establish an abbreviated application for modifying a sustainable community designation.

RAYMOND A. SKINNER

Secretary of Housing and Community Development

Title 09
DEPARTMENT OF LABOR,
LICENSING, AND
REGULATION

Subtitle 03 COMMISSIONER OF
FINANCIAL REGULATION

09.03.01 Credit Unions

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

Notice of Proposed Action

[11-286-P]

The Commissioner of Financial Regulation proposes to adopt new Regulation .17 under **COMAR 09.03.01 Credit Unions**.

Statement of Purpose

The purpose of this action is to provide procedures for electronically-conducted elections for directors of credit unions as required by Chapter 311 of the 2011 Laws 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 Mark A. Kaufman, Commissioner of Financial Regulation, Department of Labor, Licensing, and Regulation, 500 North Calvert Street, or call 410-230-6101, or email to jmagurshak@dllr.state.md.us, or fax to 410-333-0475. Comments will be accepted through November 7, 2011. A public hearing has not been scheduled.

.17 Boards of Directors—Electronically Conducted Elections.

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

B. Terms Defined.

(1) “Electronically” means the use of one or more electronic devices.

(2) “Electronic device” means a device having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities and may include, but is not limited to, telephones, voice response units, computer systems, and electronic mail systems.

(3) “Electronic notice members” means members of the credit union who have opted to receive notices or statements electronically.

(4) “Electronic voting instruction sheet” means the specific instructions for the electronically conducted election procedure, including, but not limited to:

- (a) How to access and use the electronic voting system;
- (b) The period of time in which votes will be taken; and
- (c) A description of the opt-out method.

(5) “Envelope” means a postage prepaid and preaddressed envelope conforming to Financial Institutions Article, §6-329(d)(2)(ii), Annotated Code of Maryland.

(6) “Identification form” means an identification form conforming to Financial Institutions Article, §6-329(d)(2)(iii), Annotated Code of Maryland.

(7) “Notice of ballot” means a notice that includes all information that is on the printed ballot.

(8) “Printed ballot” means a printed ballot conforming to Financial Institutions Article, §6-329(d)(2)(i), Annotated Code of Maryland.

(9) “Secretary” means the secretary of the credit union.

(10) “Tellers” means the tellers of election appointed by the board of directors pursuant to Financial Institutions Article, §6-329(e), Annotated Code of Maryland.

C. Provided that the board of directors has duly authorized electronically conducted elections, a credit union may elect its directors electronically using the following procedure.

(1) All Members. Except as provided in § C(2) of this regulation, the secretary shall mail to each member in good standing, at least 20 days before the annual meeting:

(a) Either a printed ballot and an identification form or one printed form that represents a combined printed ballot and identification form;

(b) An envelope; and

(c) An electronic voting instruction sheet.

(2) Electronic Notice Members. The secretary may electronically transmit only the notice of ballot and electronic voting instruction sheet to electronic notice members at least 20 days before the annual meeting.

(3) Optional Electronically Conducted Voting Methods. In addition to the procedures in §C(1) and (2) of this regulation, the board of directors may allow members to vote electronically in person at one or more locations of the credit union. If such voting is available, the electronic voting instruction sheet shall include the relevant details concerning this process and make clear that voting at such location or locations is optional.

D. Verification of Identity.

(1) The tellers shall verify, or cause to be verified, the identity of each voter opting to vote electronically by name, address, credit union account number and an additional verification method.

(2) The additional verification method may include:

(a) The use of a verification control number on a printed ballot, notice of ballot, or identification form;

(b) The use of a unique identifier, such as date of birth or last four digits of a Social Security Number; or

(c) Any other method that insures the integrity of the electronic voting process.

(3) The electronic voting instruction sheet shall include a description of the verification method and explain how a member uses any verifiers when voting electronically.

E. Opt-Out Methods. The electronic voting instruction sheet shall notify the members of their right to opt-out of electronic voting.

(1) Any member mailed a printed ballot may opt-out of electronic voting by returning the printed ballot in the envelope by the date specified on the electronic voting instruction sheet.

(2) Any electronic notice member may opt-out of electronic voting by requesting a printed ballot from the secretary as indicated on the electronic voting instruction sheet. Promptly upon the receipt of any such request, the secretary shall mail an envelope, printed ballot and identification form, or one printed form that represents a combined printed ballot and identification form, to the member.

F. The tellers shall test the integrity of the balloting systems at regular intervals during the election period.

G. In the event of malfunction of the electronic voting system, the board of directors may in its discretion order elections to be held by printed ballot only. The printed ballots shall be mailed to all eligible members 20 days before the annual meeting. The board of directors may make reasonable adjustments to the voting time frames or postpone the annual meeting when necessary, to complete the elections before the annual meeting.

MARK A. KAUFMAN
Commissioner of Financial Regulation

Subtitle 03 COMMISSIONER OF FINANCIAL REGULATION

09.03.12 Foreclosure Procedures for Residential Property

Authority: Real Property Article, §7-105.1[(c)(4) and (d)(2)(vii)], Annotated Code of Maryland

Notice of Proposed Action

[11-264-P]

The Commissioner of Financial Regulation proposes to repeal existing Regulations .01—.03 and adopt new Regulations .01—.12 under COMAR 09.03.12 Foreclosure Procedures for Residential Property. These regulations would also replace the existing emergency regulations, which expire on October 25, 2011.

Statement of Purpose

The purpose of this action is to provide procedures for foreclosure of residential property as required by Ch. 355, Acts of 2011. Emergency regulations have been in effect since July 1, 2010, but were not made permanent in anticipation of changes to the law during the 2011 Session. These regulations will incorporate those changes as well as provide form documents as directed by the General Assembly in Ch. 355.

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 Anne B. Norton, Deputy Commissioner, Division of Financial Regulation, 500 North Calvert Street, Baltimore, MD 21202, or call 410-230-6361, or email to ANorton@dllr.state.md.us, or fax to 410-333-0475. Comments will be accepted through November 7, 2011. A public hearing has not been scheduled.

NOTE: All appendices referenced in this chapter appear at the end of the Proposed Action on Regulations section of this issue of the Maryland Register.

.01 Definitions.

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

B. Terms Defined.

(1) "Addressed envelope" means:

(a) An envelope that is preprinted with the address where it should be delivered;

(b) An envelope that contains a label with a preprinted address where it should be delivered; or

(c) An envelope with a window that will accommodate a visible preprinted cover page that contains an address where the envelope should be delivered with instructions on how to use the cover page to display the address.

(2) "Administrative law judge" has the meaning stated in COMAR 28.02.01.02B(1).

(3) "Borrower" means:

(a) A mortgagor; or

(b) A grantor of a deed of trust.

(4) "Commissioner" means the Commissioner of Financial Regulation in the Department of Labor, Licensing, and Regulation.

(5) "Date of default" means the first calendar day after the borrower has failed to meet the borrower's obligations under the terms of the debt instrument where the debt instrument characterizes that failure as a default.

(6) "Debt instrument" means an agreement, promissory note, or other evidence of a mortgage loan.

(7) "Final loss mitigation affidavit" has the meaning stated in Real Property Article, §7-105.1(a), Annotated Code of Maryland.

(8) "Foreclosure mediation" has the meaning stated in Real Property Article, §7-105.1(a), Annotated Code of Maryland.

(9) "Housing counseling services" has the meaning stated in Real Property Article, §7-105.1(a), Annotated Code of Maryland.

(10) Inspection.

(a) "Inspection" means a limited nonintrusive examination to determine occupancy status of a property.

(b) "Inspection" may include, but is not limited to:

(i) Physical survey of the property; or

(ii) Review of loan documents, recorded instruments, court orders, public records, photos taken upon physical survey of the property, or other documents identifying loan type or ownership.

(11) "Loss mitigation analysis" has the meaning stated in Real Property Article, §7-105.1(a), Annotated Code of Maryland.

(12) "Loss mitigation program" has the meaning stated in Real Property Article, §7-105.1(a), Annotated Code of Maryland.

(13) "Mediator" means the administrative law judge within the Maryland Office of Administrative Hearings who will serve as the neutral third party in a foreclosure mediation.

(14) "Mortgage lender licensee" means a person licensed under Financial Institutions Article, §§11-501—11-524, Annotated Code of Maryland.

(15) "Mortgage loan" means any loan or extension of credit secured by residential property.

(16) "Mortgage loan originator licensee" means an individual licensed under Financial Institutions Article, §§11-601—11-618, Annotated Code of Maryland.

(17) Owner-Occupied Residential Property.

(a) "Owner-occupied residential property" has the meaning stated in Real Property Article, §7-105.1(a), Annotated Code of Maryland.

(b) "Owner-occupied residential property" does not include property secured by mortgage loans or other debt instruments if the borrower is:

(i) One or more persons who have made a written statement in connection with the original loan application that the loan is for business or investment purposes;

(ii) A corporation;

(iii) A limited liability company;

(iv) A joint venture; or

(v) A partnership or a limited partnership.

(18) "Person" has the meaning stated in Financial Institutions Article, §11-501(p), Annotated Code of Maryland.

(19) "Preliminary loss mitigation affidavit" has the meaning stated in Real Property Article, §7-105.1(a), Annotated Code of Maryland.

(20) "Record owner" has the meaning stated in Maryland Rule 14-202(n).

(21) Representative of the Secured Party.

(a) "Representative of the secured party" means a person who has representative authority to perform the duties and responsibilities of the secured party.

(b) "Representative of the secured party" does not include an attorney acting solely as legal counsel on behalf of the secured party or on behalf of the representative of the secured party, unless specifically authorized to perform the duties and responsibilities of the secured party.

(c) "Representative of the secured party" includes an attorney acting as trustee under a deed of trust.

(22) "Residential property" has the meaning stated in Real Property Article, §7-105.1(a), Annotated Code of Maryland.

(23) "Secured party" has the meaning stated in Maryland Rule 14-202(q).

(24) Single Family Dwelling Unit.

(a) "Single family dwelling unit" means a structure principally designed for the residential habitation of one family.

(b) "Single family dwelling unit" includes an individual residential condominium unit within a larger structure or complex, regardless of the total number of individual units in that structure or complex.

(c) "Single family dwelling unit" does not include a structure that:

(i) Is not intended, and has never been used, for human habitation; or

(ii) Is intended for human habitation and has never been occupied and for which a use and occupancy permit, if required, has never been issued.

.02 Notice of Intent to Foreclose.

A. Subject to §§E and F of this regulation, a person required to send a notice of intent to foreclose under Real Property Article, §7-105.1, Annotated Code of Maryland, shall send a notice of intent to foreclose, which shall fully conform with §B, C, or D of this regulation.

B. Owner-Occupied Residential Property.

(1) Subject to §C of this regulation, a notice of intent to foreclose on owner-occupied residential property shall be in a form substantially similar to that in Appendix A of this chapter.

(2) For purposes of the notice set forth in §B(1) of this regulation, the names and license numbers of mortgage lender licensees and mortgage loan originator licensees are required to be included in the notice only if this information is included on or recorded with the security instrument securing the mortgage loan related to the notice, or is otherwise known to the person sending the notice. If the mortgage lender was exempt from licensure under Financial Institutions Article, §11-501 et seq., Annotated Code of Maryland, at the time the mortgage loan was made, then a mortgage lender license number is not required under this section. If the mortgage loan originator was exempt from licensure under Financial Institutions Article, §11-601 et seq., Annotated Code of Maryland, at the time the mortgage loan was originated, then a mortgage lender license number is not required under this section.

(3) The notice of intent to foreclose may include a separate addendum, sequenced at the end of the notice of intent to foreclose, with additional information, a notice, or advice relating to default that is required in advance of commencement of a foreclosure by a covenant of the deed of trust or mortgage that is the subject of the notice, or by the servicer, investor, insurer, or government regulator guidelines applicable to the deed of trust or mortgage that is the subject of the notice, provided the additional information, notice, or advice does not contradict any information required to be contained in the notice of intent to foreclose.

(4) The notice of intent to foreclose shall be accompanied in the same envelope or package by:

(a) A loss mitigation application for loss mitigation programs that are applicable to the loan secured by the mortgage or deed of trust that is the subject of the notice. If the secured party does not have its own loss mitigation application, the secured party shall use the form of loss mitigation application set forth in Regulation .06 of this chapter;

(b) Instructions for completing the loss mitigation application with a telephone number to call to confirm receipt by the secured party, or representative of the secured party, of the completed application;

(c) A description of the eligibility requirements for the loss mitigation programs offered by the secured party that may be applicable to the loan secured by the mortgage or deed of trust that is the subject of the notice. If the mortgage loan is owned, securitized, insured, or guaranteed by the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, or Federal Housing Administration, or if the servicing agent is participating in the federal Making Home Affordable Modification Program (also known as "HAMP"), providing documentation to the borrower as required by those programs satisfies the requirement to provide a description of the eligibility requirement for the applicable loss mitigation program; and

(d) An addressed envelope in conformity with Regulation .07 of this chapter addressed to the person (an individual, a group of individuals, or a department such as a "Loss Mitigation Department") responsible for conducting the loss mitigation analysis on behalf of the secured party for the mortgage loan.

C. If the basis for the authority to foreclose on the owner-occupied residential property is a homeowners' association lien, condominium

association lien, mechanic's lien, a similar statutory or contractual lien, or a basis other than a mortgage loan default, a notice of intent to foreclose shall be in a form substantially similar to that in Appendix B of this chapter.

D. Not an Owner-Occupied Residential Property.

(1) A notice of intent to foreclose on residential property that is not an owner-occupied residential property shall be in a form substantially similar to that in Appendix C of this chapter.

(2) A notice of intent to foreclose under §D(1) of this regulation shall be sent to the borrower and record owner only if the secured party, or representative of the secured party, has a reasonable belief that the residential property is not owner-occupied residential property.

(3) If the borrower or record owner contests the determination that the residential property is not owner-occupied residential property, and it is determined that the residential property is owner-occupied residential property, the secured party shall send the appropriate notice of intent to foreclose in compliance with Real Property Article, §7-105.1, Annotated Code of Maryland, and this regulation.

E. Filing Electronically. A person required to send the Commissioner a copy of a notice of intent to foreclose under Real Property Article, §7-105.1, Annotated Code of Maryland, shall meet that requirement by making an electronic submission within 5 business days of mailing a notice of intent to foreclose through the Commissioner's Notice of Intent to Foreclose Electronic System (the "System"). The System is located at <https://www.dllr.state.md.us/NOI/web/content/Home.aspx>; a link is also available on the Commissioner's website at <http://www.dllr.state.md.us/finance>.

F. The secured party, or representative of the secured party, shall include all information required in a form provided for under §B, C, or D of this regulation in the spaces indicated by brackets and blank lines.

G. The Commissioner shall retain an electronic copy of all submissions made on the System for at least 6 months.

.03 Preliminary Loss Mitigation Affidavit.

A. Subject to §B of this regulation, a preliminary loss mitigation affidavit required by Real Property Article, §7-105.1(f)(3), Annotated Code of Maryland, and this chapter shall be in a form substantially similar to that in Appendix D of this chapter.

B. The secured party, or representative of the secured party, shall include all information required in the form provided for under §A of this regulation in the spaces indicated by blank lines.

.04 Final Loss Mitigation Affidavit.

A. Subject to §B of this regulation, a final loss mitigation affidavit required by Real Property Article, §7-105.1(f)(4), Annotated Code of Maryland, and this chapter shall be in a form substantially similar to that in Appendix E of this chapter.

B. The secured party, or representative of the secured party, shall include all information required in the form provided for under §A of this regulation in the spaces indicated by blank lines.

.05 Request for Foreclosure Mediation.

A. Subject to §B of this regulation, a request for foreclosure mediation required by Real Property Article, §7-105.1(f)(4), Annotated Code of Maryland, and this chapter shall be in a form substantially similar to that in Appendix F of this chapter.

B. The secured party, or representative of the secured party, shall include all information required in the form provided for under §A of this regulation in the spaces indicated by blank lines.

.06 Loss Mitigation Application and Instructions.

A secured party, or representative of the secured party, that does not have its own loss mitigation application shall use a loss mitigation application in a form substantially similar to that in Appendix G of this chapter.

.07 Addressed Envelope.

A. The following addressed envelopes are required by this chapter and shall be in the form and include the information set forth in this regulation.

B. Required Addressed Envelopes.

(1) An addressed envelope accompanying the Notice of Intent to Foreclose shall be directed to the person responsible for conducting loss mitigation analysis on behalf of the secured party (the person may be an individual, a group of individuals, or a department such as a "loss mitigation department").

(2) An addressed envelope accompanying the Preliminary Loss Mitigation Affidavit (if applicable) shall be directed to the foreclosure attorney handling the foreclosure on behalf of the secured party.

(3) The two addressed envelopes accompanying the Final Loss Mitigation Affidavit shall include:

(a) For the addressed envelope to be mailed to the clerk of the court with a request for foreclosure mediation:

(i) The address of the Clerk of the Court; and

(ii) The words "Request for Foreclosure Mediation" on the face of the addressed envelope in at least 14-point bold type; and

(b) For the addressed envelope to be mailed to the foreclosure attorney in connection with a request for foreclosure mediation, the address of the foreclosure attorney handling the foreclosure on behalf of the secured party.

C. A copy of any addressed envelope described in this regulation need not be filed with the Clerk of the Court.

.08 Notice of Filing to Accompany a Preliminary Loss Mitigation Affidavit.

A. A form substantially similar to the form in Appendix H of this chapter shall be used to comply with the notice of filing requirement when accompanying a preliminary loss mitigation affidavit, as well as an order to docket or complaint to foreclose, as required by Real Property Article, §7-105.1, Annotated Code of Maryland.

B. The form used under this regulation to comply with the notice of filing requirement to accompany a preliminary loss mitigation affidavit shall be the first in the sequence of papers and documents in the packet sent to the borrower.

C. The preliminary loss mitigation affidavit shall be the second in the sequence of papers and documents in the packet sent to the borrower and shall be directly behind the form used under §A of this regulation.

D. The remainder of the papers and documents in the packet sent to the borrower may be in any other sequence.

E. The sequence requirements of §§B and C of this regulation apply only to the papers and documents sent to the borrower.

.09 Notice of Filing to Accompany a Final Loss Mitigation Affidavit.

A. A form substantially similar to the form in Appendix I of this chapter shall be used to comply with the notice of filing requirement when accompanying a final loss mitigation affidavit and the form used under this chapter to request foreclosure mediation, as well as an order to docket or complaint to foreclose, as required by Real Property Article, §7-105.1, Annotated Code of Maryland.

B. The form used under this section to comply with the notice of filing requirement to accompany a final loss mitigation affidavit shall be the first in the sequence of papers and documents in the packet sent to the borrower, and shall be on yellow paper.

C. The form used under this chapter to request foreclosure mediation shall be the second in the sequence of papers and documents in the packet sent to the borrower and shall be directly behind the form used under §A of this regulation.

D. The final loss mitigation affidavit shall be the third in the sequence of papers and documents in the packet sent to the borrower and shall be directly behind the form used under this chapter to request foreclosure mediation.

E. The remainder of the papers and documents in the packet sent to the borrower may be in any other sequence.

F. The sequence requirements of §§B, C, and D of this regulation apply only to the papers and documents sent to the borrower.

.10 Office of Administrative Hearings.

A. The Office of Administrative Hearings shall provide the Borrower(s) Information Worksheet and the instructions regarding the documents and information that must be provided by each party to the other and to the Office of Administrative Hearings in a form substantially similar to that in Appendix J of this chapter.

B. Appearance.

(1) At a scheduled foreclosure mediation, the secured party, or a representative of the secured party, shall be present in person or by telephonic means for the entirety of the foreclosure mediation.

(2) If the secured party, or a representative of the secured party, fails to appear for the entirety of the foreclosure mediation, then the secured party shall be deemed to have failed to appear pursuant to COMAR 28.02.01.23.

(3) If the mediator determines that a party fails to appear at a scheduled foreclosure mediation, then the mediator shall file a notice to the appropriate circuit court stating such a finding.

C. Filing Electronically. The Commissioner may allow the submission of information and documents required for the foreclosure mediation under this regulation by an electronic method established by the Commissioner.

.11 Time.

In computing any period of time prescribed by this chapter, Maryland Rule 1-203 shall apply.

.12 Filing of Duplicate Forms.

Any affidavit, application, or other form submitted to a circuit court as required by this chapter may be a duplicate of the original affidavit, application, or other form.

MARK A. KAUFMAN
Commissioner of Financial Regulation

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.81 Elevator, Escalator, and Chairlift Safety

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

Notice of Proposed Action

[11-285-P-I]

The Commissioner of Labor and Industry proposes to amend Regulation .01 under COMAR 09.12.81 Elevator, Escalator, and Chairlift Safety.

Statement of Purpose

The purpose of this action is to adopt, through incorporation by reference, ASME A17.1a-2008/CSA B44a-08 Addenda to ASME A17.1-2007/CSA B44-07 Safety Code for Elevators and Escalators and ASME A17.1b-2009/CSA B44b-09 Addenda to ASME A17.1-

2007/CSA B44-07 Safety Code for Elevators and Escalators. Public Safety Article, §12-806, Annotated Code of Maryland, requires that elevator units comply with the version of the ASME A17.1 Safety Code, as adopted and amended by the Commissioner of Labor and Industry, that is in effect when they are newly installed or altered.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. It is expected that this proposed action has minimal economic impact on building owners, elevator installers, and elevator manufacturers. The practices and cost of new components required by these codes are presently standard to industry practice. A number of revisions require no additional costs. In addition, any of the minimal costs will be more than offset by the added protections afforded those using the equipment. The revisions associated with both ASME A17.1a-2008/CSA B44a-08 Addenda to ASME A17.1-2007/CSA B44-07 Safety Code for Elevators and Escalators and ASME A17.1b-2009/CSA B44b-09 Addenda to ASME A17.1-2007/CSA B44-07 Safety Code for Elevators and Escalators, for the most part, relate to switches, clearances, and performance measures.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	Minimal
B. On other State agencies:	(E+)	Indeterminable
C. On local governments:	(E+)	Indeterminable
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:		
(1) A17.1a-2008 Rule 2.7.3.4.6	(+)	Indeterminable
(2) Rule 2.27.3.3.7	NONE	
(3) Rule 8.6.5.13	(+)	Indeterminable
(4) A17.1b-2009 Rule 2.18.7.2	NONE	
(5) Rule 2.27.1.1.6	(+)	Indeterminable
(6) Rule 3.4.7	(+)	Indeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Indeterminable

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

A. State inspector training on new requirements will be provided at regularly scheduled staff meetings.

B. When a State agency is an owner, same as D below.

C. When local governments are owners, same as D below.

D(1). Rule 2.7.3.4.6 expands the coverage of the Code to require that access openings located in the secondary floor level, machine room floor, control space floor, or control room floor for access into the elevator hoistway be kept closed and locked.

D(2). Rule 2.27.3.3.7 requires that the fire department communication system phone jack be permitted to be installed in the firefighters' operation panel. No other equipment is permitted in the firefighters' operation panel. As this component is standard to the industry today, no cost is associated with this rule change.

D(3). Rule 8.6.5.13 is a new rule requiring all elevators equipped with field adjustable overspeed valves to have the adjustment means examined to ensure the seal is intact. If the seal is found not intact, compliance with Rule 8.11.3.4.5 must be verified and a new seal installed. A minimal cost is associated with the replacement of a seal.

D(4). Rule 2.18.7.2 is a new rule that simply incorporates jawless governors into the requirements for the installation of a switch or switches that can be mechanically opened by the governor tension sheave before the sheave reaches its upper or lower limit of travel. Jawless governors are new to the industry, but the cost of such a switch is absorbed into the cost of the operating panel and is an industry standard.

D(5). Rule 2.27.1.1.6 is a new rule that requires the two-way communications means within an elevator car to include a means to verify operability of the telephone line. If that verification determines that the telephone line or equivalent is not functional, an audible and illuminated visual signal needs to be activated. As in the previous rule, any cost associated with such a signal will be absorbed into the cost of the elevator operating panel. The addition of this feature to the operating panel is not only an enhanced safety feature but again, an industry standard.

D(6). Rule 3.4.7 is a new rule that sets out the requirements for top counterweight clearances for hydraulic elevators just as Rule 2.4.9 outlines the clearance requirements for electric elevators. It is assumed that any cost related to this new rule would be minimal.

F. It is assumed that the new requirements will provide a safer environment for individuals in the industry, as well as safer equipment for the general public to use.

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 Debbie Stone, Regulations Coordinator, Department of Labor, Licensing, and Regulation, Division of Labor and Industry, 1100 N. Eutaw Street, Room 606, Baltimore, Maryland 21201, or call 410-767-2225, or email to dstone@dlr.state.md.us, or fax to 410-767-2986. Comments will be accepted through November 7, 2011. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, ASME A17.1a-2008/CSA B44a-08 Addenda to ASME A17.1-2007/CSA B44-07 Safety Code for Elevators and Escalators and ASME A17.1b-2009/CSA B44b-09 Addenda to ASME A17.1-2007/CSA B44-07 Safety Code for Elevators and Escalators have been declared documents generally available to the public and appropriate for incorporation by reference. For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories was published in 38:3 Md. R. 145 (January 28, 2011), and is available online at www.dsd.state.md.us. These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Safety Code for Elevators and Escalators.

A.—T. (text unchanged)

U. *ASME A17.1a-2008/CSA B44a-08 Addenda to ASME A17.1-2007/CSA B44-07 Safety Code for Elevators and Escalators is incorporated by reference.*

V. *ASME A17.1b-2009/CSA B44b-09 Addenda to ASME A17.1-2007/CSA B44-07 Safety Code for Elevators and Escalators is incorporated by reference.*

[U.] W. (text unchanged)

J. RONALD DEJULIIS
Commissioner of Labor and Industry

Subtitle 23 BOARD FOR PROFESSIONAL ENGINEERS

09.23.04 Fees

Authority: Business Regulation Article, §§2-106.1 and 2-106.2; Business Occupations and Professions Article, §§14-208, 14-209, 14-306, and 14-316; Annotated Code of Maryland

Notice of Proposed Action

[11-287-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 an open meeting held on March 10, 2011 notice of which was given by publication in 38:5 Md. R. 338 (February 25, 2011), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to: (1) set a one-time retired status license fee for those Maryland professional engineers who (a) no longer wish to practice professional engineering, but prefer to retain the honorary title, and (b) meet the criteria set forth in Section 14-316 of the Business Occupations and Professions Article, Annotated Code of Maryland; and (2) establish the pass-through fee for the Structural Examinations set by the National Council of Examiners for Engineering and Surveying.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The impact of the retired status will result in potential long-term savings to a licensee who elects retired status. The fee for an active license is \$68 while the fee for retired status is \$50 and does not have to be renewed. The restructured Structural Exam has been offered by NCEES since

October 2010; however, the Maryland Board was not able to offer it for the following reason. Maryland's licensing statute specified the exam to be an 8-hour exam; however, the revised Structural Exam is a 16-hour exam. As a result of the 2011 legislation, the references to an 8-hour examination were deleted enabling the Maryland Board to begin offering the revised Structural Exam. Prior to October 2010, the Structural Exam consisted of two parts. The Maryland Board offered only one part. The cost imposed by NCEES to take the examination at that time was the same for all disciplines (\$165), and a candidate could become licensed based on passing a single part. The NCEES imposed fee to take the second part of the Structural Examination which Maryland did not offer was \$655. With the restructuring of this examination, candidates must now pass both parts of the exam in order to get a Maryland license. Although the Maryland Board does not license by discipline, the Board wishes to offer both parts of the new Structural Exam to candidates to ease their application process for reciprocity in other states which have already started offering the revised format of the examination. NCEES set the fee for each part at \$410 for a total of \$820, which is equal to the amount a candidate previously paid to take both parts of the exam in another state. With the promulgation of this regulation, candidates will now be able to take both parts of the Structural Exam in Maryland.

II. Types of Economic Impact.

Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
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- A. On issuing agency:
Professional Licensing Design Boards' Special Fund NONE
- B. On other State agencies: NONE
- C. On local governments: NONE

Benefit (+)	Cost (-)	Magnitude
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- D. On regulated industries or trade groups:
Exam candidates (-) \$655
- E. On other industries or trade groups:
National Council of Examiners for Engineering and Surveying (+) \$410 per part per candidate
- F. Direct and indirect effects on public: NONE

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

D. A candidate wishing to get a license by taking and passing both parts of the Structural Exam will have to take both parts and will have to expend an additional \$655 to do so.

E. The National Council of Examiners for Engineering and Surveying (NCEES) will collect \$410 for each exam administered. The fee is a straight pass-through fee.

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, Acting Executive Director, Maryland Board for Professional Engineers, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6263, or email to pamedwards@dllr.state.md.us, or fax to 410-333-0021. Comments will be accepted through November 7, 2011. 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 December 8, 2011, 9 a.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.03 Fees and Costs.

A. The Secretary and the design boards have agreed to average their direct and indirect costs, based on the calculation of costs performed by the Secretary in consultation with the design boards. Based on these calculations, the Board sets the following fees:

- (1)—(4) (text unchanged)
- (5) *Retired Status License fee*—\$50
- [(5)] (6)— [(6)] (7) (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) (text unchanged)
- (2) *Principles and Practice of Engineering*—\$165[.];and
- (3) *Structural Engineering*
 - (i) *Lateral Forces*—\$410;and
 - (ii) *Vertical Force*— \$410.

