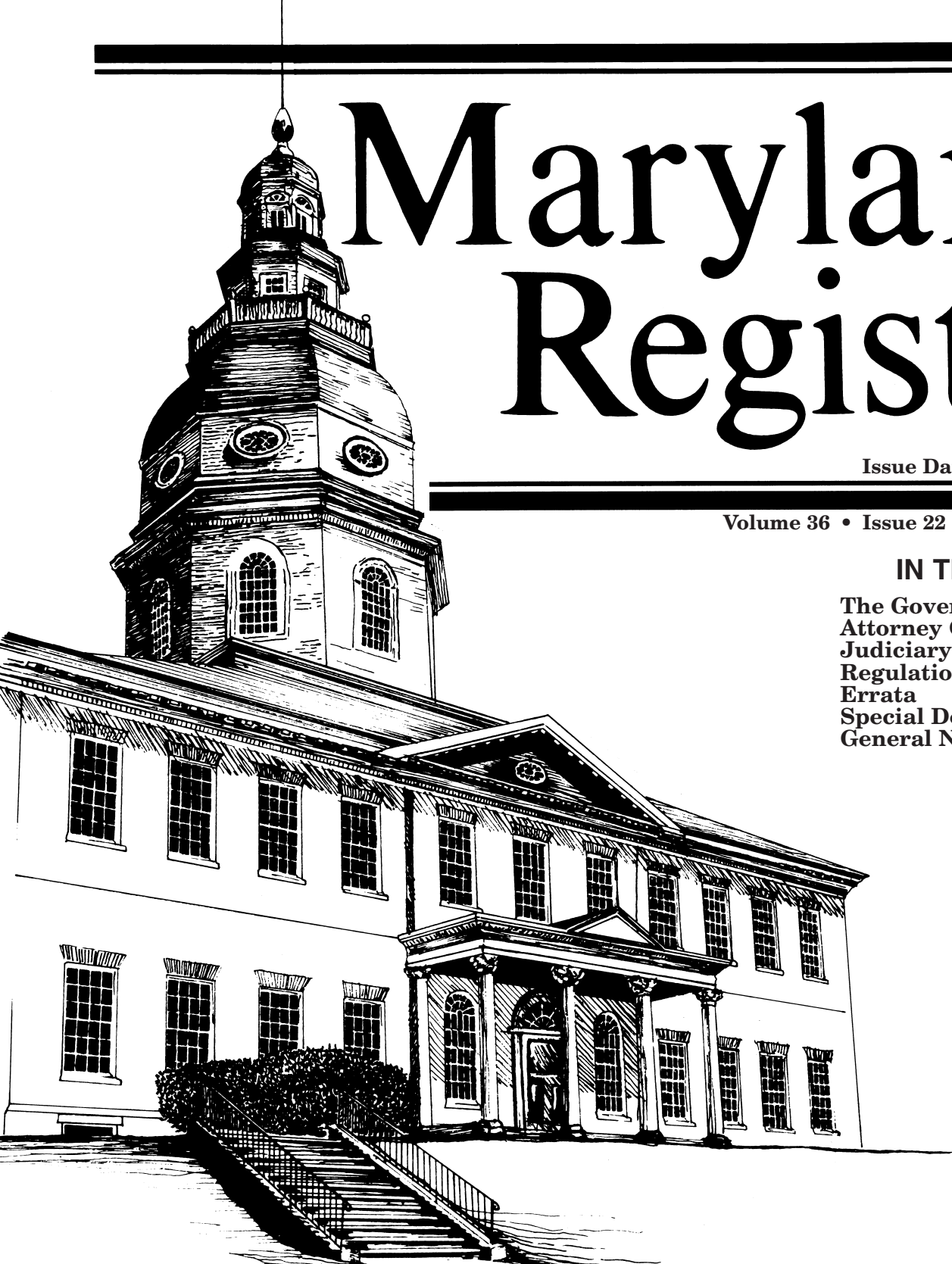

Maryland Register

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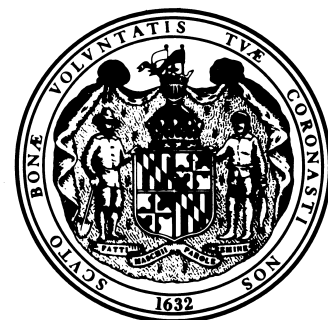
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General Notices



Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before October 5, 2009, 10:30 a.m.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 October 5, 2009.

Gail S. Klakring
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
- Governor's Appointments to State Offices
- 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

Each COMAR title has a Table of Contents and Index. 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) 974-2486.

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Single issues of the Maryland Register are \$5.00 per issue, plus \$2.00 for postage and handling.

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined.

Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

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

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Martin O'Malley, Governor; **John P. McDonough**, Secretary of State; **Gail S. Klakring**, Acting Administrator; **Susan E. Elson**, Deputy Administrator; **Hyppolite Pierre**, Editor, Maryland Register and COMAR; **Mary D. MacDonald**, Editor, Maryland Register and COMAR; **Elizabeth Ramsey**, Editor, COMAR Online/Marketing Director; **Marcia M. Diamond**, Subscription Manager, COMAR; **Richard