C.—E. (text unchanged)

HOWARD C. HARCLERODE
Chair, Maryland Board for Professional Engineers

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

**Subtitle 09 MEDICAL CARE
PROGRAMS**

**10.09.30 Statewide Planning and Evaluation
Services**

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

Notice of Proposed Action

[11-284-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .06 under **COMAR 10.09.30 Statewide Planning and Evaluation Services**.

Statement of Purpose

The purpose of this action is to implement a 4 percent increase in the reimbursement rates for service providers in Fiscal Year 2012.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This proposal will increase reimbursement rates for providers by 4 percent.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$260,000
B. On other State agencies:	NONE	
C. On local governments:	(R+)	\$260,000
	Benefit (+) Cost (-)	Magnitude

- D. On regulated industries or trade groups: NONE
- E. On other industries or trade groups: NONE
- F. Direct and indirect effects on public: NONE

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

A. Reimbursement to providers for services is projected to increase by \$260,000 from \$6,500,000 to \$6,760,000 in FY 2012 based on a 4 percent rate increase.

C. The proposed increase in reimbursement rates will increase projected revenue by \$260,000 for providers in FY 2012.

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 an impact on individuals with disabilities as follows:

This rate increase will have an impact on local health departments revenue but is not expected to affect access or quality of services for individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499, TTY:800-735-2258, or email to regs@dhhm.state.md.us, or fax to 410-767-6483. Comments will be accepted through November 7, 2011. A public hearing has not been scheduled.

.06 Payment Procedures.

A.—B. (text unchanged)

C. Payments. Payments shall be made:

- (1) (text unchanged)
- (2) According to the following fee-for-service schedule for STEPS, *effective July 1, 2011*:

Description	Fee Per Unit of Service
(a) One completed STEPS comprehensive evaluation and multidisciplinary assessment	[\$355] \$370;
(b) One completed Medical Eligibility Review form (DHMH 3871) for applicants to the Home and Community-Based	

Services Waiver for Older Adults under COMAR 10.09.54 and the [Home and Community-Based Services Waiver for Adults with Physical Disabilities] *Living at Home Program* under COMAR 10.09.55[50] \$52; (c)—(d) (text unchanged)

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

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

10.54.03 Retail Food and Pharmacy Vendors

Authority: Health-General Article, §§2-104(b), 18-107(a), and 18-108, Annotated Code of Maryland

Notice of Proposed Action
[11-283-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .03, .09-1, .10, and .13—.16 under **COMAR 10.54.03 Retail Food and Pharmacy Vendors**.

Statement of Purpose

The purpose of this action is to update the authorized foods for purchase by the Maryland WIC Program participants and the required minimum stock levels for WIC-authorized retailers. The proposal updates what is considered WIC-authorized food. The proposal also revises certain required vendor practices and strengthens the sanctions for WIC violations. This proposal is required by the latest Federal Rule (7 CFR Part 246 Special Supplemental Nutrition Program for Women, Infants and Children (WIC)). The proposal is also required as the result of the Program’s most recent vendor management review in which the USDA indicated that the Program’s sanctions for vendor violations should be more stringent and that the existing regulations should also define what constitutes a “pattern” of violations.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

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, or email to regs@dnhmh.state.md.us, or fax to 410-767-6483, TTY:800-735-2258. Comments will be accepted through November 7, 2011. A public hearing has not been scheduled.

.03 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1)—(22) (text unchanged)

(23) “Pattern” means two or more vendor violations.

[(23)] (24)—[(28)] (29) (text unchanged)

[(29)] (30) “Region” means a designated area of the State, as set forth in [§B(30)—(35)] §B(31)—(36) of this regulation, for administration of the WIC Program including vendor selection and peer group designation.

[(30)] (31)—[(48)] (49) (text unchanged)

.09-1 Price Determinations.

The WIC Program shall calculate:

A. Average regional prices according to the six regions as set forth in Regulation [.03B(30)—(35)] .03B(31)—(36) of this chapter; and

B. Peer group averages according to the peer groups set forth at Regulation [.03B(23)] .03B(24) of this chapter.

.10 Food Package Prices After Authorization.

A. (text unchanged)

B. Upon request of the State agency, a vendor, other than a pharmacy or military commissary, shall submit on the vendor price list form *or through the State agency’s online submission system*, its highest shelf prices for WIC-authorized foods to the State agency.

C. The State agency shall notify a vendor, other than a pharmacy or a military commissary, that fails to submit its prices on the vendor price list form *or through the State agency’s online submission system* when requested to do so that, if the price list form *or online price submission* is not received by the Program within 10 business days of the State agency’s request, the vendor’s authorization shall be suspended for 1 year.

D. If a vendor, other than a pharmacy or a military commissary, submits prices on the vendor price list form that make its food package price more than 125 percent of the peer group average for that food package, or the food package prices are determined by the WIC Management Information System calculation to exceed 125 percent of the peer group average, the State agency shall notify the vendor that:

(1) (text unchanged)

(2) It may lower its actual highest shelf prices for the WIC foods or resubmit the vendor price list form *or online price submission* to the State agency within 10 days following the notification; and

(3) (text unchanged)

E.—H. (text unchanged)

.13 WIC-Authorized Foods.

A food store or food store/pharmacy combination vendor shall redeem food instruments for the following foods:

A.—D. (text unchanged)

E. Beans:

(1) Unflavored dry beans, lentils, or peas in 1-pound packages [or] *and 15-ounce to 16-ounce cans*; and

(2) (text unchanged)

F.—G. (text unchanged)

H. Infant fruits and vegetables in brand, type, and size prescribed on a food instrument:

(1) [Second stage] *Plain vegetables or a combination of vegetables*; and

(2) [Single vegetable or fruit ingredient] *Plain fruit or a combination of fruits*;

I. (text unchanged)

J. Unsweetened 100-percent juice in 59-ounce to 64-ounce [plastic bottles] *containers* in the following varieties and brands:

(1)—(2) (text unchanged)

(3) *Pineapple, any brand*;

[(3)] (4)—[(8)] (9) (text unchanged)

K.—Q. (text unchanged)

R. Soft tortillas in 16-ounce packages:

- (1) (text unchanged)
- (2) Whole wheat [.] ;

S. Soy beverages if prescribed on a food instrument, in the following brands and varieties:

- (1) 8th Continent, half gallons, original, plain, refrigerated; and
- (2) Pacific Natural Foods Ultra Soy Brans, quarts, plain, shelf-stable; and

T. Tofu, if printed on a food instrument, in the following brands and varieties:

- (1) Azumaya, extra firm, firm, silken, and extra lite firm;
- (2) House, soft (silken), medium firm (regular), firm, and extra firm; and
- (3) Nasoya, extra firm, firm, silken, soft, lite firm, and lite silken.

.14 Minimum Required Stock.

A. A food store or food store/pharmacy combination vendor shall maintain in the store during regular business hours the following minimum stock:

- (1)—(3) (text unchanged)
 - (4) 100-percent fruit juice:
 - (a)—(b) (text unchanged)
 - (c) Six 59-ounce to 64-ounce cans;
 - (5) (text unchanged)
 - (6) [Infant] Any brand of infant fruits and vegetables in 32 3.5-ounce to 4-ounce [jars as specified by the WIC infant food rebate contract or as otherwise specified by the Program] containers:
 - (a) (text unchanged)
 - (b) Two varieties of vegetables; [and]
 - (c) [Second stage single] Plain or a combination of fruit or vegetable [ingredient] ingredients;
 - (7) Infant meat [as specified by the WIC infant food rebate contract or as otherwise specified by the Program]:
 - (a)—(c) (text unchanged)
 - (8)—(10) (text unchanged)
 - (11) Dry and canned beans:
 - (a) [Three] 3 1-pound bags dry type in two varieties; and
 - (b) 12 15-ounce to 16-ounce cans in three varieties;
 - (12)—(15) (text unchanged)
- B. (text unchanged)

.15 Required Vendor Practices.

A. (text unchanged)

B. General Requirements.

- (1) (text unchanged)
- (2) A vendor may not:
 - (a)—(d) (text unchanged)
 - (e) Intentionally submit false prices on the vendor price list form or the State agency's online system;
 - (f)—(h) (text unchanged)
- (3) (text unchanged)

C. Transactional Requirements.

- (1) A vendor shall:
 - (a)—(f) (text unchanged)
 - (g) Accept a food instrument only for authorized food brands, quantities, and types and as prescribed on the food instrument;
 - (h)—(n) (text unchanged)
 - (o) Obtain infant formula from only the following manufacturer, distributor, wholesaler, and retailer sources:
 - (i) Abbott Laboratories;
 - [(i)] (ii)—[(xviii)] (xix) (text unchanged)
 - [(xix) Ross Products Division/Abbott Laboratory;]
 - (xx)—(xxi) (text unchanged)
- (2) (text unchanged)

(3) A vendor [that is determined by the State agency to derive more than 50 percent of the vendor's annual food sales revenue from food purchased with WIC food instruments] may not provide to participants incentive items or other free merchandise, including food or merchandise of nominal value in an amount [less] greater than \$2, unless the vendor provides to the Program proof of obtaining the incentive items or merchandise at no cost to the Program.

(4) (text unchanged)

D. (text unchanged)

.16 Vendor Sanctions.

A. The Program shall sanction a vendor that fails to comply with a required practice in Regulation .15B(1)(a)—(f), and C(1)(a)—(f) and (h), and (2)(a)—(c) of this chapter as follows:

- (1) (text unchanged)
- (2) Suspension of authorization for 1 year for [five] three violations of the same provisions within a [2-year] 1-year period; and
- (3) Suspension of authorization for 1 year for a combination of [15] 5 violations within a [2-year] 1-year period.

B. The Program shall sanction a vendor that fails to comply with a required practice in Regulation .15B(1)(g)—(k) and (2)(b), C(1)(i)—(m), (2)(e)—(h), and (3), and D(1)(a)—(b) and (e) of this chapter as follows:

- (1) (text unchanged)
- (2) Suspension of authorization for 1 year for [two] a pattern of violations of the same provision within a 12-month period.

C.—Q. (text unchanged)

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

Title 12
DEPARTMENT OF PUBLIC
SAFETY AND
CORRECTIONAL SERVICES
Subtitle 04 POLICE TRAINING
COMMISSION

Notice of Proposed Action

[11-271-P]

The Secretary of Public Safety and Correctional Services proposes to:

- (1) Amend Regulations .04—.12, repeal existing Regulations .14, .15, .17, and .20, and recodify existing Regulations .16, .18, .19, and .21 to be Regulations .14, .15, .16, and .17 under **COMAR 12.04.01 General Regulations**;
- (2) Amend Regulations .01 — .03 and repeal existing Regulations .11 — .13 under **COMAR 12.04.02 Firearms Training**;
- (3) Amend Regulation .01 and repeal existing Regulation .06 under **COMAR 12.04.05 Electronic Control Device Training and Instructor Certification**; and
- (4) Adopt new Regulations .01 — .18 under new chapter, **COMAR 12.04.06 Instructor Training and Certification**.

This action was considered by the Correctional Training Commission at a public meeting on January 25, 2011.

Statement of Purpose

The purpose of this action is to separate two distinct Police Training Commission responsibilities previously combined in one chapter, i.e., Firearms Training and Instructor Training and

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Certification currently contained in COMAR 12.04.02. By separating the topics, the Police Training Commission establishes a distinction between the requirements for firearms classroom instruction, training, and qualification; and instructor certification requirements. The current language creates significant overlap between these two topics especially when addressing the various classifications of firearms related instructor certifications. The proposed action:

(1) Amends references in COMAR 12.04.01 to match changes (deletions and re-codification) to COMAR 12.04.02 and relocation of language in new COMAR 12.04.06.

(2) Amends existing COMAR 12.04.02 by re-titling the chapter to Firearms Training and removes instructor training and certification language from the chapter leaving firearms training requirements, with minor formatting updates, as the topic of the chapter;

(3) Deletes the definition of expert from COMAR 12.04.05.01;

(4) Creates new regulations under COMAR 12.04.06 Instructor Training and Certification using the language, with appropriate formatting updates, removed from existing COMAR 12.04.02; and

(5) Creates new requirements for certification of police motorcycle operators and police motorcycle instructors.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The majority of the project has no economic impact in that the changes re-align existing language, with appropriate formatting updates, without creating or deleting Police Training Commission duties or requirements.

The creation of certification requirements for police motorcycle operators has a fiscal impact related to the proposed 80 hour (2 week) training program for law enforcement motorcycle operators.

Training required by this regulation for Maryland police motorcycle operators will be provided at no cost by the Motor Unit of the Maryland State Police Special Operations Division. The training will be available for police officers who are motorcycle operators employed by all State and local law enforcement agencies. It will be conducted at the State's Driver Training Facility of the Public Safety Education and Training Center in Sykesville, Maryland.

While the training will be provided at no cost to a law enforcement agency, there will be a variable collateral economic impact on law enforcement agencies that enroll police officers for the required training. Since salaries of existing officers are a budgeted cost, such salary costs are not an additional economic impact incurred by this regulation's implementation. The principal cost is associated with the training requirement related to time spent for training, instead of police patrol and enforcement duties. The salary costs for training are estimated under "II. Types of Economic Impact." Other variable collateral costs could be incurred for meals, travel, and lodging for police officers attending the motorcycle operator training in Sykesville.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	(E+)	\$50,744.00
C. On local governments:	(E+)	\$283,814

Benefit (+) Cost (-)	Magnitude
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D. On regulated industries or trade groups: NONE

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.)

B. It is assumed that State law enforcement agencies will enroll police officers in the motorcycle operator training provided at no cost by the Motor Unit of the Maryland State Police Special Operations Division. The \$50,744 is the total 2 weeks of salary that will be paid to the 24 State law enforcement agency police officers while these officers are providing the motorcycle operator training, unless training waiver is granted by the Police Training Commission.

C. It is assumed that local government law enforcement agencies will enroll police officers in the motorcycle operator training provided at no cost by the Motor Unit of the Maryland State Police Special Operations Division. The \$283,814 is the estimated total 2 weeks of salary that will be paid to the 104 local law enforcement agency police officers while these officers are completing the motorcycle operator training, unless a training waiver is granted by the Police Training Commission.

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 410-875-3605, or email to tcsmith@dosc.state.md.us, or fax to 410-875-3584. Comments will be accepted through November 6, 2011. A public hearing has not been scheduled.

12.04.01 General Regulations

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

.04 Selection Standards for Provisional Certification.

A. — C. (text unchanged)

D. Background Investigations and Criminal History.

(1) (text unchanged)

(2) As part of the background investigation, an agency head shall investigate an applicant's prior use of controlled dangerous substances, narcotic drugs, and marijuana as specified under Regulation [.19] .16 of this chapter.

E. — F. (text unchanged)

G. Drug Screening.

(1) An applicant shall receive a drug screening to test for controlled dangerous substances, narcotic drugs, and marijuana as specified in Regulation [.18] .15 of this chapter.

(2) (text unchanged)

(3) If the test results exceed the levels under Regulation [.18] .15 of this chapter, the Commission may not certify the applicant

unless the positive screen for a controlled dangerous substance, narcotic drugs, or marijuana was determined to be the result of a legitimate ingestion or exposure as established under Regulation [.19] .16 of this chapter.

H. — I. (text unchanged)

J. An agency head may submit a request for a waiver of standards under this regulation according to the requirements under Regulation [.16] .14 of this chapter.

.05 Background Investigation and Criminal History.

A. Background Investigation.

(1) (text unchanged)

(2) An agency head shall ensure that a background investigation includes:

(a) — (d) (text unchanged)

(e) An investigation of the prior use of controlled dangerous substances, narcotic drugs, and marijuana by the applicant as specified under Regulation [.19] .16 of this chapter.

(3) — (10) (text unchanged)

B. (text unchanged)

.06 Police Officer Certification.

A. Certification Requirements.

(1) The Commission shall certify an individual as a police officer who:

(a) — (b) (text unchanged)

(c) Completes a field training program under Regulation [.21] .17 of this chapter.

(2) (text unchanged)

B. — G. (text unchanged)

H. Waivers. An individual may be eligible for a waiver of certain entrance-level training requirements under Regulation [.16E] .14E of this chapter if the individual:

(1) — (2) (text unchanged)

I. (text unchanged)

.07 Police Officer Recertification.

A. — B. (text unchanged)

C. Police Officer Recertification after Separation for More Than 3 Years and Not More Than 5 Years.

(1) — (2) (text unchanged)

(3) An applicant for recertification under §C of this regulation shall complete the following entrance-level training:

(a) The portions of the program under Regulation [.16E(7)] .14E(7) of this chapter covering the Maryland criminal law, motor vehicle law, and juvenile law and procedures;

(b) — (d) (text unchanged)

D. — E. (text unchanged)

.08 Selection Standards for Recertification as a Police Officer.

A. (text unchanged)

B. Requirements for Recertification.

(1) Information to Be Obtained for a Recertification Applicant. An agency head, or a designee, shall obtain information for an applicant for recertification by performing:

(a) — (b) (text unchanged)

(c) A drug screening under Regulation [.18] .15 of this chapter;

(d) — (e) (text unchanged)

(f) An investigation for prior use of controlled dangerous substances, narcotic drugs, and marijuana by the applicant as specified under Regulation [.19] .16 of this chapter; and

(g) (text unchanged)

(2) (text unchanged)

C. — E. (text unchanged)

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

A. General Requirements.

(1) — (2) (text unchanged)

(3) The Commission may not permit hours used to meet entrance-level firearms training and qualification requirements under COMAR 12.04.02 or field training requirements under Regulation [.21] .17 of this chapter as part of the 750 hour minimum under §A(2) of this regulation, regardless of whether the activity is conducted contemporaneously with or separate from the entrance-level training program.

B. — F. (text unchanged)

G. Waiver of Commission Entrance-Level Training Requirements.

(1) (text unchanged)

(2) An agency head shall submit a request for an exemption and the appropriate documentation according to the requirements under Regulation [.16] .14 of this chapter.

(3) An applicant for certification by the Commission as a police officer who has completed entrance-level training in another state or for the federal government may be eligible for an exemption from a portion of the Commission-required entrance-level training upon meeting the requirements under Regulation [.16E(7)] .14E(7) of this chapter.

H. — I. (text unchanged)

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

A. (text unchanged)

B. Unless an instructor is exempt from Commission certification under [Regulation .15 of this chapter] *COMAR 12.04.06*, only a Commission-certified instructor may provide police officer training required by the Commission for police officer certification.

C. (text unchanged)

D. Academy Certification—Classifications.

(1) — (2) (text unchanged)

(3) An academy certified by the Commission as a class II academy may provide only specified portions of Commission-approved police officer entrance-level training required under Regulation [.16E(7)] .14E(7) of this chapter.

(4) — (5) (text unchanged)

E. — H. (text unchanged)

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

A. — B. (text unchanged)

C. If an individual under the provisions of this regulation successfully completes Commission-approved police officer entrance-level training provided by a Commission-approved academy and is subsequently hired by a law enforcement agency to fill a position as a police officer within 2 years of the completion of the training, the agency head may request a waiver of training under Regulation [.16] .14 of this chapter.

D. (text unchanged)

E. An individual, training director, or law enforcement agency head seeking a waiver of this regulation may apply to the Commission for that waiver according to provisions under Regulation [.16] .14 of this chapter.

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

A. (text unchanged)

B. Annual Police Officer Firearms Training and Qualification Requirements.

(1) — (2) (text unchanged)

(3) Annual firearms training and qualification is not required in the same year that a Commission-certified police officer successfully completes Commission-approved police officer:

(a) (text unchanged)

(b) Conversion training under COMAR [12.04.02.13]

12.04.02;

(c) (text unchanged)

(d) Firearms instructor training under COMAR [12.04.02.19] 12.04.06.

(4) (text unchanged)

C. — F. (text unchanged)

G. Waivers.

(1) (text unchanged)

(2) An agency head shall submit a request for a waiver of training requirements according to provisions under Regulation [.16] .14 of this chapter.

H. (text unchanged)

12.04.02 Firearms Training [and Instructor Certification]

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

.01 Purpose.

A. This chapter establishes Commission requirements for an individual regulated by the Commission for:

(1) Firearms classroom instruction and training and qualification; *and*

(2) Authorization to use or carry a firearm[; and

(3) Certification for an instructor conducting Commission-approved firearms classroom instruction and training and qualification].

B. — C. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (3) (text unchanged)

(4) “Certification” means that an individual meets the requirements for firearms classroom instruction, training, and qualification established under [this chapter] COMAR 12.04.06 for a provisional, line, and firearms instructor.

(5) — (11) (text unchanged)

(12) “Firearms instructor” means an individual certified by the Commission according to the requirements established under [Regulation .12 of this chapter] COMAR 12.04.06 to perform firearms classroom instruction and conduct firearms training and qualification.

(13) — (17) (text unchanged)

(18) Line Instructor.

(a) “Line instructor” means an individual certified by the Commission according to the requirements established under [Regulation .12 of this chapter] 12.04.06 to conduct law enforcement firearms training and qualification on a firing line.

(b) (text unchanged)

(19) — (29) (text unchanged)

(30) Training.

(a) “Training” means a demonstration or an exercise, in addition to classroom instruction, provided by an individual certified under [Regulation .12 of this chapter] COMAR 12.04.06, to enhance understanding, proficiency, marksmanship, and other skills related to proper firearm use and tactics such as movement, multiple targets, judgmental or decision training, and use of cover and concealment.

(b) (text unchanged)

(31) — (35) (text unchanged)

.03 General Requirements—Authorized Firearms Classroom Instruction, Training, and Qualification, and Firing Line Supervision.

A. — B. (text unchanged)

C. Firearms Classroom Instruction, Training, and Qualification Approval and Minimum Hours.

(1) Commission Approval.

(a) Written approval by the Commission is required for firearms classroom instruction, training[, and qualification, and firearms and line instructor training].

(b) (text unchanged)

(2) (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

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (3) (text unchanged)

[(4) “Expert” means an individual who is not a law enforcement officer, but has knowledge, skills, and abilities related to an electronic control device, which the Deputy Director of the Police and Correctional Training Commissions determines qualifies the individual for electronic control device instructor certification.]

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

12.04.06 Instructor Training and Certification

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

.01 Definitions.

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

B. Terms Defined.

(1) “Commission” means the Maryland Police Training Commission or a representative authorized to act on behalf of the Commission.

(2) “Day fire” has the meaning stated under COMAR 12.04.02.02.

(3) “Deputy Director” means the Deputy Director of the Police and Correctional Training Commissions, or the Deputy Director’s designee.

(4) “Firearm type” means:

(a) The following handguns:

(i) Revolver; or

(ii) Pistol; and

(b) The following long guns:

(i) Shotgun; or

(ii) Long gun other than a shotgun.

(5) Inactive Status.

(a) “Inactive status” means a situation in which an individual, who continues to be employed by or under the supervision of a law enforcement agency or academy certified under COMAR 12.04.01.10, is temporarily relieved of duties with the law enforcement agency or academy certified under COMAR 12.04.01.10 for 30 consecutive days or more for:

(i) A medical or administrative reason that prevents the individual from completing Commission-required training; or

(ii) *The purpose of suspending Commission-required training.*

(b) *“Inactive status” does not affect an individual’s instructor certification or eligibility for provisional certification or certification.*

(6) *Law Enforcement Agency.*

(a) *“Law enforcement agency” has the meaning stated under Public Safety Article, §3-201, Annotated Code of Maryland.*

(b) *“Law enforcement agency” includes a training or personnel unit authorized to act in training or employment matters.*

(7) *Motorcycle.*

(a) *“Motorcycle” has the meaning stated in Transportation Article, §11-136, Annotated Code of Maryland; and*

(b) *Is designated as an emergency vehicle in accordance with Transportation Article, §11-118(1), Annotated Code of Maryland.*

(8) *“Term of certification” means the dates during which an individual’s certification for an instructor classification is in effect.*

(9) *“Training authority” means an individual of a law enforcement agency or academy certified under COMAR 12.04.01.10, who is authorized by the law enforcement agency or academy certified under COMAR 12.04.01.10 to submit under provisions of this chapter an application for any of the following for another individual:*

- (a) *Instructor certification;*
- (b) *Renewal of instructor certification;*
- (c) *Termination of certification;*
- (d) *Exemption from instructor certification; or*
- (e) *Waiver of certain requirements for instructor certification.*

(10) *“Training provider” means an entity that has Commission approval to conduct a training course.*

.02 Instructor Certification Classifications.

A. *The Commission provides instructor certification in accordance with this chapter for the following instructor classifications:*

- (1) *Academic Provisional Instructor;*
- (2) *Academic Instructor;*
- (3) *Defensive Tactics Provisional Instructor;*
- (4) *Defensive Tactics Instructor;*
- (5) *Electronic Control Device Instructor;*
- (6) *Emergency Vehicle Operations Provisional Instructor;*
- (7) *Emergency Vehicle Course Safety Officer;*
- (8) *Emergency Vehicle Operations Instructor;*
- (9) *Firearms Provisional Instructor;*
- (10) *Line Instructor;*
- (11) *Firearms Instructor*
- (12) *Motorcycle Operator Provisional Instructor;*
- (13) *Motorcycle Operator Course Safety Officer; and*
- (14) *Motorcycle Operator Instructor.*

B. *Certification Required.*

(1) *Unless exempt under Regulation .04 of this chapter, an individual who provides instruction for a Commission-approved training course that is credited toward the Commission’s requirements for police officer certification under COMAR 12.04 shall be:*

(a) *Certified by the Commission or the Correctional Training Commission as an instructor for the type of instruction the individual is providing; and*

(b) *In compliance with applicable Commission regulations.*

(2) *An individual’s instructor certification for a specific instructor classification limits the individual to providing the type of instruction prescribed for the instructor classification established under Regulation .17 of this chapter.*

.03 Selection Standards and Application.

A. *Selection Standards for Instructor Certification.*

(1) *If an application is submitted to the Commission requesting certification of an individual for an instructor classification, at a minimum, the individual shall meet the following standards:*

(a) *Possess a high school diploma or GED certificate recognized by the State Board of Education;*

(b) *Be currently employed by or providing instruction under the supervision of:*

- (i) *A law enforcement agency; or*
- (ii) *An academy certified under COMAR 12.04.01.10;*

(c) *Satisfies requirements of this chapter for the instructor classification for which instructor certification is requested; and*

(d) *Be in compliance with applicable Commission regulations.*

B. *Application for Instructor Certification.*

(1) *An individual applying for instructor certification shall complete and sign a Commission instructor certification application for the requested instructor classification and submit the completed application to the training authority for the law enforcement agency or academy certified under COMAR 12.04.01.10 that:*

- (a) *Employs the individual; or*
- (b) *Supervises where the individual provides instruction.*

(2) *A training authority may not approve or sign the training authority’s own instructor certification application.*

(3) *If a training authority approves an individual making application for instructor certification and determines that the individual requesting certification meets requirements under this chapter for instructor certification for the instructor classification requested, the training authority shall:*

(a) *Sign the application and submit the application to the Commission; and*

(b) *Provide, with the application, documentation required by the Commission establishing that the individual requesting certification meets requirements under this chapter for the instructor classification for which certification is requested.*

C. *Instructor Previously Certified by the Correctional Training Commission. If an application for instructor certification is submitted to the Commission by a training authority for an individual who was previously certified as an instructor by the Correctional Training Commission not more than 3 years before the date of the application, the Commission may certify the individual as an instructor for the instructor classification formerly certified by the Correctional Training Commission, if the individual meets:*

- (1) *The selection standards under this regulation;*
- (2) *The applicable instructor renewal requirements under Regulation .15 of this chapter; and*
- (3) *Additional criteria that the Commission may require.*

.04 Exemptions from Instructor Certification.

A. *Instructor Certification Exemptions.*

(1) *An individual who provides 3 hours or less of instruction for a Commission-approved training course is exempt from the requirement to have instructor certification required under this chapter if the individual does not provide instruction that is a part of:*

- (a) *Defensive tactics training;*
- (b) *Electronic control device training;*
- (c) *Emergency vehicle training;*
- (d) *Firearms training; or*
- (e) *Motorcycle operator training.*

(2) *The Deputy Director, upon a written request from a training authority or training provider, may exempt the following from the instructor certification requirements under this chapter:*

(a) *An individual currently licensed or certified by the State or a nationally recognized organization, for the purpose of providing*

instruction in the subject matter related to the discipline in which the individual is licensed or certified;

(b) A faculty member employed by an accredited college or university, for the purpose of providing instruction in the subject matter area for which the faculty member is employed;

(c) A currently certified emergency medical care or advanced first aid instructor, for the purpose of providing instruction related to emergency medical care or first aid; or

(d) Other individual who the Deputy Director determines to possess specialized skills or expertise for the purpose of providing instruction related to those skills or expertise.

(3) A training authority may not submit the training authority's own request for an exemption from instructor certification required under this chapter.

(4) An exemption granted to an individual:

(a) Permits the individual receiving the exemption to provide instruction for Commission-approved training for the purpose under §A(2) of this regulation for which the exemption was granted;

(b) Expires upon termination of the certification, license, or employment that is the basis for the exemption; and

(c) May be permanently revoked or temporarily suspended by the Deputy Director, as provided under Regulation .18 of this chapter.

.05 Time Limits — Extension for Inactive Status.

A. The following time limits may be extended by the amount of time that equals the length of time an individual is on inactive status:

(1) The time for completion of an applicant's evaluations prior to submitting an application for certification or renewal of certification;

(2) The time for completion of an applicant's training program, instructor's course or instruction prior to submitting an application for provisional certification, certification, or renewal of certification;

(3) The time of an individual's term of certification; and

(4) The time for completing a required firearms qualification course of fire.

B. Reporting Inactive Status to the Commission.

(1) At the request of an instructor, the training authority shall report the individual's inactive status to the Commission.

(2) A training authority shall include in the report the date the individual is placed on inactive status and the date the inactive status ends.

.06 Instructor Evaluation Procedures.

A. An evaluation of an instructor required by this chapter for an instructor classification shall be:

(1) Conducted on a separate occasion from other evaluations of the individual;

(2) Conducted by an individual who meets the requirements of this chapter or COMAR 12.10.06;

(3) Based on the personal observations, for a minimum of 1 hour, of the individual conducting the evaluation; and

(4) Recorded, by the individual conducting the evaluation, on a form approved by the Commission.

B. An individual may not conduct the individual's own instructor classification evaluation.

C. The Commission may consider an unsatisfactory evaluation or commentary by an evaluator as grounds to deny instructor certification.

.07 Academic Instructor — Training Program, Evaluation Requirements, and Waiver of Training Program.

A. A law enforcement agency, academy certified under COMAR 12.04.01.10, or training provider may conduct an Academic

Instructor training program if the program is approved by the Commission.

B. Not later than 20 working days before the proposed date for the start of an Academic Instructor training program, the law enforcement agency head, academy training director, or the training provider's official supervising the Academic Instructor training program shall submit to the Commission the proposed Academic Instructor training program for approval.

C. The following are minimum Academic Instructor training program requirements:

(1) An individual providing the Academic Instructor training shall be an Academic Instructor certified under this chapter or COMAR 12.10.06;

(2) The Academic Instructor training program shall include instruction on the following topics:

(a) An introduction to:

(i) The basic concepts of learning and teaching;

(ii) The role of training in the criminal justice profession;

and

(iii) Classroom management techniques;

(b) Effective speech techniques;

(c) Preparation and use of audiovisual training aids;

(d) Development of training objectives;

(e) Development of testing strategies;

(f) Identification of the purpose of a lesson plan and its components; and

(g) Practical preparation of mock classroom lesson plans.

D. An evaluation required for an Academic Instructor training program shall be conducted by an:

(1) Academic Instructor, if the individual's application is for Academic Instructor certification; or

(2) Instructor who meets the requirements of this chapter to perform evaluations for the instructor classification for which the individual is applying for certification.

E. Waiver for an individual to complete the Academic Instructor Training Program Requirement.

(1) Upon receiving a written application from a training authority, the Deputy Director may waive the requirement for an individual to complete the Academic Instructor training program if the individual:

(a) Is certified or licensed as an instructor by an agency of government or a non-governmental organization to provide instruction;

(b) Is currently a Provisional Instructor for one of the instructor classifications under Regulation .02 of this chapter; and

(c) Has received at least two acceptable Academic Instructor evaluations conducted in accordance with Regulation .06 of this chapter and §D of this regulation.

(2) A training authority may not submit the training authority's own application for a waiver of the Academic Instructor training program.

(3) A training authority requesting a waiver of the Academic Instructor training program for an individual shall submit to the Deputy Director:

(a) A completed Commission's Application for Instructor Certification;

(b) A written request that the requirement to complete the Academic Instructor training program be waived for the individual;

(c) Academic Instructor training program evaluations for the individual completed in accordance with Regulation .06 of this chapter and §D of this regulation; and

(d) Other information the Deputy Director may request.

.08 Certification — Academic Provisional Instructor and Academic Instructor.

A. *Academic Provisional Instructor.* A training authority may submit an application to the Commission for certification of an individual as an Academic Provisional Instructor when the individual:

(1) Has 1 year of employment experience in the public safety community; and

(2) Meets the selection standards under Regulation .03A of this chapter.

B. *Academic Instructor.* A training authority may submit an application to the Commission for certification of an individual as an Academic Instructor when the individual has:

(1) A minimum of 2 years employment experience in the public safety community;

(2) Successfully completed, within 2 years before the date of the application, an approved Academic Instructor training program meeting the requirements of Regulation .07 of this chapter; and

(3) Received a minimum of two favorable instructor evaluations:

(a) Completed by an individual specified by Regulation .07D of this chapter within 2 years of the date of the application for certification;

(b) Conducted in accordance with Regulation .06 of this chapter; and

(c) Conducted while the individual was providing instruction as an Academic Provisional Instructor.

.09 Certification and Training Program — Defensive Tactics Provisional Instructor and Defensive Tactics Instructor.

A. *Defensive Tactics Provisional Instructor Certification.* A training authority may submit an application to the Commission for certification of an individual as a Defensive Tactics Provisional Instructor if the individual has:

(1) Acquired a minimum of 2 cumulative years of criminal justice related defensive tactics skills experience during the 5-year period immediately before the date of the application; and

(2) Successfully completed a Commission-approved Defensive Tactics Instructor training program not more than 2 years before the date of the application for Defensive Tactics Provisional Instructor.

B. *Defensive Tactics Instructor Certification.* A training authority may submit an application to the Commission for certification of an individual as a Defensive Tactics Instructor when the individual:

(1) Is a Defensive Tactics Provisional Instructor;

(2) Has successfully completed the following:

(a) A Commission-approved Academic Instructor training program that meets the requirements under Regulation .07 of this chapter; and

(b) Except if granted a waiver under §C of this regulation, a Commission-approved Defensive Tactics Instructor training program before the date of the application for Defensive Tactics Instructor certification; and

(3) As a Defensive Tactics Provisional Instructor provided a minimum total of 12 hours of defensive tactics classroom and skills instruction under the direction of a Defensive Tactics Instructor that included a minimum of:

(a) Four hours of classroom instruction in the concepts and principles of defensive tactics;

(b) Eight hours of defensive tactics practical skills instruction; and

(c) One satisfactory evaluation for each of the following, in accordance with Regulation .06 of this chapter, performed by a Defensive Tactics Instructor certified under this chapter or COMAR 12.10.06, while the individual was providing defensive tactics:

(i) Classroom instruction; and

(ii) Skills instruction.

C. Upon application by a training authority, the Deputy Director may waive the requirement under §§A(2) and B(2)(b) of this regulation that an individual complete the Defensive Tactics Instructor training program of this regulation if the individual:

(1) Successfully completed a program that was a minimum of 35 hours in length and the equivalent of a Defensive Tactics Instructor training program that meets the requirements of §F(1)(c) of this regulation; and

(2) Provides supporting evidence, such as copies of certifications or course curriculums, to document the applicant's extensive knowledge and abilities in the skill areas specified in §F(1)(c) of this regulation.

D. A training authority may not submit the training authority's own application for a waiver of the requirement to complete the Defensive Tactics Instructor training program required under §A(2) of this regulation.

E. The Deputy Director may limit the subject matter taught in a Defensive Tactics Training program by an individual who receives certification as a Defensive Tactics Instructor based on a waiver under §C of this regulation of the Defensive Tactics Instructor training program requirement under this regulation.

F. *Defensive Tactics Instructor Training Program.*

(1) A Defensive Tactics Instructor training program, at a minimum, shall:

(a) Be approved by the Commission;

(b) Be a minimum of 35 hours in length; and

(c) Include the following topics:

(i) Balance, awareness, and self-control;

(ii) Impact weapons;

(iii) Weapon retention;

(iv) Disarming;

(v) Vital points of the human anatomy;

(vi) Control holds;

(vii) Take-downs;

(viii) Handcuffing and searching;

(ix) Escorting and Transporting an inmate or detainee;

(x) Use of force continuum;

(xi) Multiple adversaries; and

(xii) Ground-level defenses.

(2) Successful completion of a Defensive Tactics Instructor training program, at a minimum, requires:

(a) A minimum score of 80 percent on all written examinations; and

(b) Satisfactory demonstration of practical skill elements required in the program.

(3) The Commission may approve a:

(a) Defensive Tactics Instructor training program that meets the requirements under this regulation; or

(b) A combination of defensive tactics training program courses that:

(i) As determined by the Deputy Director, satisfactorily address the topics required under §F(1)(c) of this regulation; and

(ii) Is a minimum of 35 hours in length.

.10 Certification — Electronic Control Device Instructor.

A training authority may submit an application to the Commission for certification of an individual as an Electronic Control Device Instructor if the individual seeking certification:

A. Is a Commission-certified police officer who:

(1) Is authorized by the police officer's employing agency to carry or use the specific manufacturer's model of an electronic control device for which the individual, if granted certification, would provide instruction; and

(2) *Has successfully completed a Commission-approved Academic Instructor training program that meets requirements under Regulation .07 of this chapter.*

B. Is not a Commission-certified police officer, but has:

(1) *Successfully completed a Commission-approved training course for the specific manufacturer's model of an electronic control device for which the individual, if authorized, would provide instruction; and*

(2) *Been determined by the Deputy Director to be qualified to provide electronic control device instruction based on the individual's knowledge, skills, and abilities with the specific manufacturer's model of electronic control device for which the individual, if authorized, would provide instruction.*

.11 Certification — Emergency Vehicle Operations Provisional Instructor; Emergency Vehicle Course Safety Officer; and Emergency Vehicle Operations Instructor.

A. Emergency Vehicle Operations Provisional Instructor. A training authority may submit an application to the Commission for certification of an individual as an Emergency Vehicle Operations Provisional Instructor at any time the individual has:

(1) *Occupational experience operating an emergency vehicle for at least 2 years; and*

(2) *Successfully completed, within 5 years before the date of the application for provisional instructor certification, Commission-approved Emergency Vehicle Operations instructor's training.*

B. Emergency Vehicle Operations Course Safety Officer. A training authority may submit an application to the Commission for certification of an individual as an Emergency Vehicle Operations Course Safety Officer at any time the individual has:

(1) *Occupational experience operating an emergency vehicle for at least 3 years;*

(2) *Previously been certified as an Emergency Vehicle Operations Provisional Instructor;*

(3) *Successfully provided a minimum of 40 hours of emergency vehicle operations practical skills exercises training while an Emergency Vehicle Operations Provisional Instructor; and*

(4) *Received at least two satisfactory evaluations, performed by an Emergency Vehicle Operations Instructor in conformity with Regulation .06 of this chapter, while conducting emergency vehicle operations practical skills exercises training.*

C. Emergency Vehicle Operations Instructor. A training authority may submit an application to the Commission for certification of an individual as an Emergency Vehicle Operations Instructor at any time the individual has:

(1) *Occupational experience operating an emergency vehicle for at least 3 years;*

(2) *Previously been certified as an Emergency Vehicle Operations Provisional Instructor;*

(3) *Successfully completed an approved Academic Instructor training program that meets the requirements under Regulation .07C of this chapter;*

(4) *Successfully provided a minimum of 56 hours of emergency vehicle operations classroom and skills instruction that includes a minimum of:*

(a) *16 hours of emergency vehicle operations classroom instruction; and*

(b) *40 hours of instruction for emergency vehicle operations practical skills exercise training; and*

(5) *Received at least two satisfactory evaluations for each of the following, performed by an Emergency Vehicle Operations Instructor in accordance with Regulation .06 of this chapter, while the individual was providing:*

(a) *Classroom instruction; and*

(b) *Emergency vehicle operations practical skills exercise training.*

.12 Certification — Firearms Provisional Instructor, Line Instructor, and Firearms Instructor.

A. Certification Requirement — General. A training authority may submit an application to the Commission for certification of an individual as a Firearms Provisional Instructor, Line Instructor, or Firearms Instructor when the individual meets the certification requirements established under this regulation for the particular instructor classification and has:

(1) *Two or more years employment as a law enforcement or correctional officer; and*

(2) *Within 60 days immediately before the date of the application for instructor certification, successfully completed the qualification course of fire required by §D(5) of this regulation for the type of firearm for which the individual is requesting instructor certification.*

B. Certification Requirements for Firearms Provisional Instructor; Line Instructor; and Firearms Instructor.

(1) *Firearms Provisional Instructor Certification Requirements. Before an individual may be certified as a Firearms Provisional Instructor, the Commission requires, at a minimum, that the individual:*

(a) *Meets requirements established under §A of this regulation; and*

(b) *Within 2 years before the date of the application for Firearms Provisional Instructor, successfully completed classroom instruction, training, and the qualification course of fire required under §D(2) and (3) of this regulation that was provided by:*

(i) *The Commission;*

(ii) *A Commission-approved program;*

(iii) *The United States Government or Armed Forces;*

(iv) *National Rifle Association; or*

(v) *A firearms instructor school approved by the Deputy*

Director.

(2) *Line Instructor Certification Requirements. Before an individual may be certified as a Line Instructor, the Commission requires, at a minimum, that the individual:*

(a) *Meets requirements established under §A of this regulation;*

(b) *Successfully completed the requirements for Firearms Provisional Instructor certification established under §B(1) of this regulation;*

(c) *Received at least two satisfactory evaluations performed by a Firearms Instructor for the individual while providing firearms firing line training and qualification; and*

(d) *Provided firearms firing line training and qualification instruction that is:*

(i) *A minimum of 8 hours;*

(ii) *Provided for Commission-approved courses;*

(iii) *Supervised by a Line Instructor or Firearms Instructor; and*

(iv) *Provided for the type of firearm for which the individual is requesting Firearms Line Instructor certification.*

(3) *Firearms Instructor Certification Requirements. Before an individual may be certified as a Firearms Instructor, the Commission requires, at a minimum, that the individual:*

(a) *Meets requirements established under §A of this regulation;*

(b) *Successfully completed a Commission-approved Academic Instructor training program;*

(c) *Received at least two satisfactory evaluations performed by a Firearms Instructor for the individual providing firearms*

classroom instruction during the Academic Instructor training program;

(d) Successfully provided at least four hours of firearms classroom instruction;

(e) Received at least two satisfactory evaluations performed by a Firearms Instructor for the individual while providing firearms firing line training and qualification; and

(f) Is currently a Commission-certified Line Instructor, or a Commission-certified Firearms Provisional Instructor who has successfully provided firearms firing line training and qualification instruction that has been:

(i) A minimum of 8 hours;

(ii) Provided for a Commission-approved course;

(iii) Supervised by a Line Instructor or Firearms Instructor; and

(iv) Provided for the type of firearm for which the individual is requesting Firearms Instructor certification.

C. Experience Accepted by the Commission for Training Requirements.

(1) The Commission may accept documented firearms-related experience toward meeting the minimum training requirements for Firearms Provisional Instructor, Line Instructor, or Firearms Instructor certification.

(2) Examples of documented firearms-related experience that the Commission may accept include military training or counter sniper training.

D. Classroom Instruction, Firearms Training, and Firearms Qualification Course of Fire Requirements.

(1) Firearms classroom instruction and firearms training and qualification course of fire required by this regulation shall be approved by the Commission before being conducted.

(2) The following establishes minimum requirements for classroom instruction and firearms training and qualification course of fire for the certification of instructor classifications under this regulation:

Requirement	Handgun	Type 1 Long Gun	Type 2 Long Gun	Type 3 Long Gun	Type 4 Long Gun
(a) Total minimum hours for classroom instruction, training and course of fire for qualification	35 hours	35 hours	35 hours	14 hours	7 hours
			56 hours when also seeking certification for one handgun type and also a type 4 long gun; 65 hours when also seeking certification for two handgun types and also one long type, of a type 2, 3, or 4 long gun		35 hours when also seeking certification for one handgun type 49 hours when also seeking certification for two handgun types
(b) Training and qualification courses of fire total minimum rounds to be	350 rounds for one handgun type; 250 rounds	150 rounds	350 rounds	350 rounds	50 rounds

discharged	each for two handgun types				
(c) Qualification course of fire minimum rounds to be discharged	30 rounds	20 rounds	30 rounds	30 rounds	10 rounds
(d) Minimum passing score Commission-approved instructor qualification course of fire	90 percent	100 percent	90 percent	90 percent	90 percent
(e) Minimum passing score each written test	80 percent	80 percent	80 percent	80 percent	80 percent

(3) Firearms Provisional Instructor classroom instruction shall meet the requirements established under §D(2) of this regulation, and at a minimum include instruction on:

- (a) Firearms safety;
- (b) Firearms nomenclature;
- (c) Firearms fundamentals and marksmanship;
- (d) Firearms cleaning and maintenance;
- (e) The problem shooter;
- (f) Target analysis;
- (g) Ballistics;
- (h) Legal issues concerning the use of force;
- (i) Deadly force policy;
- (j) Judgmental or decision training;
- (k) Reduced light discipline;

(l) Emotional, mental, and psychological issues related to critical incidents;

- (m) Commission policy and procedures;
- (n) Malfunctions; and
- (o) Exposure to or practical application of, or both:
 - (i) Designing a course of fire;
 - (ii) Lesson plan development; and
 - (iii) Classroom presentations.

(4) Firearms training shall meet the requirements established under §D(2) of this regulation, and at a minimum, include exposure to and practical application of:

- (a) Firing line operations, that include:
 - (i) Instruction on the firing line; and
 - (ii) Instruction from a location overseeing the firing line;
- (b) Malfunction drills;
- (c) Stress training;
- (d) Judgmental or decision training;
- (e) Range preparation and cleanup;
- (f) Scoring;
- (g) Target analysis;
- (h) Safety; and
- (i) Marksmanship fundamentals.

(5) An individual seeking instructor certification under this regulation shall successfully complete one firearms qualification course of fire that meets the requirements established under §D(2) of

this regulation for each firearm type for which the individual is seeking instructor certification.

(6) An individual seeking instructor certification under this regulation shall successfully meet:

(a) For a handgun, requirements 3 through 9 of the "Handgun Day-Fire Required Course of Fire for Qualification" in the table under COMAR 12.04.02.05;

(b) For a particular type long gun, requirements 3 through 7 of the table under COMAR 12.04.02.07.

.13 Certification — Motorcycle Operator Provisional Instructor; Motorcycle Operator Course Safety Officer; Motorcycle Operator Instructor.

A. *Motorcycle Operator Provisional Instructor.* An application may be submitted to the Commission for certification of an individual as a Motorcycle Operator Provisional Instructor at any time the individual has:

(1) Two or more years experience operating a law enforcement agency motorcycle while a police officer;

(2) A valid driver's license that authorizes the individual to operate a motorcycle; and

(3) Successfully completed, within 2 years before the date of the application, Commission-approved Motorcycle Operator Instructor's training.

B. *Motorcycle Operator Course Safety Officer.* An application may be submitted to the Commission for certification of an individual as a Motorcycle Operator Course Safety Officer at any time the individual has:

(1) Three or more years experience operating a law enforcement agency motorcycle while a police officer;

(2) Possesses a valid driver's license that authorizes the individual to operate a motorcycle;

(3) Previously been certified as a Motorcycle Operator Provisional Instructor for a minimum of 6 months;

(4) Successfully provided a minimum of 16 hours of motorcycle operations practical skills exercises training while a Motorcycle Provisional Instructor; and

(5) Received at least two satisfactory evaluations, performed by a Motorcycle Operator Instructor in conformity with Regulation .06 of this chapter, while conducting motorcycle practical skills exercises training.

C. *Motorcycle Operator Instructor.* An application may be submitted to the Commission for certification of an individual as a Motorcycle Operator Instructor at any time the individual has:

(1) Three or more years experience operating a law enforcement agency motorcycle while a police officer;

(2) Possesses a valid driver's license that authorizes the individual to operate a motorcycle;

(3) Previously been certified as a Motorcycle Operator Provisional Instructor for a minimum of 6 months;

(4) Successfully completed an approved Academic Instructor training program that meets the requirements under Regulation .07 of this chapter;

(5) Successfully provided a minimum of 20 hours of motorcycle operations classroom and skills instruction that includes a minimum of:

(a) Four hours of motorcycle operations classroom instruction; and

(b) Sixteen hours of motorcycle operations practical skills exercise training; and

(6) Received at least two satisfactory evaluations for each of the following, in accordance with Regulation .06 of this chapter, performed by a Motorcycle Operator Instructor while the individual was providing:

(a) Classroom instruction; and

(b) Motorcycle practical skills exercise training.

.14 Expiration of Instructor Certification.

A. An individual's instructor certification expires:

(1) At the conclusion of the individual's term of certification established under Regulation .17B of this chapter for the individual's instructor classification;

(2) When the individual leaves employment with the law enforcement agency or academy certified under COMAR 12.04.01.10, on behalf of which the training authority submitted the application for the individual's instructor certification; or

(3) If the training authority for the law enforcement agency or academy certified under COMAR 12.04.01.10 that submitted the application for the individual's instructor certification requests that the individual's instructor certification be terminated.

B. An individual's term of certification may not expire while the individual is on inactive status.

.15 Renewal of Instructor Certification.

A. Renewal of provisional instructor certification for an instructor classification may be granted by the Deputy Director as provided under Regulation .17 of this chapter.

B. Except for provisional instructor, renewal of instructor certification for an instructor classification may be granted by the Commission as follows:

(1) If an individual's instructor certification has been expired for more than 3 years, the individual:

(a) Shall successfully complete the instructor certification requirements of this chapter for the instructor classification applied for in order to receive certification for that instructor classification; or

(b) Upon approval by the Commission, may receive certification renewal for the expired instructor classification if the individual successfully completes a program of selected aspects of the instructor classification's certification requirements designated by the Commission.

(2) If an individual's instructor certification expires because the individual leaves employment or ceases to provide instruction under the supervision of a law enforcement agency or academy certified under COMAR 12.04.01.10 that submitted the application for the individual's instructor certification and subsequently is employed by or provides instruction under the supervision of another law enforcement agency or academy certified under COMAR 12.04.01.10 whose training authority submits an application for renewal of the individual's instructor certification:

(a) More than 90 days before the date that the individual's term of certification expires, the:

(i) Individual is not required to meet the requirements of Regulation .16 of this chapter to receive the certification; and

(ii) Commission shall establish a new term of certification for the individual that does not exceed 12 months from the expiration date of the individual's most recent term of certification.

(b) 90 days or less before expiration of the term of certification or 3 years or less after the expiration of the term of certification, the:

(i) Individual shall meet requirements established under Regulation .16 of this chapter to receive renewal of certification for the instructor classification; and

(ii) Certification renewal, if granted, shall be for a new term of certification established under Regulation .17B of this chapter.

(3) If an instructor certification is due to expire or has expired at the conclusion of the term of certification, the:

(a) Training authority shall submit an application for renewal of the instructor certification to the Commission not sooner

than 90 days before the term of certification expires and, if certification has expired, not later than 3 years after the term of certification expired;

(b) Individual is required to meet the instructor certification requirements under Regulation .16 of this chapter to renew instructor certification; and

(c) Individual's instructor certification shall be renewed for a new term of certification established under Regulation .17B of this chapter.

C. Instructor Certification Renewal Procedures.

(1) The Commission may renew an individual's certification for an instructor classification if the:

(a) Individual meets requirements under this chapter for instructor certification renewal and other applicable Commission regulations;

(b) Individual completes the Commission's renewal application and submits the completed application to the training authority for the individual's employer; and

(c) Training authority for the individual's employer has reviewed and approved the renewal application and submits the approved application to the Commission within the time established under this regulation.

(2) A training authority may not review, approve, or submit to the Commission the training authority's own application for instructor certification renewal.

.16 Instructor Certification Renewal Requirements for Instructor Classifications.

A. If a provisional instructor certification for an instructor classification expires, the individual is not required to meet the requirements of this section to renew the same provisional instructor certification classification.

B. The training authority for a law enforcement agency or academy certified under COMAR 12.04.01.10 submitting an application for instructor certification or renewal of instructor certification that the Commission last approved during the individual's most recent term of instructor certification shall affirm that the individual meets the certification requirements specified for the instructor classification under §D of this regulation.

C. Renewal for each instructor classification requires that the individual for which a training authority has submitted an application for instructor certification renewal is recommended for instructor certification renewal by the individual's law enforcement agency or academy certified under COMAR 12.04.01.10.

D. The following table provides the minimum requirements for an individual's certification renewal of the instructor classifications indicated:

Instructor Classification	Minimum Requirements for Certification Renewal
(1) Academic Instructor	During the most recent term of certification the individual is required to: (a) Have provided classroom instruction for a training course approved by the Commission or Correctional Training Commission; and (b) Demonstrate competence in providing classroom instruction while conducting classroom instruction for a training course approved by the Commission or Correctional Training Commission.

(2) Defensive Tactics Instructor	During the most recent term of certification the individual is required: (a) To demonstrate competence in providing classroom and skills instruction which a Defensive Tactics Instructor is authorized to provide under this chapter; and (b) While conducting instruction for a training course approved by the Commission or the Correctional Training Commission, to have received a minimum of: (i) One satisfactory evaluation for defensive tactics classroom instruction; and (ii) One satisfactory evaluation for defensive tactics practical skills instruction.
(3) Electronic Control Device Instructor	During the most recent term of certification the individual is required: (a) To demonstrate competence in providing classroom and skills instruction which an Electronic Control Device Instructor is authorized to provide under this chapter; and (b) While conducting instruction for a training course approved by the Commission or the Correctional Training Commission, to have received a minimum of: (i) One satisfactory evaluation for electronic control device classroom instruction; and (ii) One satisfactory evaluation for electronic control device practical skills instruction.
(4) Emergency Vehicle Course Safety Officer	During the most recent term of certification the individual is required: (a) To demonstrate competence in providing skills instruction which an Emergency Vehicle Course Safety Officer is authorized to provide under this chapter; and (b) While conducting instruction for a training course approved by the Commission to have received a minimum of one satisfactory evaluation for emergency vehicle practical skills exercise instruction.
(5) Emergency Vehicle Operations Instructor	During the most recent term of certification the individual is required: (a) To demonstrate competence in providing classroom and skills instruction which an Emergency Vehicle Operations Instructor is authorized to provide under this chapter; and (b) While conducting instruction for a training course approved by the

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	<p>Commission to have received a minimum of:</p> <p>(i) One satisfactory evaluation for emergency vehicle classroom instruction; and</p> <p>(ii) One satisfactory evaluation for emergency vehicle practical skills exercise instruction.</p>
(6) Line Instructor	<p>The individual is required:</p> <p>(a) Within 60 days immediately preceding submission of the application for renewal to the Commission, to have successfully completed the firearms qualification course of fire requirements under Regulation .12 of this chapter for the type of firearm for which the individual is seeking certification renewal; and</p> <p>(b) During the most recent term of instructor certification to have:</p> <p>(i) Demonstrated competence in providing skills instruction which a Line Instructor is authorized to provide under this chapter; and</p> <p>(ii) Received a minimum of one satisfactory evaluation while providing firearms firing line operations and skills instruction for a training course approved by the Commission or the Correctional Training Commission.</p>
(7) Firearms Instructor	<p>The individual is required:</p> <p>(a) Within 60 days immediately preceding submission of the application for renewal to the Commission, to have successfully completed the firearms qualification course of fire requirements under Regulation .12 of this chapter for the type of firearm for which the individual is seeking certification renewal; and</p> <p>(b) During the most recent term of instructor certification to have:</p> <p>(i) Demonstrated competence in providing classroom and skills instruction which a Firearms Instructor is authorized to provide under this chapter; and</p> <p>(ii) While conducting a training course approved by the Commission or the Correctional Training Commission, received a minimum of one satisfactory evaluation for firearms classroom instruction, and one satisfactory evaluation for firearms firing line operations and skills instruction.</p>
(8) Motorcycle Operator Course Safety Officer	<p>During the most recent term of certification the individual is required:</p> <p>(a) To demonstrate competence in providing skills instruction which a Motorcycle Operator Course Safety</p>

	<p>Officer is authorized to provide under this chapter; and</p> <p>(b) While conducting instruction for a training course approved by the Commission to have received a minimum of one satisfactory operator practical skills exercise instruction.</p>
(9) Motorcycle Operator Instructor	<p>During the most recent term of certification the individual is required:</p> <p>(a) To demonstrate competence in providing classroom and skills instruction which a Motorcycle Operator Instructor is authorized to provide under this chapter; and</p> <p>(b) While conducting instruction for a training course approved by the Commission to have received a minimum of:</p> <p>(i) One satisfactory evaluation for motorcycle operator classroom instruction; and</p> <p>(ii) One satisfactory evaluation for motorcycle operator practical skills exercise instruction.</p>

.17 Term of Instructor Certification and Limitations on Instruction.

A. An individual may not conduct any part of the individual's own training or instruction required by the Commission to meet instructor certification requirements under this chapter.

B. The following table establishes for each instructor classification:

- (1) Limitations on instruction that may be provided; and
- (2) Term of instructor certification.

Instructor Classification	Term of Certification	Limitations on Instruction that may be provided
(1) Academic Provisional Instructor	1 year, and may be renewed with the approval of the Deputy Director.	The individual may provide instruction only while in the presence of a supervising Academic Instructor. In addition, the individual may not instruct any aspect of: <ul style="list-style-type: none"> (a) Defensive Tactics Training; (b) Electronic Control Device Training; (c) Emergency Vehicle Training; (d) Firearms classroom instruction, training or qualification course of fire; or (e) Motorcycle Operations Training.
(2) Academic Instructor	Up to 4 years, and may be renewed.	May not instruct any aspect of: <ul style="list-style-type: none"> (a) Defensive Tactics Training; (b) Electronic Control Device Training; (c) Emergency Vehicle Training; (d) Firearms classroom instruction, training or qualification course of fire; or (e) Motorcycle Operations Training.

(3) Defensive Tactics Provisional Instructor	1 year, and may be renewed with the approval of the Deputy Director.	Instructional authority is limited to providing the following, while in the presence of a supervising Defensive Tactics Instructor: (a) Classroom instruction on defensive tactics; (b) Assist with practical defensive tactics skills training; and (c) Assist in skill assessment.			(i) Firearms classroom instruction; (ii) Firearms training; and (iii) Qualification course of fire. (b) May not conduct the individual's own firearms training or qualification.
(4) Defensive Tactics Instructor	Up to 4 years, and may be renewed.	Instructional authority is limited to providing instruction in defensive tactics classroom and skills training.	(10) Line Instructor	Up to 4 years, and may be renewed.	(a) Instructional authority is limited to providing, for the type of firearm with which the individual is qualified under Regulation .12 of this chapter, firearms training and qualification course of fire. In addition, the individual may provide, for the type of firearm with which the individual is qualified under Regulation .12 of this chapter, firearms classroom instruction while in the presence of a supervising Firearms Instructor. (b) May not conduct the individual's own firearms qualification course of fire.
(5) Electronic Control Device Instructor	Up to 4 years, and may be renewed.	Instructional authority is limited to providing electronic control device instruction for the specific manufacturer's model of an electronic control device for which the individual has been granted Electronic Control Device Instructor certification.	(11) Firearms Instructor	Up to 4 years, and may be renewed.	(a) Instructional authority is limited to providing firearms classroom instruction, firearms training and qualification course of fire for the type of firearm with which the individual is qualified under Regulation .12 of this chapter. (b) May not conduct the individual's own qualification course of fire.
(6) Emergency Vehicle Operations Provisional Instructor	1 year, and may be renewed with the approval of the Deputy Director.	Instructional authority is limited to providing instruction on any aspect emergency vehicle operations. However, a Provisional Emergency Vehicle Operations Instructor may not provide instruction on emergency vehicle operations, special maneuvers or emergency vehicle skills: (a) In the classroom, without the presence of a supervising Emergency Vehicle Operations Instructor; or (b) In a practical skills exercise without the presence of a supervising Emergency Vehicle Operations Instructor or an Emergency Vehicle Operations Course Safety Officer.	(12) Motorcycle Operator Provisional Instructor	1 year, and may be renewed with the approval of the Deputy Director.	Instructional authority is limited to providing instruction on any aspect motorcycle operations. However, a Motorcycle Operations Provisional Instructor may not provide instruction on motorcycle operations: (a) In the classroom, without the presence of a supervising Motorcycle Operations Instructor; or (b) In a practical skills exercise without the presence of a supervising Motorcycle Operator Instructor.
(7) Emergency Vehicle Course Safety Officer	Up to 4 years, and may be renewed.	Instructional authority is limited to providing instruction on any aspect emergency vehicle operations. However, an Emergency Vehicle Operations Course Safety Officer may not provide instruction on the classroom portion of emergency vehicle operations training without the presence of a supervising Emergency Vehicle Operations Instructor.	(13) Motorcycle Operator Course Safety Officer	Up to 4 years, and may be renewed.	Instructional authority is limited to providing instruction on any aspect motorcycle operations. However, a Motorcycle Operator Course Safety Officer may not provide instruction on the classroom portion of motorcycle operations training without the presence of a supervising Motorcycle Operator Instructor.
(8) Emergency Vehicle Operations Instructor	Up to 4 years, and may be renewed.	Instructional authority is limited to providing instruction on any aspect emergency vehicle classroom or skills operations.	(14) Motorcycle Operator Instructor	Up to 4 years, and may be renewed.	Instructional authority is limited to providing classroom and skills instruction on any aspect motorcycle operations.
(9) Firearms Provisional Instructor	1 year, and may be renewed with the approval of the Deputy Director.	(a) Instructional authority is limited to providing, for the type of firearm with which the individual is qualified under Regulation .12 of this chapter, while in the presence of a supervising Firearms Instructor:			

.18 Suspension and Revocation of Instructor Certification and Exemptions.

A. The Deputy Director, in accordance with this regulation may temporarily suspend or permanently revoke an individual's instructor certification if the individual:

- (1) Does not comply with Commission regulations;
- (2) Falsifies or fails to maintain reports, forms, rosters, and other records required by the Commission;
- (3) Facilitates or condones cheating on an examination, skills exercise, or other aspect of a training provider's course for which instruction is provided;
- (4) Compromises the integrity of a training provider's training program or course;
- (5) Misuses the authority granted by the instructor certification;
- (6) Fails to provide required instruction or provides instruction that is erroneous or inadequate;
- (7) Fails to cooperate with Commission audits or inquiries;
- (8) Provides false or misleading information to the Commission; or
- (9) Violates or fails to meet Commission requirements.

B. If the Commission has knowledge that an instructor has allegedly engaged in conduct specified under §A of this regulation, the Deputy Director shall:

- (1) Provide written notice of the allegations to the instructor's supervising authority at the law enforcement agency, correctional unit, Department of Juvenile Services, training provider, or academy certified under COMAR 12.04.01.10 or COMAR 12.10.01.14 that employs or supervises the instructor who is the subject of the allegation;
- (2) Ensure the allegation is thoroughly investigated; and
- (3) Conduct a hearing to allow the allegation to be presented and the instructor to respond to the allegation.

C. After reviewing the information resulting from the investigation and conducting a hearing under §B of this regulation, the Deputy Director shall decide if the allegation is supported by fact.

D. If the Deputy Director decides the allegation is supported by fact, the Deputy Director may order that the instructor's certification be:

- (1) Permanently revoked; or
- (2) Temporarily suspended.

E. The Deputy Director shall submit a written report of findings to support a decision under §C of this regulation and order under §D of this regulation to:

- (1) The instructor's supervising authority at the law enforcement agency, correctional unit, Department of Juvenile Services, training provider, or academy certified under COMAR 12.04.01.10 or COMAR 12.10.01.14 that employs or supervises the instructor who is the subject of the allegation; and
- (2) The Police Training Commission or Correctional Training Commission that granted the instructor's certification.

F. The instructor who is the subject of the allegation may appeal the Deputy Director's decision under §C of this regulation and order under §D of this regulation to the Executive Director of the Police and Correctional Training Commissions.

G. Revoking or Suspending an Instructor Certification Exemption.

- (1) The Deputy Director may permanently revoke or temporarily suspend an exemption from instructor certification granted under Regulation .04 of this chapter if the individual to whom the exemption was granted engages in conduct specified by §A of this regulation.

(2) If Deputy Director considers revoking or temporarily suspending an exemption as provided by §G(1) of this regulation, the Deputy Director shall:

- (a) Comply with the requirements of §B of this regulation, and may order that the exemption be revoked or temporarily suspended as provided by §D of this regulation; and
- (b) Provide a written report on the findings and order under §G(2)(a) of this regulation to the:
 - (i) Individual to whom the exemption was granted; and
 - (ii) Training authority or training provider that requested the exemption.
- (3) An exemption from instructor certification granted under Regulation .04 of this chapter may be revoked or temporarily suspended by the Deputy Director if the Deputy Director determines the individual no longer possesses the specialized skills or expertise to warrant the exemption.

GARY D. MAYNARD
Secretary of Public Safety and Correctional Services

Title 29
DEPARTMENT OF STATE
POLICE
Subtitle 06 FIRE PREVENTION
COMMISSION

29.06.04 Fees for Fire Prevention Services

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

Notice of Proposed Action

[11-282-P]

The Secretary of the Department of State Police proposes to amend Regulations .03 —.07 under **COMAR 29.06.04 Fees for Fire Prevention Services**.

Statement of Purpose

The purpose of this action is to adjust the fees charged for performing fire prevention services to more accurately reflect the cost of conducting inspections.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The increase in revenue will more accurately reflect the cost of conducting reviews and inspections. State agencies are not charged fees. Some local governments set their own fees.

II. Types of Economic Impact.	Revenue (R+ / R-)	Magnitude
	Expenditure (E+ / E-)	
A. On issuing agency:	(R+)	\$404,625
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:		
Architects, engineers, and contractors	(+)	Undeterminable
F. Direct and indirect effects on public:	NONE	

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

A. The amount is an estimate based on substituting the proposed figures for work that was done in FY2011.

E. The architects, engineers, and contractors who request plan reviews and inspections will have to pay more. However, the cost is undeterminable because it is not known how many reviews and inspections will be requested, and how much of the cost may be assumed by the clients.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Heidi Ritchie, Secretary, Maryland Fire Prevention Commission, 12 N. Jonathan Street, Hagerstown, MD 21740, or call 877-890-0199, or email to sfpc@mdsp.org, or fax to 301-739-8785. Comments will be accepted through November 8, 2011. A public hearing will be held, Thursday, October 13, 2011, at 12 noon, at the Laurel Municipal Center, Council Chambers, 8103 Sandy Spring Road, Laurel, MD.

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) *“Initial inspection” means an inspection conducted for fire code compliance not generated by a previously identified fire code violation.*

[(3)] (4)—[(4)] (5) (text unchanged)

(6) *“Reinspection” means an inspection conducted for fire code compliance generated by a previously identified fire code violation.*

[(5)] (7) (text unchanged)

.04 Fees in General.

A.—B. (text unchanged)

C. Fee Payment for Fire Safety Inspections.

(1) (text unchanged)

(2) The fire safety inspection fee may not be charged if the initial inspection is conducted in response to a specific complaint regarding an alleged violation of the Code. Any reinspection based on the initial inspection is subject to the fees outlined in Regulation .07C of this chapter.

(3) The fire safety inspection fee may not be charged if the initial inspection is initiated by the State fire authority. Any reinspection based on the initial inspection is subject to the fees outlined in Regulation .07C of this chapter.

D. Payment Method.

(1) Fee payments shall be [in the form of a check or money order] made payable to the Office of the State Fire Marshal.

(2) (text unchanged)

(3) Fee payment shall be in the form of a check, money order, or other approved means.

[E. Reinspection and Retest Fees.

(1) The amount of the fee for reinspection and retest shall:

(a) Be determined by the State fire authority conducting the reinspection or retest; and

(b) Take into consideration circumstances which are beyond the control of a system contractor or supplier.

(2) An appeal of a reinspection or retest fee shall be resolved in accordance with administrative procedures adopted by the State fire authority.

(3) A reinspection or retest fee shall be charged when a contractor or building owner falsely reports that a violation of the Code has been corrected.]

[F.] E.—[G.] F. (text unchanged)

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

A. Fee Schedule.

(1)—(2) (text unchanged)

(3) Fees are as follows:

(a) Assembly occupancy—[6] 8 cents per square foot;

(b) Educational occupancy—[6] 10 cents per square foot;

(c) Health care occupancy—[8] 10 cents per square foot;

(d) Detention or correctional occupancy—[8] 10 cents per square foot;

(e) Residential occupancy—[6] 8 cents per square foot;

(f) Mercantile occupancy—[6] 8 cents per square foot;

(g) Business occupancy—[6] 8 cents per square foot;

(h) Industrial occupancy—[4] 6 cents per square foot;

(i) Storage occupancy—[4] 6 cents per square foot; or

(j) \$100 per plan review or use and occupancy inspection, whichever is greater;

[(j)](k) Flammable or combustible liquid storage tank—1 cent per gallon of maximum tank capacity or [\$100] \$200 per tank, whichever is greater, although tanks less than 660 gallons used to provide heating fuel or other utility service to a building or facility are exempt from the fee;

[(k)] (l) Marina or pier—[\$100] \$120 plus [\$1] \$1.50 per slip; and

[(l)] (m) Outside storage of flammable and combustible materials such as scrap tire, lumber, mulch, tree stumps, drums of flammable or combustible liquids, etc.—[\$100] \$120 per acre or fraction of an acre.

B.—F. (text unchanged)

[G. The minimum fee for a plan review or initial use and occupancy inspection is \$100.]

[H.] G. A 50 percent refund of the fees in §§A—[G] F of this regulation may be refunded if a permit to construct is denied by a permit or licensing authority, or if the applicant abandons the project before construction, for whatever reason. The applicant [shall] may request a refund within 6 months of official notification of the denial of the permit, license, or issuance of a building permit by the respective authority. A renewal of the permit or resumption of construction requires a new submittal of plans for the remaining work and payment of the full fee.

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.06 Fees for Fire Protection System Plan Review and Inspection.

A. The fee schedule that follows in this section is to be used to calculate the fee to be paid for plan review and inspection of the fire protection systems specified:

(1) Fire alarm and detection system—[\$100] \$150 per fire alarm control panel, plus [\$1.50] \$2 per fire alarm initiating and indicating device;

(2) Sprinkler, water spray, and combined sprinkler and standpipe system:

(a) [\$1.50] \$2 per sprinkler head and [\$2.50] \$3 per extended coverage sprinkler head or [\$100] \$150 per system, whichever is greater; [or] and

(b) \$100 for each additional hydrostatic test; or

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

(3) Standpipe and hose system—\$50 per 100 linear feet of piping or fraction of 100 linear feet, or [\$100] \$150 per system, whichever is greater;

(4) Fire pump—[25] 50 cents per gallon per minute (gpm) of rated pump capacity or [150] \$300 per pump, whichever is greater, although this fee does not apply to limited service pumps for residential sprinkler systems as permitted for NFPA 13D systems;

(5) Water storage tanks—\$100 per tank, although this fee does not apply to residential sprinkler system tanks as permitted for NFPA 13D systems;

[(5)] (6) Gaseous and chemical extinguishing system—The greater of:

(a) (text unchanged)

(b) [\$75] \$100 per 30,000 cubic feet of volume of the portion of protected space; or

(c) \$150 per system; and

[(c)] (d) [\$100] \$150 per wet chemical extinguishing system; [or]

[(d)] \$100 per system;]

[(6)] (7) Foam system—[\$75] \$100 per nozzle or local applicator device plus [\$1.50] \$2 per sprinkler head for a combined sprinkler and foam system, or [\$100] \$150 per system, whichever is greater;

[(7)] (8) Smoke control system—[\$75] \$100 per 50,000 cubic feet of volume or the portion of the protected or controlled space, up to a maximum of \$1,500 per system, or [\$100] \$300 per system, whichever is greater.

B. The fees also include, for a:

(1) (text unchanged)

(2) Sprinkler, water spray, and combined sprinkler and standpipe system:

(a) (text unchanged)

(b) One underground flush test [per system];

(c) One hydrostatic test [per floor or system];

(d) (text unchanged)

(e) One final acceptance test [per floor or system];

(3) Standpipe and hose system:

(a) (text unchanged)

(b) One flush test [per system];

(c) One hydrostatic test [per system]; and

(d) One final acceptance test [of the installed system];

(4) (text unchanged)

(5) Gaseous or chemical extinguishing system:

(a) (text unchanged)

(b) One performance or acceptance test [of the installed system];

(6) Foam system:

(a) (text unchanged)

(b) One flush test [per system];

(c) One hydrostatic test [per system]; and

(d) One final acceptance test [of the installed system];

(7) Smoke control system:

(a) (text unchanged)

(b) One performance or acceptance test [of the installed system].

C. (text unchanged)

D. A [retest and reinspection] fee [of \$150 per system, zone, or floor] applies if the tests outlined in §B of this regulation reveal that the system being inspected or tested does not meet applicable standards[.] as follows:

(1) First reinspection or retest—\$200; and

(2) Each additional reinspection or retest—\$250.

.07 Fees for Fire Safety Inspections.

A. (text unchanged)

B. The following fees are to be applied based upon the occupancy classification for the building:

(1) Assembly occupancy:

(a) 1,001 or more individuals—[\$300] \$360;

(b) 301 to 1,000 individuals—[\$200] \$240;

(c) 50 to 300 individuals—[\$100] \$120;

(d) Fairgrounds, for properties with:

(i) Nine buildings or less—[\$200] \$240;

(ii) Ten buildings or more—[\$400] \$480;

(2) Educational occupancy:

(a) Elementary school, which includes kindergarten and prekindergarten facilities—[\$100] \$120;

(b) Middle or junior high school—[\$150] \$180;

(c) Senior high school—[\$150] \$180;

(d)—(e) (text unchanged)

(3) Health care occupancy:

(a) Ambulatory health care center—[\$150] \$180 per 3,000 square feet or fraction of 3,000 square feet;

(b) Hospital, nursing home, and limited care facility—[\$100] \$120 per building plus [\$2] \$2.50 per patient bed;

(4) Detention and correctional occupancy—[\$100] \$120 per building plus [\$2] \$2.50 per rated bed capacity;

(5) Residential occupancy:

(a) Hotel and motel—[\$75] \$120 per building plus [\$2] \$2.50 per guest room or suite;

(b) Dormitory—[\$75] \$120 per building plus [\$2] \$2.50 per bed;

(c) Apartment—[\$75] \$120 per building plus [\$2] \$2.50 per apartment;

(d) Lodging or rooming house—[\$75] \$120 per building plus [\$2] \$2.50 per bed;

(e) (text unchanged)

(f) Board and care home—[\$100] \$120 per building plus [\$2] \$2.50 per bed;

(6) Mercantile occupancy:

(a) Class A—over 30,000 square feet—[\$150] \$300;

(b) Class B—3,000 to 30,000 square feet—[\$100] \$150;

(c) Class C—less than 3,000 square feet—[\$75] \$100;

(7) Business occupancy—[\$75] \$120 per 3,000 square feet or fraction of 3,000 square feet;

(8) Industrial or storage occupancy:

(a) Low or ordinary hazard—[\$75] \$120 per 5,000 square feet or fraction of 5,000 square feet;

(b) High hazard—[\$100] \$200 per 5,000 square feet or fraction of 5,000 square feet;

(9) Manufactured homes sites and communities—[\$75] \$120 per facility plus [\$2] \$2.50 per site;

(10) Campgrounds:

(a) Vehicular campgrounds—[\$75] \$120 per facility plus [\$2] \$2.50 per campsite;

(b) Campgrounds with sleeping accommodations—[\$150] \$180 per facility plus [\$2] \$2.50 per bed;

(c) Campgrounds without sleeping accommodations—[\$75] \$120 per facility;

(11) Outside storage of combustible materials, for example, scrap tires, lumber, mulch, tree stumps, etc.—[\$50] \$60 per acre or fraction of an acre;

(12) Outside storage of flammable or combustible liquids/gases (drums or tanks)—[\$100] \$120 per 5,000 square feet or fraction of 5,000 square feet; and

(13) Marinas and piers—[\$100] \$120 plus [\$1] \$1.50 per slip.

C. A [reinspection] fee [of \$150] applies if more than one [inspection] *reinspection* outlined in §B of this regulation is required to correct a previously identified code violation[.] *as follows*:

(1) *Second reinspection*—\$200; and

(2) *Each additional reinspection*—\$250.

MARCUS L. BROWN
Secretary of State Police

Title 33 STATE BOARD OF ELECTIONS

Subtitle 13 CAMPAIGN FINANCING

Notice of Proposed Action

[11-288-P]

The State Board of Elections proposes to:

(1) Amend Regulation .02 under **COMAR 33.13.02 Campaign Finance Report**;

(2) Amend Regulation .02 under **COMAR 33.13.03 Electronic Filing of Reports**;

(3) Amend Regulations .01 and .02 under **COMAR 33.13.05 Electronic Signature Requirements**;

(4) Amend Regulations .03 — .05 under **COMAR 33.13.06 Campaign Accounts**;

(5) Adopt new Regulations .01 — .05 under a new chapter, **COMAR 33.13.08 Independent Expenditure Requirements**; and

(6) Adopt new Regulations .01 — .05 under a new chapter, **COMAR 33.13.09 Electioneering Communication Requirements**.

This action was considered by the State Board of Elections at its August 25, 2011, meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to require the disclosure of certain expenditures; alter certain requirements for electronic filing of campaign finance reports; amend the forms requiring an electronic signature and what constitutes an electronic signature; expand the permissible types of campaign accounts and how disbursements are made; alter what constitutes a prohibited expenditure; and establish registration, reporting, and filing requirements for a person making an independent expenditure or an electioneering communication.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Nikki Baines Trella, Election Reform Director, State Board of Elections, P.O. Box 6486, Annapolis MD 21401-0486, or call 410-269-2843, or email to ntrella@elections.state.md.us, or fax to 410-974-2019. Comments will be accepted through November 7, 2011. A public hearing has not been scheduled.

33.13.02 Campaign Finance Report

Authority: Election Law Article, §§2-102(b)(4) and 13-304(b), Annotated Code of Maryland

.02 Required Contents.

A. — B. (text unchanged)

C. Expenditures Made. For expenditures made, the campaign finance report filed by a campaign finance entity shall include:

(1) — (5) (text unchanged)

(6) A description of the expenditure, *including whether the expenditure was for a paid campaign advertisement*; [and]

(7) If the expenditure was an in-kind contribution, the name of the campaign finance entity receiving the in-kind contribution; *and*

(8) *If the expenditure was to a person to engage in online advocacy on behalf of the political committee, the name and Internet address of any social media identifier, online website, web log, blog, or microblog used by that person.*

D. (text unchanged)

33.13.03 Electronic Filing of Reports

Authority: Election Law Article, §§2-102(b)(4) and Title 13, Subtitle 3, Annotated Code of Maryland

.02 Filing Requisites.

A. Filing Method. A campaign *finance* report shall be filed *electronically* by[:

(1) Mailing a diskette to the State Board office; or

(2) Electronically transmitting the report in a manner approved] *means of the browser-based software provided by the State Administrator.*

[B. Filing Format. A campaign report shall be filed in the:

(1) Format produced by the State Board's software; or

(2) ASCII file format established by the State Board.]

[C.] B. Additional Filing Requirements.

(1) Campaign *finance* reports shall include, in a format approved by the State Administrator, an attestation by the filer, under penalties of perjury, that the contents of the electronic filing are a complete and accurate statement of the campaign [fund] *finance* activity.

(2) Campaign *finance* reports filed *electronically* [on a diskette or electronically transmitted] shall include all other information or materials required by the State Administrator.

33.13.05 Electronic Signature Requirements

Authority: Election Law Article, §§2-102(b)(4), 13-320, and 13-324, Annotated Code of Maryland

.01 Forms Requiring Electronic Signature.

The filer shall include an electronic signature if one of the following forms is filed in an electronic format:

- A. (text unchanged)
- B. Affidavit filed in accordance with Election Law Article, §13-305, Annotated Code of Maryland; [and]
- C. *Statement of Organization*; and
- [C.] D. (text unchanged)

.02 Acceptance of [the] Electronic Signature.

[A.] A filer [who is a treasurer of a campaign finance entity registered with the State Board shall submit as an electronic signature the State Board assigned and designated password which serves to identify the treasurer and campaign finance entity.

B. A filer who is not a treasurer of a campaign finance entity] shall use one of the following as the electronic signature of the filer:

- [(1)] A. — [(2)] B. (text unchanged)
- [(3)] C. The last four digits of the person's social security number; [or]
- D. *Any State Board approved password generated by the person after registration of the campaign finance entity, independent expenditure entity, or electioneering communication entity*; or
- [(4)] E. (text unchanged)

33.13.06 Campaign Accounts

Authority: Election Law Article, §§2-102(b)(4) and Title 13, Subtitle 2, Part IV, Annotated Code of Maryland

.03 Required Elements.

- A. (text unchanged)
- B. Other Permissible Accounts. A political committee may, in addition to a checking account, establish additional campaign accounts at financial institutions only if the accounts are:
 - (1) Insured by the Federal Deposit Insurance Corporation or the *National Credit Union Administration (NCUA)*; and
 - (2) (text unchanged)
- C. — D. (text unchanged)

.04 Disbursements.

A. Method of Disbursements. Except as provided in §B of this regulation, a political committee shall make all disbursements *from the authorized designated campaign account of the political committee* by:

- (1) Order check; [or]
- (2) Counter check;
- (3) *Debit card issued by a financial institution*;
- (4) *Electronic funds transfer (EFT)*;
- (5) *Electronic check*; or
- (6) *Wire transfer*.
- B. — D. (text unchanged)

.05 Prohibitions.

- A political committee may not:
 - A. — B. (text unchanged)
 - C. Use one of the following for making expenditures:
 - (1) [Debit card] *Cash, except for authorized disbursements pursuant to Election Law Article, §13-220(c), Annotated Code of Maryland*;
 - (2) — (4) (text unchanged)

33.13.08 Independent Expenditure Requirements

Authority: Election Law Article, §§2-102(b)(4) and 13-306(1), Annotated Code of Maryland

.01 Scope.

This chapter applies to a person making independent expenditures and the required information on an independent expenditure report submitted to the State Board with respect to donations received, expenditures made, and outstanding obligations pursuant to Election Law Article, §13-306, Annotated Code of Maryland.

.02 Registration.

A. *In General. A person shall file the registration notice required under §B of this regulation with the State Board within 24 hours after the person has made aggregate independent expenditures of \$10,000 or more in an election cycle for campaign material that is a public communication.*

B. *Notice Requirements. The registration notice shall consist of the following information:*

- (1) *The identity of the person making the independent expenditures;*
- (2) *The business address of the person making the independent expenditures;*
- (3) *The name and mailing address of the individual designated as the treasurer or responsible officer authorized to act on behalf of the person making independent expenditures to file independent expenditure reports pursuant to Election Law Article, §13-306, Annotated Code of Maryland;*
- (4) *The name of the candidate or ballot issue identified in the campaign material that is a public communication;*
- (5) *Whether the independent expenditures supported or opposed the identified candidate or ballot issue;*
- (6) *The name and mailing address of any additional person exercising direction or control over the activities of the person making independent expenditures; and*
- (7) *If the person is an entity, whether the person:*
 - (a) *Will notify its shareholders, members, or donors of the electioneering communications disbursements by regular, periodic reports issued by the entity or hyperlink on the entity's Internet homepage; or*
 - (b) *Will not provide notice because it does not have a regular, periodic report or Internet home page.*

C. *Electronic Filing. The registration notice shall be filed electronically by means of the browser-based software provided by the State Administrator.*

.03 Required Contents of the Independent Expenditure Report.

A. *For donations received by the person for the purpose of furthering independent expenditures, the independent expenditure report filed by the person making independent expenditures shall include:*

- (1) *The date the donation was received;*
- (2) *If an in-kind donation, the amount of money or fair market value of the in-kind donation;*
- (3) *The name of:*
 - (a) *The individual who made the donation; or*
 - (b) *The organization, business entity, corporation, limited liability company, partnership, union, or other legal entity that made the donation;*
- (4) *The address of the donor, provided that:*
 - (a) *If the donor is an individual, the address provided shall be where the individual resides or receives residential mail; or*
 - (b) *If the donor is an organization, business entity, corporation, limited liability company, union, or other legal entity,*

the address provided shall be where that entity is registered or does business;

(5) Whether the donation was by cash, check, credit card, electronic transfer, or in-kind;

(6) The aggregate amount or value of donations received to date from the donor for the election cycle in which the independent expenditure report is filed; and

(7) If an in-kind donation, a description of the in-kind donation.

B. *Expenditures Made.* For expenditures made to create or distribute campaign material that is a public communication, the independent expenditure report filed by the person making independent expenditures shall include:

(1) The date the expenditure was made;

(2) The transactional method used, whether cash, check, credit card, electronic transfer or in-kind;

(3) The name and address of the payee or the ultimate recipient of the funds;

(4) The name of the candidate or ballot issue identified in the public communication or to which the independent expenditure relates;

(5) Whether the independent expenditures supported or opposed the candidate or ballot issue;

(6) If the expenditure was to reimburse a person, the name and address of the person who received the reimbursement;

(7) The amount of the expenditure; and

(8) A description of the services or materials purchased by the expenditure.

C. *Outstanding Obligations.* For outstanding obligations, the independent expenditure report filed by the person making independent expenditures shall include:

(1) The name and address of the person to whom an outstanding obligation is owed;

(2) The date the outstanding obligation was incurred;

(3) The balance due on the outstanding obligation at the end of the reporting period;

(4) For an outstanding obligation other than a loan, a brief description of the services or material provided that created the outstanding obligation; and

(5) If the outstanding obligation is a loan, all the information required by Election Law Article, §13-230, Annotated Code of Maryland.

.04 Filing Method.

A. *Filing Method.* An independent expenditure report shall be filed electronically by means of the browser-based software provided by the State Administrator.

B. *Additional Filing Requirements.*

(1) Independent expenditure reports shall include an attestation by the filer, under penalties of perjury, in a format approved by the State Administrator that the contents of the electronic filing are a complete and accurate statement of the filer's campaign finance activity.

(2) An independent expenditure report shall not be accepted by the State Board as filed unless it includes an electronic signature of the treasurer or other individual designated by the person under Regulation .02B(3) of this chapter.

.05 Authority Line.

A. Except as provided in §B of this subsection, any campaign material published or distributed by a person making independent expenditures shall include:

(1) The name and business address of the person; and

(2) The following statement: "This message has been authorized and paid for by (name and address of the person making independent expenditures), (name and title of the treasurer or other individual designated as responsible for the campaign material that

is a public communication). This message has not been authorized or approved by any candidate or ballot issue committee."

B. After registration with the State Board, any campaign material published or distributed by the person making independent expenditures does not need to include a business address of the person.

33.13.09 Electioneering Communication Requirements

Authority: Election Law Article, §§2-102(b)(4) and 13-307(l), Annotated Code of Maryland

.01 Scope.

This chapter applies to a person making electioneering communications and the information required on an electioneering communication report submitted to the State Board with respect to donations received, disbursements made, and outstanding obligations incurred pursuant to Election Law Article, §13-307, Annotated Code of Maryland.

.02 Registration.

A. *In General.* A person shall file the registration notice required under §B of this regulation with the State Board within 24 hours after the person has made aggregate disbursements of \$10,000 or more in an election cycle for electioneering communications.

B. *Notice Requirements.* The registration notice shall consist of the following information:

(1) The identity of the person making the electioneering communications;

(2) The business address of the person making the electioneering communications;

(3) The name and mailing address of an individual designated as the treasurer or responsible officer authorized to act on behalf of the person making electioneering communications to file electioneering communication reports pursuant to Election Law Article, §13-307, Annotated Code of Maryland;

(4) The name of the candidate or ballot issue identified in the electioneering communications;

(5) The name and mailing address of any additional person exercising direction or control over the activities of the person making disbursements for electioneering communications; and

(6) If the person is an entity, whether the person:

(a) Will notify its shareholders, members, or donors of the electioneering communications disbursements by regular, periodic reports issued by the entity or hyperlink on the entity's Internet homepage; or

(b) Will not provide notice because it does not have a regular, periodic report or Internet home page.

C. *Electronic Filing.* The registration notice shall be filed electronically by means of the browser-based software provided by the State Administrator.

.03 Required Contents for an Electioneering Communication Report.

A. *Report Requirements.* For donations received for the purpose of furthering electioneering communications, the electioneering communication report filed by the person making electioneering communications shall include:

(1) The date the donation was received;

(2) If an in-kind donation, the amount of money or fair market value of the in-kind donation;

(3) The name of:

(a) The individual who made the donation; or

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(b) The organization, business, corporation, limited liability company, partnership, union, or other legal entity that made the donation;

(4) The address of the donor provided that:

(a) If the donor is an individual, the address provided shall be where the individual resides or receives residential mail; or

(b) If the donor is an organization, business entity, corporation, limited liability company, union, or other legal entity, the address provided shall be where that entity is registered or does business;

(5) Whether the donation was by cash, check, credit card, electronic transfer, or in-kind;

(6) The aggregate amount or value of donations received to date from the donor for the election cycle in which the electioneering communication report is filed; and

(7) If an in-kind donation, a description of the in-kind donation.

B. Disbursements Made. For disbursements made, the electioneering communication report filed by the person making electioneering communications shall include:

(1) The date the disbursement was made;

(2) The transactional method used, whether cash, check, credit card, electronic transfer or in-kind;

(3) The name and address of the payee or the ultimate recipient of the funds;

(4) The name of the candidate or ballot issue to which the electioneering communications relates;

(5) If the disbursement was to reimburse a person, the name and address of the person who received the reimbursement;

(6) The amount of the disbursement; and

(7) A description of the disbursement.

C. Outstanding Obligations. For outstanding obligations, the electioneering communication report filed by the person making electioneering communications shall include:

(1) The name and address of the person to whom the outstanding obligation is owed;

(2) The date the outstanding obligation was incurred;

(3) The balance due on the outstanding obligation at the end of the reporting period;

(4) For an outstanding obligation other than a loan, a brief description of the services or materials provided that created the outstanding obligation; and

(5) If the outstanding obligation is a loan, all the information required by Election Law Article, §13-230, Annotated Code of Maryland.

.04 Filing Method.

A. Filing Method. An electioneering communication report shall be filed electronically by means of the browser-based software provided by the State Administrator.

B. Additional Filing Requirements.

(1) Electioneering communication reports shall include an attestation by the filer, under penalties of perjury, in a format approved by the State Administrator that the contents of the electronic filing are a complete and accurate statement of the filer's campaign finance activity.

(2) An electioneering communication report will not be accepted by the State Board as filed unless it includes an electronic signature of the treasurer or other individual designated by the person under Regulation .02B(3) of this chapter.

.05 Authority Line.

A. Except as provided in §B of this subsection, any campaign material published or distributed by a person making electioneering communications shall include:

(1) The name and business address of the person; and

(2) The following statement: "This message has been authorized and paid for by (name and address of the person making electioneering communications), (name and title of the treasurer or other individual designated as responsible for the electioneering communications). This message has not been authorized or approved by any candidate or ballot issue committee."

B. After registration with the State Board, any campaign material published or distributed by the person making electioneering communications does not need to include a business address of the person

LINDA H. LAMONE
State Administrator of Elections

NOTICE OF INTENT TO FORECLOSE

(Mortgage Loan Default)

This Notice is Required by Maryland Law (Real Property Article, §7-105.1(c), Annotated Code of Maryland).

You are at risk of losing your home to foreclosure. You have missed one or more payments on your mortgage loan or you are otherwise in default. If you do not bring the loan current, otherwise cure the default, or reach an agreement with your mortgage company to avoid foreclosure (such as a loan modification, repayment plan, or other alternative to foreclosure), a foreclosure action may be filed in court as early as 45 days from the date of this notice.

There may be options available to avoid foreclosure, but you must act immediately.

**TO ACCESS FREE HOUSING COUNSELING SERVICES,
CALL THE MARYLAND HOPE HOTLINE AT
1-877-462-7555 OR GO TO WWW.MDHOPE.ORG**

Please follow the instructions that are outlined below.

- Read this entire Notice carefully and act immediately.
- Contact [insert name of an agent or employee of the secured party authorized to modify the terms of the mortgage loan. The agent or employee may be an individual or group of individuals or a department such as “loss mitigation department”] at [insert the telephone number of the agent or employee] to discuss options available to avoid foreclosure.
- Complete the enclosed Loss Mitigation Application according to its instructions and include copies of all requested documents.
- Keep a copy of your Loss Mitigation Application, accompanying documents, your mail receipt confirmation, and your date of mailing for your own record.
- Mail your completed Loss Mitigation Application and the accompanying documents using the addressed envelope provided.

If you have already sent a Loss Mitigation Application to your mortgage company, please call your mortgage company at the number above to confirm the status of your request.

Beware of anyone offering to “save” your home or requesting an upfront fee before providing assistance. Free resources are available at the Maryland HOPE Hotline at 1-877-462-7555 or go to www.MDHOPE.org. *If you believe you have been a victim of a scam, please contact the Office of the Maryland Commissioner of Financial Regulation by calling 410-230-6077 or visiting www.dllr.state.md.us/finance.*

If you have funds available to bring your loan current, contact [insert contact person to provide reinstatement figure and instructions to reinstate the loan]. Ask for the amount needed to reinstate your loan before sending money.

Attached is a list of state and federal foreclosure-related resources available to help you.

THE MARYLAND FORECLOSURE PROCESS AND TIME LINE

(for Owner-Occupied Mortgage Loans)

A **Notice of Intent to Foreclose** is enclosed with this document. In the notice you will find specific information about the mortgage, an application for loss mitigation, and instructions to complete the application. **THIS IS NOT YET A FORECLOSURE FILING.** A foreclosure action in court may only be filed against you at least 45 days after this notice was mailed.

A **foreclosure action (Order to Docket)** must be filed in court in order to move forward with foreclosure proceedings. It cannot be filed until your loan is 90 days past due, and you have been sent a Notice of Intent to Foreclose.

The Order to Docket (“OTD”) will include one of the following affidavits:

1. **Preliminary Loss Mitigation Affidavit** will be filed with the OTD if the mortgage company has not started or completed the review of your loan for foreclosure alternatives known as loss mitigation. An application for loss mitigation will be included in the OTD. **Complete and return the application immediately;** OR
2. **Final Loss Mitigation Affidavit** will be filed with the OTD if the mortgage company believes it has no available alternatives to foreclosure. This affidavit will come with a **“Request for Foreclosure Mediation.”** **You have only 25 days to request foreclosure mediation after you receive these documents.** To request foreclosure mediation you must send the completed form with a non-refundable fee of \$50 to the Circuit Court.

* If your order to docket includes a Preliminary Loss Mitigation Affidavit, **open all future mail** because you may receive a Final Loss Mitigation Affidavit in as soon as 28 days.

Foreclosure Mediation:

You will have the opportunity to request foreclosure mediation after you receive the final loss mitigation affidavit. Foreclosure mediation is a face-to-face meeting with a representative from your mortgage company to discuss any options available to avoid foreclosure. An Administrative Law Judge, at the Office of Administrative Hearings, will mediate the case within 60 days of your request. The judge cannot make decisions, but will act as a neutral third party in an effort to help you and your mortgage company reach a resolution.

**TO ACCESS FREE HOUSING COUNSELING SERVICES,
CALL THE MARYLAND HOPE HOTLINE AT
1-877-462-7555 OR GO TO WWW.MDHOPE.ORG**

The following is important information about your mortgage loan:

Date of Notice: _____

Address of Property Subject to This Notice: _____

Name of Borrower(s): _____

Mailing Address of Borrower(s): _____

Name of Record Owner (if different from Borrower(s)): _____

Mailing Address of Record Owner (if different from Borrower(s)): _____

Name of Secured Party: _____

Telephone Number of Secured Party: _____

(If the secured party is a trust, real estate mortgage investment conduit (REMIC), or the like, the secured party may insert the telephone number of its authorized loan servicer.)

Name of Loan Servicer (if different from Secured Party): _____

Telephone Number of Loan Servicer (if applicable): _____

Mortgage Loan Number: _____

Lien Position (Indicate whether first or subordinate lien): _____

Date Most Recent Loan Payment Received: _____

Period to Which Most Recent Mortgage Loan Payment Was Applied: _____

Date of Default: _____

Total Amount Required to Cure Default as of the Date of this Notice: _____

(If you wish to reinstate your loan by paying all past due payments and fees, please call the mortgage company and ask for the total amount required to cure the default and reinstate the loan.)

Note type of default by inserting one or both of the following two default statements: (1) Your mortgage loan payment is currently [insert number of days payment past due] past due and is in default. (2) Your mortgage loan is in default because [insert type of default other than a past-due payment]: _____

Name of Mortgage Lender (if applicable): _____

Maryland Mortgage Lender License Number (if applicable): _____

Name of Mortgage Loan Originator (if applicable): _____

Maryland Mortgage Loan Originator License Number (if applicable): _____

NOTE: The data contained in this Notice of Intent to Foreclose is electronically filed with the Commissioner of Financial Regulation in accordance with COMAR 09.03.12.02.

NOTICE OF INTENT TO FORECLOSE

(Alternative/Other Liens)

This Notice is Required by Maryland Law (Real Property Article, §7-105.1, Annotated Code of Maryland).

There is a lien against your home that could result in foreclosure. You are receiving this because you have defaulted on your [list type of lien- such as, by way of example but not limitation, past-due homeowners' or condominium association fees, or past-due contractual payments giving rise to a mechanic's lien]. If you do not bring this default current or otherwise cure this default, we may file a foreclosure action against you as early as 45 days from the date of this notice.

There may be options available to avoid foreclosure, but you must act immediately.

**TO ACCESS FREE HOUSING COUNSELING SERVICES,
CALL THE MARYLAND HOPE HOTLINE AT
1-877-462-7555 OR GO TO WWW.MDHOPE.ORG**

Please follow the instructions that are outlined below.

- Read this entire Notice carefully and act immediately.
- Contact [insert name of an agent or employee of the agency pursuing the debt who has authority to reinstate the debt or work out payment arrangements] at [insert the telephone number of the agent or employee] to discuss options to avoid foreclosure.
- [Insert list of options to cure the default with specific instructions, including, but not limited to contact information and instructions to cure the default]:

- **If you believe you have already made arrangements with the person contacting you for this debt, please call that person at the number above to confirm the status of your request.**
- Beware of anyone offering to “save” your home or requesting an upfront fee before providing assistance. Free resources are available at the Maryland HOPE Hotline at 1-877-462-7555 or go to www.MDHOPE.org. *If you believe you have been a victim of a scam, please contact the Office of the Maryland Commissioner of Financial Regulation by calling 410-230-6077 or visiting www.dllr.state.ms.us/finance.*

The following is important information about your mortgage loan:

Date of Notice: _____

Name of Record Owner: _____

Record Owner's Mailing Address: _____

Property Address: _____

Name of Secured Party: _____

Telephone Number of Secured Party: _____

(This may be the telephone number of the representative of the secured party.)

Lien Position [Indicate whether first or subordinate lien]: _____

Date of Receipt of Most Recent Payment on Debt: _____

Date of Default: _____

[Insert description of the nature of the default such as, by way of example but not limitation:

“Your homeowners' association fees are currently ___ days past due”]: _____

NOTE: The data contained in this Notice of Intent to Foreclose is electronically filed with the Commissioner of Financial Regulation in accordance with COMAR 09.03.12.02.

NOTICE OF INTENT TO FORECLOSE

(Not An Owner-Occupied Mortgage Loan Default)

This Notice is Required by Maryland Law (Real Property Article, §7-105.1(c), Annotated Code of Maryland).

You are at risk of losing your property to foreclosure. You have missed one or more payments on your mortgage loan or you are otherwise in default. If you do not bring the loan current, otherwise cure the default, or reach an agreement with your mortgage company to avoid foreclosure (such as a loan modification, repayment plan or other alternative to foreclosure) a foreclosure action may be filed in court as early as 45 days from the date of this notice.

**Your mortgage company has determined
that you do NOT live in this property.**

**IF THIS IS YOUR PRIMARY RESIDENCE:
PLEASE CALL _____**

**NOTE: An owner-occupant has additional
options for foreclosure prevention.**

Please follow the instructions that are outlined below.

- Read this entire Notice carefully and act immediately.
- If you live in this property as your primary residence, please call [insert contact again for homeowner to dispute occupancy determination]. Free resources are available at the Maryland HOPE Hotline at 1-877-462-7555 or go to www.MDHOPE.org.
- Contact [insert name of an agent or employee of the secured party authorized to modify the terms of the mortgage loan. The agent or employee may be an individual or group of individuals or a department such as “loss mitigation department”] at [insert the telephone number of the agent or employee] to discuss options to avoid foreclosure.

If you have already requested loss mitigation assistance from your mortgage company, please call your mortgage company at the number above to confirm the status of your request.

Beware of anyone offering to “save” your property or requesting an upfront fee before providing assistance. *If you believe you have been a victim of a scam, please contact the Office of the Maryland Commissioner of Financial Regulation by calling 410-230-6077 or visiting <http://www.dllr.state.md.us/finance/>.*

If you have funds available to bring your loan current, contact [insert contact person to provide reinstatement figure and instructions to reinstate the loan]. Ask for the amount needed to reinstate your loan before sending money.

You may be eligible for certain programs to avoid foreclosure.

Call your mortgage company for more information.

**NOTICE REGARDING
OCCUPANCY DETERMINATION**

Based upon inspection or certification of occupancy status through other means (proof attached, if applicable), it is my belief that this property is not owner-occupied.

AGENT: _____

DATE: _____

The following is important information about your mortgage loan:

Date of Notice: _____

Address of Property Subject to This Notice: _____

Name of Borrower(s): _____

Mailing Address of Borrower(s): _____

Name of Record Owner (if different from Borrower(s)): _____

Mailing Address of Record Owner (if different from Borrower(s)): _____

Name of Secured Party: _____

Telephone Number of Secured Party: _____

(If the secured party is a trust, real estate mortgage investment conduit (REMIC), or the like, the secured party may insert the telephone number of its authorized loan servicer.)

Name of Loan Servicer (if different from Secured Party): _____

Telephone Number of Loan Servicer (if applicable): _____

Mortgage Loan Number: _____

Lien Position (Indicate whether first or subordinate lien): _____

Date Most Recent Loan Payment Received: _____

Period to Which Most Recent Mortgage Loan Payment Was Applied: _____

Date of Default: _____

Total Amount Required to Cure Default as of the Date of this Notice: _____

(If you wish to reinstate your loan by paying all past due payments and fees, please call the mortgage company and ask for the total amount required to cure the default and reinstate the loan.)

[Note type of default by inserting one or both of the following two default statements: (1) Your mortgage loan payment is currently (insert number of days payment past due) past due and is in default; (2) Your mortgage loan is in default because (insert type of default other than a past-due payment)]: _____

Name of Mortgage Lender (if applicable): _____

Maryland Mortgage Lender License Number (if applicable): _____

Name of Mortgage Loan Originator (if applicable): _____

Maryland Mortgage Loan Originator License Number (if applicable): _____

NOTE: The data contained in this Notice of Intent to Foreclose is electronically filed with the Commissioner of Financial Regulation in accordance with COMAR 09.03.12.02

PRELIMINARY LOSS MITIGATION AFFIDAVIT

Case Number: _____

Date of Filing With Court: _____

Property Owner(s): _____

Property Address: _____

My name is _____. I am authorized to act on behalf of the secured party who is the holder of the beneficial interest in the mortgage or deed of trust which is secured by property at the address listed above. The information in this affidavit is derived from records of the secured party that were made at or near the time of the occurrence of the matters set forth below by, or from information transmitted by, a person with knowledge of those matters. These records were produced and/or maintained in the course of the regularly conducted activity of the secured party as a regular practice of the secured party, and I state the following:

The mortgage loan that is the subject of this foreclosure action may be eligible for loss mitigation and [check all statements that apply]:

- The loan is currently under loss mitigation analysis, but the analysis has not yet been completed.
- The secured party or a representative of the secured party has not been able to obtain all documentation and information necessary to conduct the loss mitigation analysis.

Required additional documentation to complete loss mitigation analysis [list documents required]: _____

- The secured party or a representative of the secured party has not been able to establish communication with the borrower.
- Other _____.

I solemnly affirm under the penalties of perjury and upon personal knowledge based on review of the records described herein or attached hereto that the contents of this affidavit are true.

Signature of Affiant

Date

Print Name and Title of Affiant

FINAL LOSS MITIGATION AFFIDAVIT

Case Number: _____

Date of Filing With Court: _____

Property Owner(s): _____

Property Address: _____

My name is _____. I am authorized to act on behalf of the secured party who is the holder of the beneficial interest in the mortgage or deed of trust which is secured by property at the address listed above. The information in this affidavit is derived from records of the secured party that were made at or near the time of the occurrence of the matters set forth below by, or from information transmitted by, a person with knowledge of those matters. These records were produced and/or maintained in the course of the regularly conducted activity of the secured party as a regular practice of the secured party, and I state the following:

The secured party conducted a loss mitigation analysis YES NO
(Check which applies)

If the secured party conducted a loss mitigation analysis, describe all loss mitigation programs evaluated, and describe why the borrower(s) did not qualify for each loss mitigation program. If the secured party did not conduct a loss mitigation analysis, describe all reasons why a loss mitigation analysis was not conducted, and describe why the borrower(s) did not qualify for a loss mitigation program:

I solemnly affirm under the penalties of perjury and upon personal knowledge based on review of the records described herein or attached hereto that the contents of this affidavit are true.

Signature of Affiant

Date

Print Name and Title of Affiant

REQUEST FOR FORECLOSURE MEDIATION

(Instructions)

Name(s) of Homeowner: _____

Property Address: _____

What is foreclosure mediation?

Foreclosure mediation is a process that brings together a homeowner in foreclosure, a person representing the mortgage company who is able to act on their behalf, and a neutral third party judge. The goal of foreclosure mediation is to have a face-to-face meeting to discuss options to avoid foreclosure. There may be a number of options available at foreclosure mediation, however, some loss mitigation programs do have specific qualification standards for the homeowner. Making a request for foreclosure mediation does not guarantee that you will receive a loan modification or other relief.

ATTENTION HOMEOWNER:

***** YOU HAVE ONLY 25 DAYS TO RESPOND *****

Complete the attached form to request a face-to-face meeting with your mortgage company to discuss options to avoid foreclosure. You only have 25 days to send your original signed request to the circuit court in the addressed envelope provided.

If you need help filling out this form:

**PLEASE CONTACT THE MD HOPE HOTLINE AT
877-462-7555 OR VISIT WWW.MDHOPE.ORG TO FIND A
HOUSING COUNSELOR OR FREE LEGAL SERVICE NEAR YOU**

Checklist:

- Carefully read the entire request for foreclosure mediation application.
- **Application** (on next page) – Initial each statement to confirm that you have read and understand each statement, then sign and date. Check the “Yes” box if you would like a Department of Housing and Community Development representative or a housing counselor to contact you. Sign and date the Certificate of Service.
- Make two copies of the completed document.
- Send the original signed document to the circuit court in the addressed envelope included along with the \$50 filing fee. **DO NOT SEND CASH.** Make the check or money order payable to “Clerk of the Circuit Court.” Consider sending your request for foreclosure mediation and payment by certified mail or return receipt requested mail.
- Send one copy of the completed form to the foreclosure attorney representing your mortgage company in the addressed envelope provided.
- Keep the second copy for your records.

REQUEST FOR FORECLOSURE MEDIATION

(Application)

Circuit Court: _____

Case No.: _____

Name and Address of the Secured Party
or Representative of Secured Party: _____

Name and Address of the Borrower(s): _____

Initial each item below to acknowledge that you have read and understand each statement.

If you do not understand the information, please contact the MD Hope Hotline at 877-462-7555 or visit www.mdhope.org to find a housing counselor or free legal service near you.

_____ I am requesting foreclosure mediation to see if I qualify for a loan modification or other alternative to a foreclosure sale of my home.

_____ I have enclosed my \$50 fee for filing this Request for Foreclosure Mediation. (Make checks payable to the "Clerk of the Circuit Court." **DO NOT SEND CASH.**)

NOTE: If you qualify for free legal services under the Maryland Legal Services Guidelines, you may request a waiver of your foreclosure mediation fee. You must submit a completed Request for Waiver of Filing Fee for Foreclosure Mediation form (available at <http://mdcourts.gov/courtforms/circuit/cc080.pdf>) together with this request for foreclosure mediation.

Signature of Homeowner

Date

Print Name

I would like to be contacted by a Department of Housing and Community Development representative or a housing counselor: YES NO

If so, please provide your preferred contact information: _____

CERTIFICATE OF SERVICE

I certify that I have sent a copy of this Request for Foreclosure Mediation to the Clerk of the Circuit Court and to the secured party, or the representative of the secured party, by regular U.S. mail, postage pre-paid, at the address listed at the top of this form. I have served the party that brought this foreclosure action by sending this Request for Foreclosure Mediation by regular U.S. mail, postage pre-paid, to its foreclosure attorney in (or at the address on) the addressed envelope provided with this form.

Signature of Homeowner

Date

Print Name

LOSS MITIGATION APPLICATION**See Instructions corresponding with numbers in brackets {} on form**

Loss Mitigation Application page 1

COMPLETE ALL PAGES OF THIS FORM

Loan Number: **{1}** (at least last 4 digits)Servicer: **{2}**

BORROWER {3}		CO-BORROWER {4}	
Borrower's Name		Co-Borrower's Name	
Social Security No.	Date of Birth	Social Security No.	Date of Birth
Home phone number, with area code		Home phone number with area code	
Cell or work number with area code		Cell or work number with area code	

I want to: {5} <input type="checkbox"/> Keep the Property <input type="checkbox"/> Sell the Property			
The property is my: <input type="checkbox"/> Primary Residence <input type="checkbox"/> Second Home <input type="checkbox"/> Investment			
The property is: <input type="checkbox"/> Owner Occupied <input type="checkbox"/> Renter Occupied <input type="checkbox"/> Vacant			
Mailing address: {6}			
Property address (if same as mailing address, just write "same")			
E-mail address			
Is the property listed for sale? <input type="checkbox"/> Yes <input type="checkbox"/> No {7} Have you received an offer on the property? <input type="checkbox"/> Yes <input type="checkbox"/> No Date of offer _____ Amount of offer \$ _____ Agent's Name? _____ Agent's Phone Number: _____ For Sale by Owner? <input type="checkbox"/> Yes <input type="checkbox"/> No	{8} Have you contacted a housing-counseling agency for help <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please complete the following: Counselor's Name: _____ Agency Name: _____ Counselor's Phone Number: _____ Counselor's E-mail: _____		
Who pays the real estate tax bill on your property: {9} <input type="checkbox"/> I do <input type="checkbox"/> Lender does <input type="checkbox"/> Paid by condo or HOA Are the taxes current? <input type="checkbox"/> Yes <input type="checkbox"/> No Condominium or HOA fees <input type="checkbox"/> Yes <input type="checkbox"/> No \$ _____ Paid to: _____	Who pays the hazard insurance premium for your property? {10} <input type="checkbox"/> I do <input type="checkbox"/> Lender does <input type="checkbox"/> Paid by condo or HOA Is the policy current? <input type="checkbox"/> Yes <input type="checkbox"/> No Name of Insurance Co.: _____ Insurance Co. Tel #: _____		
Have you filed for bankruptcy? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes: <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 13 Filing Date: _____ {11} Has your bankruptcy been discharged? <input type="checkbox"/> Yes <input type="checkbox"/> No Bankruptcy case number: _____			
Additional Liens/Mortgages or Judgments on this property: {12}			
Lien Holder's Name/Servicer	Balance	Contact Number	Loan Number

HARDSHIP AFFIDAVIT {13}

I am requesting review under your loss mitigation program.

I am having difficulty making my monthly payment because of financial difficulties created by (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> My household income has been reduced. For example: unemployment, underemployment, reduced pay or hours, decline in business earnings, death, disability or divorce of a borrower or co-borrower. | <input type="checkbox"/> My monthly debt payments are excessive and I am overextended with my creditors. Debt includes credit cards, home equity or other debt. |
| <input type="checkbox"/> My expenses have increased. For example: monthly mortgage payment reset, high medical or health care costs, uninsured losses, increased utilities or property taxes. | <input type="checkbox"/> My cash reserves, including all liquid assets, are insufficient to maintain my current mortgage payment and cover basic living expenses at the same time. |

<input type="checkbox"/> Other: _____
Explanation (continue on back of page 3 if necessary): _____ _____

INCOME/EXPENSES FOR HOUSEHOLD ¹

Number of People in Household: **{14}**

Monthly Gross Wages {15}	\$	First Mortgage Payment {26}	\$	Checking Account(s) {37}	\$
Overtime {16}	\$	Second Mortgage Payment {27}	\$	Checking Account(s) {38}	\$
Child Support/ Alimony {17} / Separation ²	\$	Insurance {28}	\$	Savings/ Money Market {39}	\$
Social Security / SSDI {18}	\$	Property Taxes {29}	\$	CDs {40}	\$
Other monthly income from pensions, annuities or retirement plans {19}	\$	Credit Cards / Installment Loan(s) (total minimum payment per month) {30}	\$	Stocks / Bonds {41}	\$
Tips, commissions, bonus and self-employed income {20}	\$	Alimony, child support payments {31}	\$	Other Cash on Hand {42}	\$
Rents Received {21}	\$	Net Rental Expenses {32}	\$	Other Real Estate (estimated value) {43}	\$
Unemployment income {22}	\$	HOA/Condo Fees / Property Maintenance {33}	\$	Other: _____ _____ {44}	\$
Food Stamps / Welfare {23}	\$	Car Payments {34}	\$	Other: _____ _____ {45}	\$
Other (investment income, royalties, interest, dividends etc.) {24}	\$	Other: _____ _____ {35}	\$	Do not include the value of life insurance or retirement plans when calculating assets (401K, pension funds, annuities, IRAs, Keogh plans, etc.)	
Total (Gross Income) {25}	\$	Total Debt / Expenses {36}	\$	Total Assets {46}	\$

INCOME MUST BE DOCUMENTED

¹ Include combined monthly income and expenses from the borrower and co-borrower (if any). If this includes income and expenses from a household member who is not a borrower, please specify using the back of this form if necessary.

² You are not required to disclose Child Support, Alimony or Separation Maintenance income, unless you choose to have it considered by your servicer.

**LOSS MITIGATION APPLICATION
ACKNOWLEDGMENT AND AGREEMENT**

In making this request for consideration under your loss mitigation program, I certify under penalty of perjury:

1. That all of the information in this document is truthful and the event(s) identified on page 1 is/are the reason that I need to request a modification of the terms of my mortgage loan, short sale or deed-in-lieu of foreclosure.
2. I understand that the Servicer, _____, or its agents may investigate the accuracy of my statements and may require me to provide supporting documentation. I also understand that knowingly submitting false information may violate the law.
3. I understand the Servicer will pull a current credit report on all borrowers obligated on the Note.
4. I understand that if I have intentionally defaulted on my existing mortgage, engaged in fraud or misrepresented any fact(s) in connection with this document, the Servicer may cancel any loss mitigation agreement and may pursue foreclosure on my home.
5. That my Property is owner-occupied; I intend to reside in this property for the next twelve months; I have not received a condemnation notice; and there has been no change in the ownership of the Property since I signed the documents for the mortgage that I want to modify.
6. I am willing to provide all requested documents and to respond to all Servicer questions in a timely manner.
7. I understand that the Servicer will use the information in this document to evaluate my eligibility for a loan modification, short sale, or deed-in-lieu of foreclosure, but the Servicer is not obligated to offer me assistance based solely on the statements in this document.
8. I am willing to commit to housing counseling if it is determined that my financial hardship is related to excessive debt.
9. I understand that the Servicer will collect and record personal information, including, but not limited to, my name, address, telephone number, social security number, credit score, income, payment history, government monitoring information, and information about account balances and activity. I understand and consent to the disclosure of my personal information and the terms of any loss mitigation agreement to any third party that needs this information to process this application, including but not limited to: any investor, insurer, guarantor or servicer that owns, insures, guarantees or services my first lien or subordinate liens (if applicable) mortgage loan(s); any companies that perform support services in conjunction with my mortgage; any HUD-certified housing counselor; and government regulators.

{47} _____
 Borrower Signature Date

 Co-Borrower Signature Date

Maryland HOPE Hotline

Call the Maryland HOPE hotline at 1-877-462-7555 or go to www.MDHOPE.org for information on housing counseling.

Instructions for Completing Loss Mitigation Application

The numbers for each item below correspond to the same numbers in the form above.

- {1} Your loan number on your mortgage loan statement.
- {2} Your loan “Servicer” is the financial institution that collects your monthly payment.
- {3} The borrower section must include information on the person whose name is on the “Note” for the mortgage loan.
- {4} The co-borrower is a second person on the note for the mortgage loan. Do not fill out this section for someone who is not obligated on the note for the mortgage loan.
- {5} For this section you should choose one option for each question.
- {6} Please provide a mailing address and a residential “Property” address if different. The Property address should correspond to the mortgage for which you are submitting a Loss Mitigation Application.
- {7} If your Property is not listed for sale, you do not need to fill out the rest of Section 7. Only include offers for sale that you received in the past year.
- {8} Counselors are available free of charge and can be located on the Maryland Hope website www.MDHOPE.org.
- {9} If your real estate taxes and property insurance are part of the monthly payment that you make to your servicer, select “lender does.” “HOA” means Homeowner’s Association.
- {10} If your hazard insurance premium is part of the monthly payment that you make to your servicer, select “lender does.” “HOA” means Homeowner’s Association.
- {11} The filing date indicates when you officially filed for bankruptcy. Only check the “yes” box for a discharged bankruptcy if you no longer owe any obligations.
- {12} Additional liens include second (or third) mortgages and home equity lines of credit.
- {13} Please select as many hardships as apply to your situation. You can use the extra lines to explain your hardship, though extensive explanations could delay the processing of your application.
- {14} Indicate the total number of people in your household.
- {15} Monthly gross wages are what you receive before taxes. Use your most current pay stub to find this amount.
- {16} This amount should be listed on a current pay stub.
- {17} If you receive child support, alimony, or separation maintenance income, you are not required by law to report it. You should only include this amount if you would like it to be included in the income calculation.
- {18} SSDI means Social Security/Disability Income.
- {19} Only include if you are retired and collecting income from retired funds.
- {20} If reported, this amount will be on your pay stub.
- {21} Only include rental income if used as part of your overall income.
- {22} You must have at least nine months of unemployment income to report on this form.

{23} Report the amount indicated on your benefits letter. You must provide a copy of this letter as documentation of this income.

{24} Add all other income and report sum in this box.

{25} Add all amounts in income column (boxes 15-24) and report sum.

{26} This amount can be found on your statement for your first mortgage.

{27} If applicable, this amount can be found on the statement for your second mortgage or home equity lines of credit.

{28} This refers only to homeowner's insurance and should be reported only if you pay this yourself.

{29} Only report these taxes if you pay them yourself.

{30} Add all credit cards and installment payments and report sum here.

{31} If you are responsible for paying child support or alimony, you must report the amount here.

{32} Report amount if your total rental income does not cover your total rental expenses.

{33} "HOA" means Homeowner's Association.

{34} Include car payments only if you are the owner of the vehicle.

{35} Include any other pertinent household expenses.

{36} Add all amounts in expense column (boxes 26-35) and report sum.

{37}-{39} Report amounts for all accounts, if applicable.

{40} "CDs" means certificates of deposit.

{41}-{42} Report amounts for all accounts, if applicable.

{43} Include estimated value for all other properties owned.

{44}-{45} Report any other assets other than the value of life insurance or retirement plans, including 401K, pension funds, IRAs, Keogh plans, etc.

{46} Add all amounts in assets column (boxes 37-45) and report sum.

{47} Please be sure to read the entire Loss Mitigation Application Acknowledgement and Agreement before signing. Do not leave off a signature as this will decrease efficient document processing.

NOTICE OF FORECLOSURE ACTION

A foreclosure sale of this property may occur as soon as 68 days from this notice if you do not respond

If you own and live in this home, you may qualify for alternatives to foreclosure, but you must act quickly.

We have included:

- **Preliminary Loss Mitigation Affidavit** – this is a legal document completed by your mortgage company (sometimes referred to as servicer) explaining that they have not completed an evaluation of your loan for possible alternatives to foreclosure and why.
- **Loss Mitigation Application** – this is the application that your mortgage company will review to see if you qualify for alternatives to foreclosure. If you need help completing this form, please contact a HUD certified housing counselor (information below).
- **Addressed Envelope to mail the Loss Mitigation Application.**

You are not alone. There are free resources available in Maryland:

**TO ACCESS FREE HOUSING COUNSELING SERVICES,
CALL THE MARYLAND HOPE HOTLINE AT
1-877-462-7555 OR GO TO WWW.MDHOPE.ORG**

What happens if you do nothing?

In 28 days or more, you will receive a **Final Loss Mitigation Affidavit**, which will include a form to request **FORECLOSURE MEDIATION**.

- You qualify for foreclosure mediation only after the Final Loss Mitigation Affidavit has been filed with the court.
- You will have only 25 days to request foreclosure mediation after you receive the Final Loss Mitigation Affidavit so it is important that you continue to open your mail.

Beware of anyone offering to “save” your home or requesting an upfront fee before providing assistance. This is illegal in the State of Maryland. *If you believe you have been a victim of a scam, please contact the Office of the Maryland Commissioner of Financial Regulation by calling 410-230-6077 or visiting <http://www.dllr.state.md.us/finance/>.*

***BEFORE YOU MAIL THE LOSS MITIGATION APPLICATION,
MAKE A COPY FOR YOUR RECORDS***

NOTICE OF FORECLOSURE ACTION

A foreclosure sale of this property may occur as soon as 40 days from this notice if you do not respond

If you own and live in this home, you may request a face-to-face meeting with your mortgage company called **FORECLOSURE MEDIATION**, but you must act quickly.

We have included:

- **Request for Foreclosure Mediation** – this is the form you need to complete to request foreclosure mediation. ****This form must be sent back within 25 days - DO NOT DELAY****
- **Final Loss Mitigation Affidavit** – this is a legal document completed by the mortgage company explaining why they have been unable to offer an alternative to foreclosure.
- **2 Pre-addressed envelopes:**
 - Return to the court the original signed Request for Foreclosure Mediation in the envelope marked “**REQUEST FOR FORECLOSURE MEDIATION**”.
 - Mail a copy of the Request for Foreclosure Mediation in the second envelope addressed to the foreclosure attorney who represents your mortgage company.

You are not alone. There are free resources available in Maryland:

**TO ACCESS FREE HOUSING COUNSELING SERVICES,
CALL THE MARYLAND HOPE HOTLINE AT
1-877-462-7555 OR GO TO WWW.MDHOPE.ORG**

What happens if you do nothing?

If you do not request foreclosure mediation, the mortgage company may foreclose on your home. If you wish to remain in your home, **PLEASE** contact the MD Hope Hotline. You need to understand your options and the consequences of doing nothing.

Beware of anyone offering to “save” your home or requesting an upfront fee before providing assistance. This is illegal in the State of Maryland. *If you believe you have been a victim of a scam, please contact the Office of the Maryland Commissioner of Financial Regulation by calling 410-230-6077 or visiting <http://www.dllr.state.md.us/finance/>.*

TO REQUEST FORECLOSURE MEDIATION TURN THE PAGE 



FORECLOSURE MEDIATION INSTRUCTIONS

Requirements For Document Exchange And Important Information Regarding Proceedings



Circuit Court Case Number: _____

OAH Case Number: _____

Foreclosure Mediation Date/Time: _____

Location of Foreclosure Mediation: _____

IMPORTANT NOTICE ABOUT YOUR REQUEST FOR FORECLOSURE MEDIATION:

By law, you are required to provide certain documents and information to the designated representative of your mortgage company and to the Office of Administrative Hearings (OAH) prior to the foreclosure mediation. These instructions describe the documents and information you are required to provide and how and when they must be provided.

NOTE: IF YOU HAVE ALREADY SUBMITTED DOCUMENTS TO THE OFFICE OF ADMINISTRATIVE HEARINGS, YOU SHOULD NOT SEND A DUPLICATE COPY OF THE DOCUMENTS.

1. The borrower(s) shall provide:

(a) Prior to the foreclosure mediation, a copy of:

- a completed Borrower(s) Information Worksheet (attached);
- the borrower(s)' Request for Foreclosure Mediation (copy of the one you sent);
- each borrower's signed federal income tax returns (including all schedules and attachments-ALL PAGES) for the two (2) most recent tax years;
- the most recent bill and proof of payment for property taxes and insurance, only if you pay directly, and not through your mortgage payment;
- any previous loan modifications (if applicable); and
- the most recent statement for any other loan you may have on your property, if applicable (such as a home equity loan or second mortgage), showing the name, mailing address, and telephone number of the lender(s) in question;

(b) At the foreclosure mediation, a copy of:

- proof of each borrower's pay (paystub or benefits statements) issued within the last thirty (30) days, covering one (1) month of pay;
- two (2) most recent paystubs or benefits statements (issued within the last forty-five (45) days) for any member of the borrower's household whose income is to be counted toward payment of the mortgage; and
- all pages of each borrower's two (2) most recent bank statements issued within the preceding sixty (60) days.

2. The lender, or representative of the lender, shall provide to OAH and borrower(s) if not already provided:

- borrower(s)' Loss Mitigation Application (only need to provide to OAH);
- name and contact information (telephone number, mailing and e-mail address) of the individual(s) who will represent the secured party at the foreclosure mediation and will either have authority to settle or be able to readily contact someone with authority to settle the matter at foreclosure mediation (only need to provide to OAH);
- Notice of Intent to Foreclose;
- Order to Docket (including attachments);
- Final Loss Mitigation Affidavit;
- borrower(s)' payment history;
- correspondence log of account activities, including servicer contacts with borrower(s), from the time the loan went into default until the date of submission; and
- separately as to each loss mitigation option considered for the borrower(s), documentation of the basis for denial including:
 - the specific data inputs and their sources
 - an explanation of each specific factor relied upon
 - relevant portion(s) of investor guidelines
 - property valuation, if any

3. Timing/Method of Sending.

Documents and information required to be provided to the other party and to the Office of Administrative Hearings must be by one of the following methods at the times indicated:

- First-class U.S. mail, postage paid – send no later than twenty-three (23) days before the scheduled date of the foreclosure mediation.
- Next-day air service or hand delivery – ensure delivery no later than twenty (20) days before the scheduled date of the foreclosure mediation.
- By electronic delivery as directed by the Office of Administrative Hearings.

4. Newly Acquired Documents or Information.

If you get new information or documents after the initial disclosure, use the following instructions to disclose:

- If the new documents or information are obtained seven (7) or more days prior to the scheduled date of the foreclosure mediation, the party obtaining the new material shall deliver to the other party and the Office of Administrative Hearings the newly obtained documents or information within one (1) day of receipt by sending the materials by first class U.S. mail, postage paid, or by sending via a next-day air service or hand delivery.
- If the new documents or information are obtained six (6) or fewer days prior to the scheduled date of the foreclosure mediation, the party obtaining the new material shall deliver it to the other party by facsimile or hand delivery and to the Office of Administrative Hearings at the time of the foreclosure mediation.

5. Addresses.

- The borrower(s) shall send all required documents and information to the lender, or representative of the lender, at the address of the lender, or representative of the lender, set forth in the Final Loss Mitigation Affidavit filed with the court.

- The lender, or representative of the lender, shall send all required documents and information to the borrower(s) at the borrower(s) address set forth on the Request for Foreclosure Mediation form completed by the borrower(s).

- Each party shall send all required documents to:

Maryland Office of Administrative Hearings
Attn: Foreclosure Unit
11101 Gilroy Road
Hunt Valley, Maryland 21031

6. Bring Documents to the Foreclosure Mediation.

Each party shall bring copies of all documents they have provided to the other party to the scheduled foreclosure mediation.

7. Other Important Information Regarding Foreclosure Mediation.

- Authority to Settle:

The person representing the secured party must have authority to settle or be able to readily contact a person with authority to settle the matter.

- Postponement Rules:

(a). A request for postponement shall be considered only if the party requesting the postponement establishes good cause for the postponement.

(b). Except as provided in paragraph (d) below, a request for postponement shall be made in writing and filed with the Office of Administrative Hearings and mailed to the other party not less than five (5) days before the scheduled foreclosure mediation.

(c). Documentation of the reasons for the postponement may be required from the party making the request.

(d). Emergency Request for Postponement:

i. For purposes of this paragraph, “emergency” means a sudden, unforeseen occurrence requiring immediate attention that arises within five (5) days of the foreclosure mediation date.

ii. In an emergency, a request for postponement may be made by telephone.

(e). When practicable, all parties to the proceeding shall be contacted before a ruling on a postponement request is made by the Office of Administrative Hearings.

***IF YOU HAVE QUESTIONS REGARDING THIS MATTER,
CALL THE OAH, FORECLOSURE UNIT, AT 410-229- 4246.***



BORROWER(S) INFORMATION WORKSHEET

(FORM TO BE SUBMITTED WITH DOCUMENT EXCHANGE)



OAH Case Number: _____ Name of Borrower(s): _____

A. Household Expenses

Fixed Monthly Expenses	Payment
Mortgage	\$
Second Mortgage	\$
Condo/Homeowner Association Fees	\$
Gas and Electric	\$
Heating Oil	\$
Water and Sewer	\$
Phone	\$
Car Payment 1	\$
Car Payment 2	\$
Auto Insurance	\$
Life Insurance	\$
Medical Insurance	\$
Alimony/Child Support	\$
Alarm System	\$
Property Taxes/Insurance	\$
Other/Credit Card Payment(s) from Section E	\$
Sub-Total	\$

Variable Monthly Expenses	Payment
Groceries	\$
Eating Out	\$
Gas	\$
Bus/Taxi/Parking Fees	\$
Car Repairs	\$
Toiletries/Hair Care	\$
Medical Expenses	\$
Day Care/Babysitters	\$
Internet/Cable Television	\$
Clothing/Laundry	\$
Cigarettes/Alcohol	\$
Church/Charity	\$
Entertainment/Lottery	\$
Pet care/food	\$
Cell Phone	\$
Tuition/Education	\$
Other	\$
Sub-Total	\$

Total Monthly Expenses	\$
-------------------------------	----

B. Your Monthly Income

Gross Income	Net Income (after taxes and deductions)
\$	\$

C. Spouse/Partner's Monthly Income

Gross Income	Net Income (after taxes and deductions)
\$	\$

D. Other Household Monthly Income

Gross Income	Net Income (after taxes and deductions)
\$	\$

E. Credit Cards and Other Debt

Creditor Name	Payment	Balance
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
Total	\$	\$

F. Surplus/Deficit

Total Net Monthly Household Income (B+C+D)	\$
- Total Monthly Expenses (A)	\$
= Monthly Surplus/Deficit	\$

Errata

COMAR 09.03.12

At 38:14 Md. R. 787 (July 1, 2011), column 2, line 7 from the bottom:

For: **Emergency status has been extended to: November 24, 2011**

Read **Emergency status has been extended to: October 24, 2011**

[11-21-52]

Special Documents

DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

Extension of Comment Period — Proposed Rulemaking

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice

SUMMARY: The purpose of this notice is to inform the public of an extension of the comment period for proposed rules of the Susquehanna River Basin Commission (Commission) as published in the Federal Register of July 13, 2011.

DATES: The deadline extension of the public comment period is November 10, 2011. Comments on the abovementioned proposed rules may be submitted to the Commission on or before November 10, 2011.

ADDRESSES: Address all comments to Richard A. Cairo, General Counsel, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391 or by e-mail to rcairo@srbc.net.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 306; fax: (717) 238-2436; e-mail: rcairo@srbc.net. Also, for further information on the proposed rules, visit the Commission's web site at <http://www.srbc.net>.

SUPPLEMENTARY INFORMATION: The public is hereby advised that, at its regular business meeting on September 15, 2011, in Milford, New York, the Commission extended to November 10, 2011, the written comment deadline for proposed rules that appeared in 76 FR 134, July 13, 2011, pages 41154-41157. This action to extend the public comment period and delay action on the proposed rules is based on the level of public interest indicated in the comments received thus far by the Commission.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: September 20, 2011.

THOMAS W. BEAUDUY
Deputy Executive Director.

[11-21-41]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE REQUEST FOR COMMENT ON PROPOSAL TO PROHIBIT SALE OF BABY BUMPER PADS

The Department of Health and Mental Hygiene ("the Department"), pursuant to § 22-501 *et seq.* of the Health-General Article of the Maryland Code, requests comment by November 4, 2011, on a proposal to prohibit the sale of bumper pads in Maryland for use in infant cribs. On April 8, 2011, the Department requested initial public comment on the use of bumper pads in infant cribs. The Secretary of Health and Mental Hygiene then convened a panel of health professionals to review the comments submitted and other available evidence. As more fully discussed below, three out of four members of the panel recommended that the Secretary impose a ban on the sale of bumper pads for use in infant cribs, and the fourth stated such a proposal, if considered, should be first put forward for public input. A proposal consistent with the panel's recommendation is set forth below. After review of all additional comments, the Secretary will determine whether to propose regulations, pursuant to § 10-101 of the State Government Article, prohibiting the sale of bumper pads for use in infant cribs beginning January 1, 2013.

1. Background
2. Process
3. Analysis
4. Additional Policy Considerations
5. Assessment
6. Proposal
7. Request for Public Comments

Appendices

- I. Initial Request for Public Comment in the Maryland Register
- II. Summary of Comments Received
- III. List of Questions for First Advisory Panel
- IV. Letter to the Secretary from the Maryland Chief Medical Examiner

1. Background

In Maryland each year, approximately 50 infants die from Sudden Infant Death Syndrome, Sudden Unexplained Death of Infancy, or accidental suffocation and strangulation, all of which may be associated with unsafe sleep arrangements.¹ These deaths are considered potentially preventable. Reducing sleep-associated deaths is an important component of efforts to reduce infant mortality.²

Bumper pads are pieces of cushioned lining designed to be attached to the inner portions of the sides of an infant's crib from birth until the infant begins to pull to stand (approximately six to nine months of age).

¹ Data provided by the Vital Statistics Administration, Maryland Department of Health and Mental Hygiene.

² Maryland Department of Health and Mental Hygiene. Plan for Reducing Infant Mortality in Maryland. March 2011. Online at

www.statstat.maryland.gov/gdu/14infantmortalitydeliveryplan.pdf (Accessed Aug. 29, 2011).

In recent years, some pediatric experts and health agencies have expressed concern that the use of bumper pads for infants is an unsafe sleep practice.³ This concern has been based in part on evidence, discussed below, that bumper pads have been a causal factor in fatal asphyxiation in infants in Maryland and elsewhere in the United States and Canada. Manufacturers of crib bumper pads maintain the products are safe and beneficial.⁴

Because bumper pads are not subject to premarket approval, there has been no review by a public health or regulatory agency finding that the products' benefits exceed their risks.

The ties on crib bumpers are subject to an ASTM voluntary standard for all infant bedding materials. Because the "neck circumference of a 5th percentile 0-3 month old infant is 7.2 in.," ASTM has issued a general standard stating that "flexible ribbons, strings, or ties...shall not exceed 7 in." ASTM has allowed an exception to this general standard for ties on crib bumper pads, stating that crib bumper pads may have ties as long as 9 in., because shorter lengths "may not allow the parent or care provider to be able to sufficiently secure the bumper guard or headboard bumper guard, or both to the crib rail."⁵

Other voluntary standards are under development, but not in effect. Standards under consideration include the warnings: "To prevent suffocation, keep top of bumper up and in position. DO NOT allow bumper to sag down or in toward the sleeping surface"; "To prevent strangulation, position ties to outside of crib and be sure they are secure. DO NOT use this bumper if all ties cannot be securely attached to the crib;" and "To prevent injury from falls from climbing out, remove bumper when child can sit up unaided or can pull to a standing position."⁶

The federal Consumer Product Safety Commission is reviewing the safety of crib bumper pads.⁷ In April 2011, the Maryland Department of Health and Mental Hygiene initiated a review of these products.

2. Process

There have been three stages to Maryland's review of crib bumper pads.

Public Comment. On April 8, 2011, the Maryland Department of Health and Mental Hygiene (the Department), pursuant to § 22-501 *et seq.* of the Health-General Article of the Maryland Code, requested comments concerning the use of bumper pads in infant cribs. The announcement was published in the Maryland Register on April 22, 2011. (Appendix 1) The comment period closed on May 9, 2011.

³ See, e.g. Thach, BT et al. Deaths and Injuries Attributed to Infant Crib Bumper Pads. *J Pediatr* 2007, 151(3): 271-274. Moon RY. "And Things that Go bump in the Night": Nothing to Fear? *J Pediatr* 2007; 151(3):237-238. Health Canada. Policy Statement for Bumper Pads. August 2005. Online at <http://www.hc-sc.gc.ca/cps-spc/legislation/pol/bumper-bordure-eng.php> (Accessed Aug. 29, 2011).

⁴ L. Pfeiffer, Juvenile Products Manufacturers Association, letter to Dr. Joshua M. Sharfstein, Maryland Department of Health and Mental Hygiene. 28 July 2011.

⁵ ASTM. Standard Consumer Safety Performance Specification for Infant Bedding and Related Accessories F1917-08. 1 August 2008.

⁶ Current items pending ballot for revision to the ASTM Bedding Standard. Provided by Juvenile Products Manufacturers Association to Maryland Department of Health and Mental Hygiene (Aug. 2011).

⁷ Gabler E. Hidden Hazard of Crib Bumpers. Chicago Tribune. 12 December 2010.

The Department received 9 comments, including responses from family members of an infant; medical professionals in the field of pediatrics; a neonatal nurse practitioner; the local chapter of the national pediatric professional organization; a national organization representing manufacturers of infant and child products; a researcher with expertise in the field of sudden infant death; and injury professional. (Summary in Appendix 2)

First Advisory Panel. The Secretary appointed a panel to advise the Department on what action, if any, is warranted regarding the use of bumper pads in infant cribs. Panel members included Dr. Peter Beilenson, Howard County Health Officer; Dr. Tina Cheng, Professor of Pediatrics and Public Health, Johns Hopkins School of Medicine; Dr. Joseph Wiley, Chairman of Pediatrics, Children's Hospital at Sinai; and Dr. Gaurov Dayal, Chief Medical Officer, Adventist HealthCare. None of the panel members reported conflicts of interest.

Notice of the public meeting and the panel resources, including all comments received, were published on the Department's website. The panel met on May 20, 2011 for approximately 90 minutes. The panel was asked to review the evidence and comment on a set of questions. (Appendix 3)

Second Advisory Panel. Following the first advisory panel meeting, the Juvenile Products Manufacturers Association requested an opportunity to provide data and analysis. This request was granted. The panel met a second time on July 13, 2011 for approximately 90 minutes, with several speakers supported by the Association providing a 30-minute presentation and answering questions. The Association speakers included: Frederick Locker, General Counsel; Lauren Pfeiffer, Assistant Executive Director; Joseph B. Sala, Ph.D. Senior Managing Scientist, Human Factors Exponent; Michael T. Prange, Ph.D., P.E., Managing Engineer, Biomechanics Exponent; and Robert Enten, Gordon Feinblatt, LLC. Joining the advisory panel for discussions at this meeting was the Assistant Chief Medical Examiner Dr. Patricia Aronica-Pollack.

3. Analysis

Maryland's analysis of crib bumper pads has focused on the potential risks and potential benefits of these products and on whether any risks associated with the use of crib bumper pads could be mitigated adequately by proper labeling or by the issuance of a warning by the Department.

There were no published studies or other data available to directly compare risks versus benefits of crib bumpers. The Department considered the evidence on risks and benefits separately.

Risks. The primary risk under consideration is the risk of asphyxiation and death. The potential mechanisms for this risk include direct contact of the bumper with the face of the infant, obstructing air flow, and strangulation from the straps or ties to the bumper. It is the view of Dr. David Fowler, Chief Medical Examiner of Maryland, that these mechanisms pose a risk of injury or death to a young infant. In a letter dated May 16, 2011, attached as Appendix 4, Dr. Fowler wrote:

An infant does not need to have their nose and mouth covered to asphyxiate. Simply being close to an object such as a stuffed toy or a bumper may slow the air movement and lead to a slow refresh rate of essential oxygen. Humans need a minimum of 16% of oxygen in the air that they breathe to survive. Air usually has 21% oxygen and this provides a relatively small margin of safety. If the air is restricted from movement, there is a real risk the infant can reduce the oxygen content to below 16% since the air

movement caused by their breathing is negligible.⁸

Evidence of this harm comes from autopsy reports. In Maryland, the Office of the Chief Medical Examiner has identified one infant fatality in which the bumper contributed and nine in which a bumper was present and the death likely was caused by asphyxia. Three main additional data sources were reviewed:

- A 2007 study by Bradley T. Thach and colleagues, published in the *Journal of Pediatrics*, reviewing 20 years of data from the Consumer Product Safety Commission and finding 27 deaths attributed by medical examiners or coroners to bumper pads.⁹
- A 2004 review by Health Canada finding 23 reports of injuries related to crib bumpers, including one strangulation death, one suffocation death, and three near-suffocation occurrences.¹⁰
- A July 2010 white paper from the Consumer Product Safety Commission. The Commission reviewed its databases and found 28 deaths involving bumper pads. The Commission noted, "In the majority of the cases where there was some information available: 1) the most significant risk factor appeared to be the fact that infants were in the prone position, and 2) other mitigating factors, particularly the presence of pillows and cushions, could have contributed to the deaths." The Commission identified 10 incidents, involving bumper pads, in which "no other contributing factor, other than prone sleep position, was mentioned." These included: "face obstructed by bumper pad," "found on the back face against bumper pad," "face pressed against bumper pad," "suffocated in the corner against bumper pad," "face against plastic bumper," and "on his stomach with arms up and his face into the soft padding surrounding the inside of the crib."¹¹

After reviewing the available evidence, the advisory panel found that infant bumper pads posed a rare, real risk to infants. Dr. Beilenson summarized: "We have a consensus that there is a risk of death to infants from using crib bumpers, and further research should be done on substantial or how much, but there is a risk of death."¹²

The Juvenile Product Manufacturers Association responded with a study reviewing the cases in the paper by Dr. Thach and colleagues.

⁸ Fowler D, Office of the Chief Medical Examiner. Letter to Dr. Joshua M. Sharfstein, Maryland Department of Health and Mental Hygiene. 16 May 2011.

⁹ Thach, BT et al. Deaths and Injuries Attributed to Infant Crib Bumper Pads. *J Pediatr* 2007, 151(3): 271-274.

¹⁰ Health Canada. Policy Statement for Bumper Pads. August 2005. Online at <http://www.hc-sc.gc.ca/cps-sp/legislation/pol/bumper-bordure-eng.php> (Accessed Aug. 29, 2011).

¹¹ Consumer Product Safety Commission. White Paper - Unsafe Sleep Settings Hazards Associated with the Infant Sleep Environment and Unsafe Practices Used by Caregivers: A CPSC Staff Perspective. July 2010.

¹² Transcript of Crib Bumpers Advisory Meeting, 20 May 2011, p. 69.

The analysis found that eight of the deaths were unrelated to traditional bumper pads, four had too little information to review, and 12 had "confounding factors," meaning that there were other potential dangers in the cribs, such as blankets or pillows. In two cases, the analysis cited "sick/compromised child" as a confounding factor.¹³

At the second advisory panel meeting, the experts discussed whether this analysis exonerated the potential causative role of bumper pads. They noted that the cause of an infant death in a crib can be multifactorial. Dr. Pollack stated:

There are many contributors. One of them is the crib bumper. You're going to have a child who goes prone and goes up against the crib bumper. Children can roll and they can roll up against the crib bumper and they become prone. Sometimes they're placed on their bellies and sometimes they can roll and not get back over. So you're going to have now a prone child. So when you now say, well, these are all prone, we have to throw those out because they're prone. I don't know how you can do that. These are multifactorial cases and I don't know how you can now say, well, you can't just blame a crib bumper because you also have a prone child and throw out cases.¹⁴

At the second meeting, Dr. Dayal and Dr. Wiley reiterated their judgment of a rare but concerning risk of death from crib bumpers. Neither Dr. Cheng nor Dr. Beilenson expressed a change in their views of the evidence.

A secondary risk discussed at the second advisory panel meeting is the risk of an infant climbing up on top of the bumper and falling from the crib. There was no data on this potential risk presented.

Benefits. The primary benefit under consideration was the potential for reduction of trauma to babies from the hard sides of a crib. The Juvenile Product Manufacturers Association presented data to the committee that there have been approximately 46,000 reports of crib-related injuries, of which 17% occurred inside the crib.¹⁴

At the second advisory panel meeting, the Association's speakers acknowledged that these data contained significant limitations. For example, the data did not distinguish between children in cribs with bumper pads and children who were not.

The advisory panel also questioned the viability of a mechanism of significant head injury for an infant in a crib without a bumper pad, given that babies are unlikely to generate significant force for a head injury while lying down. Dr. Sala, speaking for the Juvenile Products Manufacturers Association, agreed that a significant head injury was highly unlikely.¹⁵

The absence of confirmed cases or data points on benefits was noted by both the advisory panel and the Association's speakers. As an attorney for the Juvenile Product Manufacturers Association Robert Enten said: "There are no studies of what happens to an infant when he's put in a crib that doesn't have a bumper pad."¹⁶

The expert panel concluded in its first meeting and reaffirmed at the second that there was no evidence for meaningful benefits of

¹³ Juvenile Products Manufacturers Association. Crib Bumpers and the Infant Sleeping Environment: An Evaluation of the Scientific Evidence. June 2011. Online at <http://www.dhmm.state.md.us/news/crib/pdf/JPMA-Summary>. (Accessed Aug. 29, 2011).

¹⁴ Transcript of Crib Bumpers Advisory Meeting 13 July 2011, p. 72.

¹⁵ Transcript, 13 July 2011, p. 59.

¹⁶ Transcript, 13 July 2011, p. 48.

bumper pads to infants. Dr. Beilenson stated: “I see no way, no health benefit from any of the research that I’ve read.”¹⁷ In Dr. Dayal’s view, “the benefits are questionable at best.”¹⁸ Dr. Cheng stated, “There isn’t strong evidence to support finding that the use of crib bumpers provides any benefits to infants.”¹⁹ And Dr. Wiley noted that even if there might be some benefits, it is unlikely they could outweigh the risks. He stated:

... when you read all of this literature, all of the comments, nowhere does it ever suggest that an unprotected crib, in other words, a crib without bumpers, ever results in an injury severe enough to cause death.²⁰

4. Additional Policy Considerations

Context. The advisory panel raised the importance of considering the issue of crib bumpers in the context of overall safe sleep efforts. In their view, the message of “do not use bumpers” should be embedded in an overall safe sleep message, in which families are advised that babies sleep best “alone, on their back and in a crib.”

Unintended Consequences. The Juvenile Products Manufacturers Association suggested that a ban on crib bumpers could encourage unsafe sleep practices and put babies at risk, by leading to more co-sleeping or more hazardous sleep environments. In a letter to the Department dated July 28, the Association wrote, “... we are concerned that any regulations that eliminate safe useful products specifically designed for infant use will result in alternative makeshift hazardous product use. This in turn will result in severe harm to our most vulnerable citizens.”²⁰

This concern was discussed at length by the advisory panel. Three members recommended addressing this risk by providing education to parents and a phased in approach to regulatory action. At the second meeting, Dr. Dayal stated:

Unintended consequences can go both ways. You could also – I could just as well argue the fact that we’re putting bumpers in leads you to believe ... putting things into [cribs] is a safe thing to do. And by not having bumpers, you can reinforce the message that nothing should be placed [in the crib].²¹

Labeling. The advisory panel considered and decided against the idea of adding warning labels to bumper pads advising of a potential risk of death. Panel members stated that this could send a “mixed message” to parents about why the product was still on the shelves. In addition, the panel members did not find that labeling would mitigate the risk. Dr. Wiley stated, “... even if it’s done right, I’m not convinced by what I have read that that mitigates the risk. So I don’t think a label personally changes that risk.”²² The In its comments, the Center for Injury Research and Policy at the Johns Hopkins School of Public Health also expressed the view that labeling was not a solution to the risk in crib bumper pads.²³

5. Assessment

The Department appreciates the input and participation of many interested members of the public and industry in its inquiry into crib bumper pads.

After reviewing the comments, documents, and the transcripts of the advisory panel meetings, the Department recognizes that there is a paucity of data about the benefits and risks associated with the use of bumper pads in infant cribs. A small potential risk in a setting such as this is very challenging to study, especially given the wide variety of confounding factors.

Our task is to assess the available data and decide whether a policy change is justified. Based on the data available, the Department finds that the risk of death from crib bumper pads, while small, is real. As expressed by Maryland’s Chief Medical Examiner, there is a viable mechanism of concern. In addition, there are multiple credible reports of crib deaths where bumper pads were documented to be in use and the autopsy findings were consistent with asphyxiation.

The Department finds that this risk is not offset by any compelling mechanism or evidence for significant benefit to infants of bumper pads. This too was the conclusion of all four experts who reviewed available data, heard the industry’s presentation, and advised the Department.

As a result, the Department discourages the use of crib bumper pads for infants in Maryland. This assessment and recommendation is supported by all four members of the Department’s expert advisory panel, by the Maryland Chapter of the American Academy of Pediatrics, and by the Center for Injury Research and Policy at the Johns Hopkins School of Public Health.^{24 25}

The Department also concurs with the panel on the three policy considerations: 1) crib bumpers should be considered as part of the overall safe sleep campaign; 2) an appropriate and extended education campaign can counter potential unintended consequences of a ban, and 3) labeling is not a solution for products for which the risks exceed the benefits when used as intended.

Turning to the question of regulatory action, the Juvenile Products Manufacturers Association expressed its strong opposition to a ban on the sale of crib bumper pads. In its letter of July 28, the Association compared the idea of banning the sale of crib bumper pads to banning the sale of high chairs, strollers, and car seats.²⁶

The Department rejects this analogy. High chairs, strollers, and car seats allow for feeding and transit – benefits that far outweigh rare risks. As a result, the question for these products is how to make them as safe as possible. A crib itself is analogous to a high chair, stroller, or car seat, but a bumper attached to a crib is not.

One member of the advisory panel – Dr. Tina Cheng, stated that she discourages use of bumper pads in her clinic, but did not support a regulatory ban at this time. She stated, “getting to regulation is, you know, is a larger step and I think that you have to have substantial evidence and that you also have to really understand those unanticipated consequences, and I, I’m struggling with that.”²⁷ Dr. Cheng recommended an educational campaign to advise against the use of bumper pads in infant cribs and an epidemiological study to gain additional data. She stated that if a ban were to be considered, it should first be set out for public comment and its acceptance by the

¹⁷ Transcript, 20 May 2011, p. 33.

¹⁸ Transcript, 20 May 2011, p. 26.

¹⁹ Transcript, 20 May 2011, p. 28.

²⁰ L. Pfeiffer, Juvenile Products Manufacturers Association, letter to Dr. Joshua M. Sharfstein, Maryland Department of Health and Mental Hygiene. 28 July 2011.

²¹ Transcript, 13 July 2011, p. 83.

²² Transcript, 20 May 2011, p. 43-44.

²³ Gielen A, Johns Hopkins Center for Injury Research and Policy, Comment on Crib Bumpers, 9 May 2011.

²⁴ Levy E, Maryland Chapter of American Academy of Pediatrics, Comment on Crib Bumpers, 9 May 2011.

²⁵ Gielen A, Johns Hopkins Center for Injury Research and Policy, Comment on Crib Bumpers, 9 May 2011.

²⁶ L. Pfeiffer, Juvenile Products Manufacturers Association, letter to Dr. Joshua M. Sharfstein, Maryland Department of Health and Mental Hygiene. 28 July 2011.

²⁷ Transcript, 20 May 2011, p. 64.

public should be an important factor in deciding whether to go forward.

The other three advisory committee members supported a ban. In explaining his position, Dr. Dayal stated:

I also do think that regardless of the educational message, there is an implicit endorsement when a product is available in a market, because as people, well, if it's that dangerous, how could you be selling this, is I think, a valid concern from the public.²⁸

In explaining his support of regulatory action during the first advisory panel meeting, Dr. Wiley stated:

I believe with what we're faced with here, in terms of the information that we've read and what we know, I do agree that that risk is substantial enough, not substantially proven, but substantial enough in that there are proven deaths and medical examiners have written death documents, saying that the crib bumper was responsible, and that's a death. That's not an injury, that's a death. And that's enough.²⁹

At the second meeting, he concluded: "I still can't find the benefit substantial enough to outweigh the risk."³⁰

The Department's legal burden for action to prohibit the sale of crib bumper pads would be to find that bumper pads are a "toy or other substance intended for use by children that presents an electrical, mechanical, or thermal hazard," that bumper pads are "a danger to the public health and safety," and that "[p]roper labeling cannot protect the public health and safety adequately." See Md. Code Ann., § 22-502(a). In light of the available evidence on the risk of infant death and the absence of a countervailing benefit, the Department's preliminary conclusion is that this standard is met with respect to younger infants.

The Department could have opted to put forward a formal regulatory proposal at this time. However, consistent with the input of Dr. Cheng and the other panel members, the Department is putting forward its analysis and an informal draft proposal for public comment prior to initiating rulemaking. A decision on whether to move forward to a formal regulatory proposal will be based on a review of the comments received.

6. Proposal

The Department is proposing the following five-part approach for public comment:

Part 1: Definition. The Department proposes to define a "baby bumper pad" as a pad intended to be used around the sides of a crib until the age that the infant pulls to stand. The definition excludes bumper pads or side rail pads for older infants or for children who have special needs, engage in self-injurious behavior, or have epilepsy. (This distinction addresses the concern expressed by the Maryland chapter of the American Academy of Pediatrics in its response to the Department's initial request for comment). (Appendix II)

Part 2: Action. The Department proposes to prohibit the sale of "baby bumper pads" in the State of Maryland beginning on January 1, 2013. This timeline will allow for considerable public education in the context of a "safe sleep" message, as recommended by the Advisory Panel.

Part 3: The Department proposes to give the Secretary authority to suspend this regulation for relevant products by an order should

the Consumer Product Safety Commission affirmatively find, in its review, that the benefits of certain baby bumper pads exceed the risks.

Part 4: The Department proposes to give the Secretary authority to suspend this regulation for relevant products by an order should new evidence come to light that, in the context of other available data, leads to the conclusion that the benefits of certain baby bumper pads exceed the risks.

Part 5: The Department proposes to give the Secretary authority to suspend this regulation by an order and adopt voluntary industry standards as required for sale if (1) such standards are adopted by a credible industry body and (2) there is evidence that following the standards significantly mitigates the risk to infants.

7. Request for Public Comments

The Department requests comment on each part of its proposal and on the analysis set forth above supporting the proposal. In addition, the Department requests comment on (a) any voluntary standards that may have been adopted since the Department's prior request for comment, (b) whether certain, specific designs of crib bumpers do not pose the risks described in this document and should be excepted from the standard; (c) whether there is some less burdensome action that would adequately mitigate the risk of infant death associated with the use of crib bumper pads, (d) the economic impact of the Department's proposal, and (e) the Department's legal authority to implement this proposal.

Comments should be submitted by 5pm on November 4, 2011.

Comments may be submitted by mail to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, TTY: 800-735-2258, or by email to regs@dnhm.state.md.us, or by fax to 410-767-6483.

Date of Request: October 7, 2011.

²⁸ Transcript, 20 May 2011, p. 77.

²⁹ Transcript, 20 May 2011, p. 67-8.

³⁰ Transcript, 13 July 2011, p. 91.

Appendix I: Initial Request for Public Comment in the Maryland Register**FOR PUBLICATION IN THE MARYLAND REGISTER:****Secretary of Health & Mental Hygiene****Request for Comment on Use of Bumper Pads in Infant Cribs**

Bumper pads are pieces of cushioned lining designed to be attached to the sides of an infant's crib for the purpose of preventing the infant from bumping into the crib. The American Academy of Pediatrics and academic experts in infant mortality have expressed concern that bumper pads may be responsible for more than 20 infant deaths in the United States.^{1,2} The Canadian regulatory agency Health Canada has found bumper pads to be involved in 23 infant incidents in Canada, including two deaths and one near-suffocation, and advises against their use.³ In the United States, the Consumer Product Safety Commission has recently announced plans to consider this issue.

There appears to be limited data on the use of bumper pads in Maryland. In 2007, according to the State's Chief Medical Examiner, an infant was found dead in a crib with her head pressed up against crib bumper pads. The Chief Medical Examiner determined the cause of death to be asphyxia.

The Department of Health and Mental Hygiene, pursuant to § 22-501 *et seq.* of the Health-General Article of the Maryland Code, seeks comment from members of the public, interested parties, health professionals, and persons knowledgeable about product safety, concerning the use of bumper pads in infant cribs. The Department seeks public comment to assist the Secretary of Health and Mental Hygiene both in determining whether to provide input to the Consumer Product Safety Commission and in determining whether there is cause for action on crib bumper pads under Maryland law. Section 22-502 of the Health-General Article defines a "hazardous material," in part, as "a toy or other substance intended for use by children that presents an electrical, mechanical, or thermal hazard," and authorizes the Secretary to promulgate regulations to address such hazards and protect children, including by prohibiting the sale of the hazardous material.

The Secretary requests comment by May 9, 2011 specifically addressing (a) whether crib bumper pads pose a substantial risk to infants; (b) whether there are benefits to crib bumper pads that should be considered; (c) whether any dangers associated with the use of bumper pads in infant

¹ Thach BT, Rutherford GW Jr, Harris K. Deaths and injuries attributed to infant crib bumper pads. *J Pediatr.* 2007 Sep;151(3):271-4.

² Gabler E. Crib deaths and bumper pads. *Los Angeles Times.* 4 April 2011.

³ Health Canada. Policy Statement for Bumper Pads. 17 August 2005. Online at: <http://www.hc-sc.gc.ca/cps-spc/legislation/pol/bumper-bordure-eng.php>.

cribs could be reduced or eliminated by proper labeling; (d) whether the Department should provide input to the Consumer Product Safety Commission in its review of the safety of these products, and if so, what that comment should be; (e) whether the Department should issue a warning to consumers, and if so, the content of the warning; and (f) whether bumper pads should be considered a “hazardous material,” and if so, whether the Secretary should adopt regulations addressing the sale, marketing, or labeling of bumper pads.

In addressing the above issues, the Department encourages commenters to identify any studies of the risks or benefits of using bumper pads in infant cribs.

The Secretary has appointed an advisory panel to review comments and to recommend what action, if any, should be taken. The anticipated members of the panel will be Dr. Peter Beilenson, Health Officer, Howard County Health Department; Dr. Tina L. Cheng, Division Chief, General Pediatrics and Adolescent Medicine, Department of Pediatrics, Johns Hopkins School of Medicine; Dr. Gaurov Dayal, Vice President and Chief Medical Officer for Adventist Healthcare; Jeanne Markowski, a nurse practitioner at Franklin Square Hospital; and Dr. Joseph M. Wiley, Chief of Pediatrics, Sinai Hospital. Dr. Marsha Smith of the Family Health Administration of the Department of Health and Mental Hygiene will oversee the panel process.

Comments should be submitted by 5 pm on May 9, 2011.

Comments may be submitted by mail to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston St., Room 512, Baltimore, MD 21201, or call 410-767-6499, TTY:800-735-2258, or by email to regs@dnhmh.state.md.us, or by fax to 410-767-6483.

Date of Request: April 8, 2011.

Correction: April 12, 2011

Appendix II: Summary of Comments Received

In response to the Maryland Department of Health and Mental Hygiene's request for public comment regarding the use of bumper pads in infant cribs, nine comments were received. These include responses from Pediatric researchers in the area of Sudden Infant Death Syndrome (SIDS) and sleep-related infant deaths, medical professionals in the field of Pediatric Emergency Medicine, neonatal nurses, the Maryland chapter of the American Academy of Pediatrics (AAP), the Juvenile Products Manufacturers Association (JPMA), personnel with expertise in Injury Prevention and family members of a deceased infant.

In the commentary submitted by the family members of a deceased infant, both family members attribute the deaths of their infants to the use of bumper pads. Given their experiences, both families express strong support for banning the sale of crib bumper pads in order to prevent further infant deaths.

Comments submitted by researchers in the field of SIDS, pediatric medical and nursing professionals reviewed of the available literature and existing policies on bumper pads. All opposed the use of crib bumpers. Two comments supported labeling about the dangers as a potential strategy for risk mitigation.

The response provided by the Johns Hopkins Center for Injury Research and Policy also includes recommendations against the use of bumper pads. These recommendations are based on the absence of known benefits, lack of evidence demonstrating serious injury if not used and documented cases of death related to use. Similarly, the Maryland Chapter of the AAP also advises against use of bumper pads in infants under 6-months of age. However, it is further stated that for older infants and toddlers, children with self-injurious behavior or with epilepsy, bumper pads may offer some protection. Hence, the decision to use them under these circumstances should be guided by analyzing the risks vs. benefits on a case-by-case basis.

In their response, JPMA reports the results of a commissioned independent analysis of recent studies evaluating bumper pad use and infant safety. The findings from the review indicate that there is no causal relationship between crib bumper pads and infant death. Based on these findings, the Association concludes that: "traditional crib bumper pads do not pose a substantial risk to infants,"³¹ and therefore offers the following recommendations to the Department: 1) refrain from warning consumers specifically about crib bumpers; 2) refrain from designating bumper pads as a "hazardous material" under existing Maryland statutory authority; 3) encourage compliance with current ASTM bedding standards; and 4) support continued parental education on safe sleeping environments including proper use of crib bumper pads.

Appendix III: List of Questions for First Advisory Panel

1. Please discuss as a group the published research presented to the panel.

Question A: Does the evidence support a finding that the use of crib bumpers provides benefits to infants? Please explain your reasoning.

Question B: Does the evidence support a finding that the use of crib bumper pads poses a substantial risk to infants? Please explain your reasoning.

2. If there is concern for risks to infants, please discuss as a group whether labeling is a possible solution.

Question C: Could improved labeling mitigate the dangers associated with the use of bumper pads in infant cribs? Please explain your reasoning and if yes, please suggest the type of labeling you would recommend.

3. The Consumer Product Safety Commission is in the process of considering the safety of bumper pads.

Question D: Should the Department provide input to the CPSC on bumper pads, and if so, what should that input be?

4. One option for the Department is to issue a warning to consumers.

Question E: Is a warning to consumers about the use of all or certain bumper pads justified, and if so, what do you recommend regarding the content of the warning?

5. The Department can regulate "hazardous materials," defined in part as "a toy or other substance intended for use by children that presents an electrical, mechanical, or thermal hazard."

Question F: Should the Department pursue regulations that define crib bumpers as "hazardous materials:?"

Question G: If so, should those regulations address the labeling of bumper pads? Please provide specific recommendations if applicable or refer to your answer in

Question C if appropriate.

Question H: If so, should those regulations address the marketing of bumper pads? Please provide specific recommendations if applicable.

Question I: If so, should those recommendations address the sale of bumper pads? Please provide specific recommendations if applicable.

³¹ Dwyer M, Juvenile Products Manufacturers Association, Comment on Crib Bumpers, 9 May 2011.

Appendix IV: Letter to the Secretary from the Maryland Chief Medical Examiner



**STATE OF MARYLAND
OFFICE OF THE CHIEF MEDICAL EXAMINER**

FORENSIC MEDICINE CENTER
900 WEST BALTIMORE STREET, BALTIMORE, MARYLAND 21223-2595

DAVID R. FOWLER, M.D. - CHIEF MEDICAL EXAMINER

JACK M. TITUS, M.D. - DEPUTY CHIEF MEDICAL EXAMINER

MARY G. RIPPLE, M.D. - DEPUTY CHIEF MEDICAL EXAMINER

POST MORTEM EXAMINERS COMMISSION

SANFORD A. STASS, M.D. – Chairman

BROOKS JACKSON, M.D. – Vice Chairman

JOSHUA SHARFSTEIN, M.D.

COLONEL TERRENCE B. SHERIDAN

OXIRIS BARBOT, M.D.

Dr. Joshua Sharfstein
201 West Preston Street
Baltimore
MD 21201

May 16, 2011

Dear Dr Sharfstein

A review of the records at the Office of the Chief Medical Examiner of deaths of infants (child under 1 year of age) identified one child that died an asphyxial death due to the use of bumpers in the crib. In addition there were an additional 9 deaths in cribs where bumpers were documented to be in use. These 9 deaths were determined to be in the SIDS category. SIDS is defined as the death of an infant where no cause of death has been identified after a full investigation including a full post mortem examination, special tests, examination of the place of death, and review of any medical records. There are multiple articles in the medical literature suggesting that there is an asphyxial component to SIDS. Asphyxia often leaves no identifying marks on the infant so there is no medical evidence that can be identified to differentiate SIDS from asphyxia.

In the investigation of child deaths the scene of death is rarely undisturbed. Once an unresponsive infant is found, family and or caretakers usually immediately attempt to resuscitate and summon help. This natural important lifesaving reaction later precludes accurate determination of the position of the infant at the time they were discovered unresponsive. This critical piece of information prevents the Medical Examiner from determining if asphyxia played a part in the death and the death is then classified as SIDS.

Of importance, the infant is born with a respiratory center in the brain that is not fully developed. The tiny lungs only move approximately $\frac{1}{2}$ an ounce of air at each breath and over 30 breaths a minute. In comparison an adult at rest, moves about a pint of air with each breath and much more slowly. These larger volumes disturb the surrounding air enhancing the ability to refresh the air around the nose and mouth.

An infant does not need to have their nose and mouth covered to asphyxiate. Simply being close to an object such as a stuffed toy or a bumper may slow the air movement and lead to a slow refresh rate of essential oxygen. Humans need a minimum of 16% of oxygen in the air that they breathe to survive. Air usually has 21% oxygen and this provides a relatively small margin of safety. If the air is restricted from movement there is a real risk the infant can reduce the oxygen content to below 16% since the air movement caused by their breathing is negligible. Recent articles in the medical literature indicate that a fan in the room reduces the risk of SIDS. This insures that the air is constantly moving and mixing to keep local pockets of air having decreased oxygen content.

Any item in the crib that restricts free air flow increases the risk of asphyxia, and this includes bumpers, stuffed toys, rolled up blankets etc. For these reasons, current recommendations are that infants (under one year) sleep on their back, alone, in a crib with a firm mattress covered by a sheet, with no soft objects such as pillows, quilts, comforters, loose blankets, stuffed toys, or crib bumper pads.

Sincerely



David R Fowler. MB.ChB. M.Med. Path (forens). FACP. FAAFS.
Chief Medical Examiner
State of Maryland

[11-21-50]

MARYLAND HEALTH CARE COMMISSION

Subject: Solid Organ Transplantation

The Maryland Health Care Commission (MHCC) hereby gives notice of an updated forecast of solid organ transplantation cases and of the need for solid organ transplantation programs by region. These projections are calculated using the methodologies in COMAR 10.24.15, the State Health Plan for Facilities and Services; Specialized Health Care Services – Organ Transplant Services. They are published pursuant to the requirements of COMAR 10.24.15 and supersede any previously published projections in either the Maryland Register or any plan approved by MHCC. The published projections will remain in effect for use in the review of Certificate of Need applications until MHCC publishes updated projections.

Net Need for Transplant Programs

Transplant Program	Region	Historic Cases			Projected Cases 2013	Projected Adjusted Migration 2013	Cases for Net Need
		2008	2009	2010 (Base Year)			
Kidney[1]	Maryland	276	368	314	394	563	249
	Washington	303	345	323	355	325	2
Pancreas	Maryland	17	16	22	28	40	18
	Washington	21	30	16	15	18	2
Liver	Maryland	101	92	87	76	87	0
	Washington	78	106	91	116	111	20
Heart	Maryland	34	34	28	52	28	0
	Washington	21	33	29	46	34	5
Lung[2]	Maryland	30	33	39	52	70	31
	Washington	14	25	21	38	37	16

Sources:

Data: United Network for Organ Sharing, OPTN data as of September 2, 2011

Methodology: COMAR 10.24.15.04D

[1] Kidney/pancreas dual transplantation cases were counted in each respective category

[2] Includes heart/lung transplants

An application for a new program will be considered only if the following criteria are met:

- a. If the net need for transplants in a region is greater than the threshold utilization standard for that organ type;
- b. All programs of a specific type within the region meet or exceed the threshold volume in the most current full year of data available; and
- c. The introduction of a new program will not result in an existing program dropping below the threshold volume standard.

Eligibility for Consideration of New Organ Transplantation Program

Transplant Program	Region	Threshold Volume Standard	Net Need Greater than Threshold Volume Standard	Programs with Volumes Exceeding Threshold Volume in 2010	New Program Eligible for Consideration
Kidney	Maryland	50	YES	ALL	YES
	Washington		NO	3 OF 5	NO
Pancreas	Maryland	20	NO	1 OF 2	NO
	Washington		NO	NONE	NO
Liver	Maryland	20	NO	ALL	NO
	Washington		YES	ALL	YES
Heart	Maryland	20	NO	ALL	NO
	Washington		NO	NONE	NO
Lung	Maryland	20	YES	ALL	YES
	Washington		NO	ALL	NO

**Organ Transplant Cases by Region and Hospital Program
2008-2010**

Organ	Region	Hospital	2008	2009	2010
Kidney	Maryland	Johns Hopkins Hospital	184	268	235
		University of Maryland Medical Center	222	254	211
	Washington	Childrens National Medical Center	10	11	17
		Georgetown University Medical Center	46	83	55
		Howard University Hospital	8	13	1
		Inova Fairfax Hospital	101	94	100
		Washington Hospital Center	105	116	130
Liver	Maryland	Johns Hopkins Hospital	60	64	39
		University of Maryland Medical Center	55	48	55
	Washington	Georgetown University Medical Center	86	95	84
Heart	Maryland	Johns Hopkins Hospital	18	21	23
		University of Maryland Medical Center	22	15	12
	Washington	Inova Fairfax Hospital	13	18	9
		Washington Hospital Center	2	11	9
Lung	Maryland	Johns Hopkins Hospital	17	20	25
		University of Maryland Medical Center	17	34	25
	Washington	Inova Fairfax Hospital	21	26	24
Pancreas	Maryland	Johns Hopkins Hospital	10	3	7
		University of Maryland Medical Center	12	21	25
	Washington	Georgetown University Medical Center	15	21	10
		Inova Fairfax Hospital	7	7	5
		Washington Hospital Center	5	6	2

Source: United Network for Organ Sharing, 2011.

[11-21-49]

Subject: Notice of Docketing

The Maryland Health Care Commission (MHCC) hereby gives notice of docketing of the following applications for Certificates of Need:

Seasons Hospice and Palliative Care of Maryland, Inc. — Docket No. 11-03-2318

This general hospice proposes a change in bed capacity by renovating building space on the campus of Franklin Square Hospital, located in Baltimore County, to establish a 16-bed inpatient hospice unit. The estimated uses of funds associated with the proposed project is \$621,197 and the projected lease expenditure is \$240,000 per annum.

National Lutheran Home and Village at Rockville, Inc. d/b/a The Village at Rockville, a National Lutheran Community — Docket No. 11-15-2319

This comprehensive care facility (CCF), located in Montgomery County, proposes a multi-phased renovation project that will convert CCF space to assisted living facility space, modernize CCF unit space, and create a new entrance for the remaining CCF component of the facility campus. The number of CCF beds will be reduced from 300 to 160. The estimated uses of funds associated with the CCF component of this proposed project is \$22,914,700.

Johns Hopkins Hospital — Docket No. 11-24-2320

This general hospital, located in the City of Baltimore, proposes renovation to add an operating room dedicated to outpatient ophthalmic surgery at the Bendann Outpatient Surgical Center of The Johns Hopkins Wilmer Eye Institute. The estimated uses of funds associated with this proposed project is \$1,430,037.

Johns Hopkins Bayview Medical Center — Docket No. 11-24-2321

This general hospital, located in the City of Baltimore, proposes expansion and renovation, including: (1) expansion of emergency department (ED) facilities; (2) relocation of the pediatric inpatient facilities to a unit which will function as a pediatric inpatient unit, pediatric ED facility, and pediatric observation unit; and (3) expansion of obstetric and gynecological inpatient facilities. The estimated uses of funds associated with this proposed project is \$40,098,889.

Johns Hopkins Bayview Medical Center — Docket No. 11-24-2322

This general hospital, located in the City of Baltimore, proposes expansion and renovation to create “a comprehensive cancer program” in the Bayview Medical Office building. The project includes: (1) relocation and combination of the existing oncology/hematology services of the hospital; (2) introduction of radiation oncology services, with construction and equipage of one linear accelerator vault and construction of a second vault, and (3) renovation of office space for oncology/hematology physicians and administrative staff. The estimated uses of funds associated with this proposed project is \$26,057,437.

MHCC shall review the applications under Maryland Health-General Code Annotated, Section 19-101 et. seq., COMAR 10.24.01, and the applicable State Health Plan standards.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the

SPECIAL DOCUMENTS

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applications. All further notices of proceedings on the applications will be sent only to affected persons who have registered as interested parties.

Persons desiring to become interested parties in the Commission's review of the above-referenced applications must meet the requirements of COMAR 10.24.01.01B(20) and (2) and must also submit written comments to the Commission no later than close of business November 6, 2011. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant(s) as stated in COMAR 10.24.01.08.F.

Please refer to the Docket Number listed above in any correspondence on the applications. Copies of the applications are available for review in the office of MHCC during regular business hours by appointment. All correspondence should be addressed to:

Paul E. Parker, Acting Director, Center for Hospital Services
 Maryland Health Care Commission
 4160 Patterson Avenue
 Baltimore, Maryland 21215

[11-21-48]

DEPARTMENT OF TRANSPORTATION

FINAL PUBLIC NOTICE

The Maryland Transportation Authority (MDTA), the State agency that owns, finances, operates and maintains Maryland's toll facilities, APPROVED at its September 22, 2011, public meeting the following changes to its toll structure:

William Preston Lane, Jr., Memorial (Bay) Bridge (US 50/301)

Cash/Base				
	Current	11/1/2011	1/1/2012	7/1/2013
2-axle	\$ 2.50	\$ 4.00		\$ 6.00
3-axle	\$ 9.00		\$ 8.00	\$ 12.00
4-axle	\$ 12.00		\$ 12.00	\$ 18.00
5-axle	\$ 15.00		\$ 24.00	\$ 36.00
6+-axle	\$ 18.00		\$ 30.00	\$ 45.00

Maryland E-ZPass				
	Current	11/1/2011	7/1/2013	
Commuter	\$ 1.00*	\$ 1.00*	\$ 2.10*	
2-axle	\$ 2.50	\$ 3.60	\$ 5.40	
3-axle				
4-axle		n/a		
5-axle				
6+-axle				

Video				
	Current	11/1/2011	1/1/2012	7/1/2013
2-axle	\$ 5.50	\$ 6.00		\$ 9.00
3-axle	\$ 12.00	\$ 13.50	\$ 12.00	\$ 18.00
4-axle	\$ 15.00	\$ 18.00	\$ 18.00	\$ 27.00
5-axle	\$ 18.00	\$ 22.50	\$ 36.00	\$ 51.00
6+-axle	\$ 21.00	\$ 27.00	\$ 45.00	\$ 60.00

Baltimore Harbor Tunnel (I-895), Fort McHenry Tunnel (I-95/I-395) and Francis Scott Key Bridge (I-695)

Cash/Base				
	Current	11/1/2011	1/1/2012	7/1/2013
2-axle	\$ 2.00	\$ 3.00		\$ 4.00
3-axle	\$ 6.00		\$ 6.00	\$ 8.00
4-axle	\$ 9.00		\$ 9.00	\$ 12.00
5-axle	\$ 12.00		\$ 18.00	\$ 24.00
6+-axle	\$ 15.00		\$ 23.00	\$ 30.00

Maryland E-ZPass				
	Current	11/1/2011	7/1/2013	
Commuter	\$.40*	\$.75*	\$ 1.40*	
2-axle	\$ 2.00	\$ 2.70	\$ 3.60	
3-axle				
4-axle		n/a		
5-axle				
6+-axle				

Video				
	Current	11/1/2011	1/1/2012	7/1/2013
2-axle	\$ 5.00	\$ 4.50		\$ 6.00
3-axle	\$ 9.00	\$ 9.00	\$ 9.00	\$ 12.00
4-axle	\$ 12.00	\$ 13.50	\$ 13.50	\$ 18.00
5-axle	\$ 15.00	\$ 18.00	\$ 27.00	\$ 36.00
6+-axle	\$ 18.00	\$ 22.50	\$ 34.50	\$ 45.00

John F. Kennedy Memorial Highway (I-95) and Thomas J. Hatem Memorial Bridge (US 40)

Cash/Base				
	Current	11/1/2011	1/1/2012	7/1/2013
2-axle	\$ 5.00	\$ 6.00		\$ 8.00
3-axle	\$ 15.00		\$ 12.00	\$ 16.00
4-axle	\$ 23.00		\$ 18.00	\$ 24.00
5-axle	\$ 30.00		\$ 36.00	\$ 48.00
6+-axle	\$ 38.00		\$ 45.00	\$ 60.00

Maryland E-ZPass				
	Current	11/1/2011	7/1/2013	
Commuter	\$.80*	\$ 1.50*	\$ 2.80*	
2-axle	\$ 5.00	\$ 5.40	\$ 7.20	
3-axle				
4-axle		n/a		
5-axle				
6+-axle				

Video				
	Current	11/1/2011	1/1/2012	7/1/2013
2-axle	\$ 8.00	\$ 9.00		\$ 12.00
3-axle	\$ 18.00	\$ 22.50	\$ 18.00	\$ 24.00
4-axle	\$ 26.00	\$ 34.50	\$ 27.00	\$ 36.00
5-axle	\$ 33.00	\$ 45.00	\$ 51.00	\$ 63.00
6+-axle	\$ 41.00	\$ 53.00	\$ 60.00	\$ 75.00

Gov. Harry W. Nice Memorial Bridge (US 301)

Cash/Base				
	Current	11/1/2011	1/1/2012	7/1/2013
2-axle	\$ 3.00	\$ 4.00		\$ 6.00
3-axle	\$ 9.00		\$ 8.00	\$ 12.00
4-axle	\$ 12.00		\$ 12.00	\$ 18.00
5-axle	\$ 15.00		\$ 24.00	\$ 36.00
6+-axle	\$ 18.00		\$ 30.00	\$ 45.00

Maryland E-ZPass				
	Current	11/1/2011	7/1/2013	
Commuter	\$.60*	\$ 1.00*	\$ 2.10*	
2-axle	\$ 3.00	\$ 3.60	\$ 5.40	
3-axle				
4-axle		n/a		
5-axle				
6+-axle				

Video				
	Current	11/1/2011	1/1/2012	7/1/2013
2-axle	\$ 6.00	\$ 6.00		\$ 9.00
3-axle	\$ 12.00	\$ 13.50	\$ 12.00	\$ 18.00
4-axle	\$ 15.00	\$ 18.00	\$ 18.00	\$ 27.00
5-axle	\$ 18.00	\$ 22.50	\$ 36.00	\$ 51.00
6+-axle	\$ 21.00	\$ 27.00	\$ 45.00	\$ 60.00

* Commuter discount plans are available for customers with valid E-ZPass Maryland accounts driving two-axle vehicles.¹ Plans for the Bay and Nice bridges are \$25 (effective November 1, 2011) and \$52.50 (effective July 1, 2013) and offer 25 trips. The Baltimore Regional Plan is \$37.50 (effective November 1, 2011) and \$70 (effective July 1, 2013) and offers 50 trips. Note: two "trips" are deducted at the Kennedy Highway and Hatem Bridge for the Baltimore Regional Plan. Plans end after 45 days or when all of the trips are used, whichever comes first.

Approved changes to the Hatem Bridge AVI Decal program:

- The AVI Decal will transition to *E-ZPass* Hatem Bridge plans by Sept. 30, 2012. Customers may continue to purchase AVI Decals for \$10 until August 31, 2012; however, all decals expire on Sept. 30, 2012, if they have not already expired before that date. No refunds will be provided for AVI decals. Effective February 1, 2012, AVI decals will no longer be sold in the toll lanes.
- Two *E-ZPass* Hatem Bridge plans will be available to replace the AVI Decal:
 1. Hatem Bridge-Only Plan will be offered for two-axle vehicles only in which a valid, properly mounted transponder provides unlimited trips for the Hatem Bridge ONLY. No monthly account fees or pre-paid tolls will be required for this plan. This plan begins on February 1, 2012, and costs \$10 per year. On July 1, 2013, the price increases to \$20 per year. *E-ZPass* transponders will be provided at no charge for the Hatem Bridge-Only Plan until January 31, 2013.
 2. For existing or new *E-ZPass* Maryland customers, this plan may be added to individual transponders on an *E-ZPass* Maryland account. Please note that these accounts are still subject to account and transponder fees and pre-paid toll deposits in addition to the annual plan fee.

Approved changes to the Hatem Bridge A-Series and T-Series Ticket Books:

- The existing ticket programs will be phased-out for vehicles with three or more axles.
- Sales of T-Series tickets (used for light trailers in conjunction with the AVI Decal) ends on August 31, 2012. Acceptance of T-Series tickets end on September 30, 2012, when AVI decals expire. Prices for T-Series tickets increase by 50% on November 1, 2011, and on April 1, 2012. No refunds will be provided for T-Series tickets.
- Sales of A-Series tickets for vehicles with five axles end on December 31, 2011. Prices for A-Series tickets for vehicles with three and four axles increase by 50% on January 1, 2012; July 1, 2012; and January 1, 2013. On May 31, 2013, ticket sales end; all A-Series tickets will have expired by July 1, 2013. No refunds will be provided for A-Series tickets.

The MDTA also approved additional changes effective November 1, 2011:

- Reflected in the above tables, a 10% discount off the two-axle Cash/Base rate for two-axle vehicles having a valid *E-ZPass* Maryland account with an operable, properly mounted transponder (except if the transponder already has a discount plan associated with it for that facility).¹
- Reflected in the above tables, commuter discount rates are now uniform for all fixed toll facilities -- a 75% discount off the Cash/Base toll (effective November 1, 2011) and a 65% discount off the Cash/Base toll (effective July 1, 2013).¹
- Waive the \$1.50 *E-ZPass* Maryland monthly fee on accounts used to pay three or more tolls in the previous month at MDTA facilities.
- For fixed-toll facilities, replace the \$3 Notice of Toll Due fee with a Video Toll rate that is 150% of the Cash/Base toll. There is a minimum video surcharge of \$1 and a maximum of \$15.
- For the Intercounty Connector (ICC)/MD 200, replace the \$3 Notice of Toll Due fee with Video Toll Rate ranges that are 150% of the current toll mileage rate ranges. There is a minimum video surcharge of \$1 and a maximum of \$15.

Video Mileage Rate Range

Vehicle Class	2-axle		3-axle		4-axle		5-axle		6+-axle		Motorcycle	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Peak	\$ 0.38	\$ 0.53	\$ 1.13	\$ 1.58	\$ 1.69	\$ 2.36	\$ 2.25	\$ 3.15	\$ 2.81	\$ 3.94	\$ 0.38	\$ 0.53
Off-Peak	\$ 0.30	\$ 0.45	\$ 0.90	\$ 1.35	\$ 1.35	\$ 2.03	\$ 1.80	\$ 2.70	\$ 2.25	\$ 3.38	\$ 0.30	\$ 0.45
Overnight	\$ 0.15	\$ 0.45	\$ 0.45	\$ 1.35	\$ 0.68	\$ 2.03	\$ 0.90	\$ 2.70	\$ 1.13	\$ 3.38	\$ 0.15	\$ 0.45

- Modify the Bay Bridge Shoppers Discount Plan to be a 50% discount for 10 trips that are valid for 90 days, good Sunday through Thursday only. The discount plan costs \$20 (effective November 1, 2011) and \$30 (effective July 1, 2013).
- Reflected in the above tables, all Cash tolls are now set to whole dollar amounts.¹

The MDTA also approved additional changes effective January 1, 2012:

- The post-usage discount program, which has been restructured, is limited to vehicles with five or more axles.¹ Visit www.mdtamaryland.gov for new post-usage rebate rates.
- For three- and four-axle vehicles, the multipliers used to set the tolls have been reduced and are reflected in the above tables.¹
- The supplemental rebate program is modified to apply only to vehicles with five or more axles and is expanded to provide rebates to vehicles making 60 or more trips per month.¹ Refer to the website below for the supplemental rebate rates.

¹ Does not apply to the ICC.

For more information visit www.mdtamaryland.gov.

General Notices

Notice of ADA Compliance

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

BOARD OF ARCHITECTS

Subject: Public Meeting
Date and Time: October 26, 2011, 10 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262

[11-21-31]

BOARD OF AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH-LANGUAGE PATHOLOGISTS

Subject: Public Meeting
Date and Time: October 20, 2011, 4 — 6 p.m.
Place: Metro Executive Bldg., 4201 Patterson Ave., Baltimore, MD
Contact: Christopher Kelter (410) 764-4725

[11-21-27]

BOARD OF BARBERS

Subject: Public Meeting
Date and Time: October 31, 2011, 10 a.m. — 4:30 p.m.
Place: 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD
Add'l. Info: Centre Street Entrance
Contact: Robert Wood (410) 230-6195

[11-21-45]

ADVISORY COUNCIL ON CEMETERY OPERATIONS

Subject: Public Meeting
Date and Time: October 27, 2011, 10 a.m. — 1 p.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl., Baltimore, MD
Contact: Benjamin Foster (410) 230-6229

[11-21-17]

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS

Subject: Public Meeting
Date and Time: October 13, 2011, 10 a.m. — 1 p.m.
Place: Dept. of Health and Mental Hygiene, 4201 Patterson Ave., Rms. 108/109, Baltimore, MD
Contact: Maria Ware (410) 764-5902

[11-20-21]

COMPTROLLER OF THE TREASURY

Subject: Notice of Interest Rate on Refunds and Moneys Owed to the State
Add'l. Info: Pursuant to Tax-General Article, §13-604, Annotated Code of Maryland, the Comptroller is required to set the annual interest rate on refunds and moneys owed to the State. For the 2012 calendar year, the annual interest rate on refunds and moneys owed to the State will be 13 percent.

Contact: Linda Tanton (410) 260-7806
 [11-21-37]

BOARD OF COSMETOLOGISTS

Subject: Public Meeting
Date and Time: November 7, 2011, 9:30 a.m. — 4:30 p.m.
Place: 500 N. Calvert St., 2nd Fl., Baltimore, MD
Add'l. Info: Centre St. Entrance
Contact: Robert Wood (410) 230-6195

[11-21-18]

ECONOMIC ADVISORY PANEL

Subject: Public Meeting
Date and Time: November 8, 2011, 12:30 — 4 p.m.
Place: Louis L. Goldstein Treasury Bldg., Assembly Rm., Annapolis, MD
Contact: Andrew Friedson (410) 260-7060
 [11-21-28]

MARYLAND STATE BOARD OF EDUCATION

Subject: Public Meeting
Date and Time: October 25, 2011, 9 a.m. — 5 p.m.; Additional Dates: October 26, and December 6—7, 2011
Place: 200 W. Baltimore St., Baltimore, MD
Add'l. Info: The State Board of Education is pleased to receive oral public comment at each of its regular monthly meetings. In order to allow the State Board sufficient time for its other business, the total time allotted to public comment will generally be limited to 30 minutes. Individuals seeking to speak to the Board will be given 3 minutes each. Persons desiring to speak to the State Board, must call (410-767-0467) or e-mail (cnecessary@msde.state.md.us) the Board office no earlier than 1 week prior to the meeting to register to speak. Registration will

be accepted on a first-come, first-served basis. In order to make the limited time available most effective, speakers are urged to provide multiple written copies of their comments or other material amplifying their views.

Contact: Charlene L. Necessary (410) 767-0467

[11-21-07]

BOARD OF MASTER ELECTRICIANS

Subject: Public Meeting
Date and Time: November 22, 2011, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., Rm. 302, Baltimore, MD
Contact: Gae Herzberger (410) 230-6163

[11-21-25]

BOARD OF EXAMINING ENGINEERS

Subject: Public Meeting
Date and Time: November 15, 2011, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., Baltimore, MD
Contact: Gae Herzberger (410) 230-6163

[11-21-24]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: October 26, 2011, 6 — 8 p.m.
Place: Dept. of Health and Mental Hygiene, 201 W. Preston St., Lobby Rm. L-1, Baltimore, MD
Add'l. Info: Maryland Advisory Council on Heart Disease and Stroke
Contact: Adeline Ntatin (410) 767-2623

[11-21-38]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/MARYLAND BOARD OF PHYSICIANS

Subject: Public Meeting
Date and Time: October 26, 2011, 9 — 10 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Add'l. Info: Appropriate auxiliary aids services provided for qualified individuals upon request. Call Ellen D. Smith at (410) 764-2477

Contact: Tammy Austin (410) 764-4769

[11-21-40]

**BOARD OF HEATING,
VENTILATION, AIR-
CONDITIONING, AND
REFRIGERATION CONTRACTORS
(HVACR)**

Subject: Public Meeting
Date and Time: October 12, 2011, 9:30 a.m. — 12 p.m.
Place: 500 N. Calvert St., Rm. 302, Baltimore, MD
Contact: Steve Smitson (410) 230-6169
[11-21-15]

**BOARD OF HEATING,
VENTILATION, AIR-
CONDITIONING, AND
REFRIGERATION CONTRACTORS
(HVACR)**

Subject: Public Meeting
Date and Time: November 9, 2011, 9:30 a.m. — 12 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Steve Smitson (410) 230-6169
[11-21-22]

**DEPARTMENT OF HUMAN
RESOURCES**

Subject: Public Meeting
Date and Time: November 3, 2011, 1 — 3 p.m.
Place: Judiciary Education and Conference Center, 2011 Commerce Park Dr., Annapolis, MD
Add'l. Info: Please call contact as location may change.
Contact: Claudia Remington (410) 336-3820
[11-21-23]

**MARYLAND STATEWIDE
INDEPENDENT LIVING COUNCIL**

Subject: Public Meeting
Date and Time: October 21, 2011, 12 — 3 p.m.
Place: 12301 Old Columbia Pike, Ste. 101, Silver Spring, MD
Contact: Tonya Gilchrist (410) 554-5412
[11-21-08]

**BOARD OF CERTIFIED INTERIOR
DESIGNERS**

Subject: Public Meeting
Date and Time: October 24, 2011, 2 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262
[11-21-30]

COMMISSION ON KIDNEY DISEASE

Subject: Public Meeting
Date and Time: October 27, 2011, 2 — 3:30 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Add'l. Info: A portion of this meeting is closed for administrative session. Topic to be determined.
Contact: Eva Schwartz (410) 764-4799
[11-21-10]

**MARYLAND STATE LOTTERY
COMMISSION**

Subject: Public Meeting
Date and Time: October 27, 2011, 10 a.m. — 12 p.m.
Place: Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD
Contact: Marie A. Torosino (410) 230-8790
[11-21-46]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Public Meeting
Date and Time: October 20, 2011, 1 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Add'l. Info: Individuals requiring special accommodations are requested to contact Valerie Wooding at (410) 764-3460, or the Department of Health and Mental Hygiene TTY at (410) 383-7755, not later than 20 days before the meeting to make arrangements.
Contact: Valerie Wooding (410) 764-3460
[11-21-01]

**MARYLAND PUBLIC
BROADCASTING COMMISSION**

Subject: Public Meeting
Date and Time: October 25, 2011, 8:30 a.m.
Place: Maryland Public Television, Owings Mills, MD
Contact: Sharon Abernathy (410) 581-4141
[11-21-09]

**MINORITY BUSINESS ENTERPRISE
ADVISORY COMMITTEE**

Subject: Public Meeting
Date and Time: October 26, 2011, 8:30 a.m. — 5 p.m.
Place: Harry R. Hughes Dept. of Transportation Bldg., 7201 Corporate Center Dr., Hanover, MD
Contact: Pam Gregory (410) 865-1253
[11-21-20]

**BOARD OF EXAMINERS OF
NURSING HOME ADMINISTRATORS**

Subject: Public Meeting
Date and Time: October 12, 2011, 9:30 a.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Patricia A. Hannigan (410) 764-4750
[11-21-42]

BOARD OF PLUMBING

Subject: Public Meeting
Date and Time: October 20, 2011, 10 a.m. — 12:30 p.m.
Place: 500 N. Calvert St., Rm. 302, Baltimore, MD
Contact: Brenda Clark (410) 230-6164
[11-21-19]

**BOARD OF PODIATRIC MEDICAL
EXAMINERS**

Subject: Public Meeting
Date and Time: October 13, 2011, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
[11-21-03]

**BOARD OF PODIATRIC MEDICAL
EXAMINERS**

Subject: Public Meeting
Date and Time: November 10, 2011, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
[11-21-04]

**BOARD OF PODIATRIC MEDICAL
EXAMINERS**

Subject: Public Meeting
Date and Time: December 8, 2011, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
[11-21-05]

BOARD OF PUBLIC ACCOUNTANCY

Subject: Public Meeting
Date and Time: November 1, 2011, 9 a.m. — 12 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Dennis L. Gring (410) 230-6224
[11-21-06]

GENERAL NOTICES

1334

RACING COMMISSION

Subject: Public Meeting
Date and Time: October 18, 2011, 12:30 — 1 p.m.
Place: Laurel Park, Laurel, MD
Contact: J. Michael Hopkins (410) 296-9682

[11-21-39]

BOARD OF SOCIAL WORK EXAMINERS

Subject: Public Hearing
Date and Time: October 14, 2011, 11 a.m. — 3 p.m.
Place: 4201 Patterson Ave., Rm. 109, Baltimore, MD
Add'l. Info: The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.
Contact: James T. Merrow (410) 764-4788

[11-21-36]

STATE BOARD OF INDIVIDUAL TAX PREPARERS

Subject: Public Meeting
Date and Time: October 17, 2011, 1:30 — 3:30 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Douglas Blackstone (410) 230-6244

[11-21-26]

MARYLAND TRANSPORTATION AUTHORITY

Subject: Public Meeting
Date and Time: October 27, 2011, 9 — 11 a.m.
Place: Maryland Transportation Authority, Point Breeze Complex, 2310 Broening Hwy., Ste. 160, Baltimore, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Cindy Taylor (410) 537-1002

[11-21-13]

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

Subject: Public Meeting
Date and Time: November 17, 2011, 10 a.m. — 4 p.m.
Place: Howard County Bureau of Utilities, Columbia, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Pat Kratochvil (410) 537-3167

[11-21-11]

BOARD OF WELL DRILLERS

Subject: Public Meeting
Date and Time: November 16, 2011, 9 a.m. — 4 p.m.
Place: MDE, 1800 Washington Blvd., Terra Conf. Rm., Baltimore, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Willie Everett (410) 537-3644

[11-21-12]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting
Date and Time: October 27, 2011, 9 — 11 a.m.
Place: 10 E. Baltimore St., Baltimore, MD
Add'l. Info: Portions of this meeting may be held in closed session.
Contact: Amy Lackington (410) 864-5300

[11-21-14]

COMAR PDF ORDER FORM

Titles	Agency Name	Price ¹	Subscription ²	Quantity	Total
Complete set of COMAR PDF format		\$1,000	\$500	_____	_____
Title 01	Executive Department	\$35	\$24	_____	_____
Title 02	Office of the Attorney General	\$22	\$13	_____	_____
Title 03	Comptroller of the Treasury	\$30	\$20	_____	_____
Title 04	General Services	\$16	\$10	_____	_____
Title 05	Housing and Community Development	\$78	\$50	_____	_____
Title 07	Human Resources	\$80	\$53	_____	_____
Title 08	Natural Resources	\$78	\$51	_____	_____
Title 09	Labor, Licensing and Regulation	\$89	\$60	_____	_____
Title 10	Health & Mental Hygiene (All parts) **	\$272	\$180	_____	_____
Title 10	Part 1 **	\$48	\$32	_____	_____
Title 10	Part 2 **	\$75	\$50	_____	_____
Title 10	Part 3 **	\$75	\$50	_____	_____
Title 10	Part 4 **	\$50	\$35	_____	_____
Title 10	Part 5 **	\$69	\$50	_____	_____
Title 11	Transportation (All parts) **	\$106	\$75	_____	_____
Title 11	Part 1 (Transportation) **	\$42	\$25	_____	_____
Title 11	Parts 2 & 3 (MVA)**	\$74	\$50	_____	_____
Title 12	Public Safety and Correctional Services	\$67	\$43	_____	_____
Title 13A	Board of Education	\$63	\$42	_____	_____
Title 13B	Higher Education Commission	\$25	\$15	_____	_____
Title 14	Independent Agencies	\$87	\$60	_____	_____
Title 15	Agriculture	\$48	\$30	_____	_____
Title 16	Juvenile Service	\$23	\$15	_____	_____
Title 17	Budget and Management	\$28	\$16	_____	_____
Title 18	Assessments and Taxation	\$20	\$12	_____	_____
Title 19A	State Ethics Commission	\$24	\$14	_____	_____
Title 20	Public Service Commission	\$49	\$32	_____	_____
Title 21	State Procurement Regulations	\$48	\$30	_____	_____
Title 22	State Retirement and Pension System	\$22	\$13	_____	_____
Title 23	Board of Public Works	\$18	\$11	_____	_____
Title 24	Business and Economic Development	\$34	\$20	_____	_____
Title 25	State Treasurer	\$16	\$9	_____	_____
Title 26	Environment (All parts) **	\$189	\$125	_____	_____
Title 26	Part 1 **	\$54	\$35	_____	_____
Title 26	Part 2 **	\$83	\$52	_____	_____
Title 26	Part 3 **	\$57	\$38	_____	_____
Title 26	Part 4 **	\$37	\$24	_____	_____
Title 27	Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays	\$18	\$10	_____	_____
Title 28	Office of Administrative Hearings	\$16	\$9	_____	_____
Title 29	State Police	\$30	\$18	_____	_____
Title 30	MD Institute for Emergency Medical Services Systems	\$25	\$17	_____	_____
Title 31	Maryland Insurance Administration	\$68	\$45	_____	_____
Title 32	Aging	\$25	\$15	_____	_____
Title 33	State Board of Elections	\$42	\$25	_____	_____
Title 34	Planning	\$31	\$18	_____	_____
Title 35	Veterans Affairs	\$16	\$9	_____	_____
	Individual Binders (COMAR PDF's binders not included)	\$15	S & H \$9.00	_____	_____
				Total:	_____

Prices are for single user license only ~ Multi-user licenses are available. Please call 410-260-3876 for pricing information.

¹ Price is per copy of each Title

² Subscription (optional) - Receive updated information quarterly. ~ If ordered, subscription quantities MUST match Title quantities.

** See the following pages for description of contents

COMAR PRINT ORDER FORM (8 1/2 x 11 format)

Titles	Agency Name	Price ¹	Subscription ²	Quantity	Total
Complete set of COMAR (includes binders)		\$1,400	\$700	_____	_____
Title 01	Executive Department	\$47	\$30	_____	_____
Title 02	Office of the Attorney General	\$31	\$20	_____	_____
Title 03	Comptroller of the Treasury	\$41	\$25	_____	_____
Title 04	General Services	\$23	\$12	_____	_____
Title 05	Housing and Community Development	\$103	\$70	_____	_____
Title 07	Human Resources	\$104	\$70	_____	_____
Title 08	Natural Resources	\$102	\$70	_____	_____
Title 09	Labor, Licensing and Regulation	\$116	\$75	_____	_____
Title 10	Health & Mental Hygiene (All Parts)**	\$345	\$230	_____	_____
Title 10	Part 1 **	\$65	\$40	_____	_____
Title 10	Part 2 **	\$99	\$70	_____	_____
Title 10	Part 3 **	\$99	\$70	_____	_____
Title 10	Part 4 **	\$69	\$42	_____	_____
Title 10	Part 5 **	\$91	\$62	_____	_____
Title 11	Transportation (All parts) **	\$137	\$85	_____	_____
Title 11	Part 1 (Transportation)**	\$55	\$35	_____	_____
Title 11	Parts 2 & 3 (MVA) **	\$102	\$70	_____	_____
Title 12	Public Safety and Correctional Services	\$86	\$55	_____	_____
Title 13A	Board of Education	\$83	\$60	_____	_____
Title 13B	Higher Education Commission	\$34	\$20	_____	_____
Title 14	Independent Agencies	\$112	\$75	_____	_____
Title 15	Agriculture	\$63	\$40	_____	_____
Title 16	Juvenile Service	\$32	\$20	_____	_____
Title 17	Budget and Management	\$38	\$25	_____	_____
Title 18	Assessments and Taxation	\$28	\$18	_____	_____
Title 19A	State Ethics Commission	\$33	\$20	_____	_____
Title 20	Public Service Commission	\$64	\$42	_____	_____
Title 21	State Procurement Regulations	\$65	\$42	_____	_____
Title 22	State Retirement and Pension System	\$33	\$18	_____	_____
Title 23	Board of Public Works	\$26	\$15	_____	_____
Title 24	Business and Economic Development	\$47	\$25	_____	_____
Title 25	State Treasurer	\$23	\$12	_____	_____
Title 26	Environment (All parts) **	\$241	\$160	_____	_____
Title 26	Part 1 **	\$72	\$42	_____	_____
Title 26	Part 2 **	\$109	\$72	_____	_____
Title 26	Part 3 **	\$76	\$50	_____	_____
Title 26	Part 4 **	\$51	\$30	_____	_____
Title 27	Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays	\$26	\$15	_____	_____
Title 28	Office of Administrative Hearings	\$23	\$12	_____	_____
Title 29	State Police	\$40	\$22	_____	_____
Title 30	MD Institute for Emergency Medical Services Systems	\$34	\$20	_____	_____
Title 31	Maryland Insurance Administration	\$90	\$62	_____	_____
Title 32	Aging	\$34	\$18	_____	_____
Title 33	State Board of Elections	\$57	\$35	_____	_____
Title 34	Planning	\$42	\$25	_____	_____
Title 35	Veterans Affairs	\$23	\$12	_____	_____
	Binders	\$15	S & H \$9.00	_____	_____
Shipping & Handling Total:				_____	Order Total: _____

¹ Price is per copy of each Title

² Subscription (optional) - Receive updated information bi-annually ~ If ordered, subscription quantities MUST match Title quantities.

** See the following pages for description of contents

Note: COMAR prices are subject to change. Check the date on the lower right hand corner of this form. If the form is more than two months old, call the COMAR Subscription Manager (410-974-2486) to confirm prices. **Fees are not refundable.**

Binder included with purchase of Title

Shipping/Handling	
Publication Total	Shipping
\$ 0-50	\$15
\$ 51-150	\$20
\$ 151-300	\$25
\$ 301-400	\$35
\$400 +	please call Subscription Department.
State agencies using courier, may omit	

SPECIAL PUBLICATIONS

Publication / Handbook	Print Price	S & H	Quantity	Total
Preventive Maintenance Handbook (PM Handbook)	\$15	\$5	_____	_____
Vehicle Inspection Handbook	\$40	\$9	_____	_____
Forest Conservation Technical Manual 3 rd Edition, 1997	\$25	\$9	_____	_____
Forest Conservation Law	\$20	\$9	_____	_____
Control of Ionizing Radiation (including supplements up to 19)	\$130	\$12	_____	_____
Total				_____
If more than one quantity, shipping charges may vary, please call 410-260-3876 for pricing information.				

Just In 26.12.01.01	Print Price	S & H	Quantity	Total
Control of Ionizing Radiation supplements 18 & 19 ONLY	\$42	\$9	_____	_____
If more than one quantity, shipping charges may vary, please call 410-260-3876 for pricing information.				

~~~~~

Date \_\_\_\_\_ Account Number \_\_\_\_\_

Name \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Tel. \_\_\_\_\_ Fax \_\_\_\_\_

Email: \_\_\_\_\_

\_\_\_\_\_ Check enclosed, made payable to Division of State Documents

\_\_\_\_\_ Visa/Master Card/American Express/Discover card payment:

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Department of Health and Mental Hygiene: Part & Subtitles

#### Part 1

- 01 Procedures
- 02 Division of Reimbursements
- 03 Health Statistics
- 04 Fiscal
- 05 Freestanding Ambulatory Care Facilities
- 06 Diseases
- 07 Hospitals
- 08 Health Facilities Grants

#### Part 2

- 09 Medical Care Programs

#### Part 3

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

#### Part 4

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- 25 Maryland Health Care Commission
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#### Part 5

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### Title 11

Department of Transportation – Volume & Subtitles

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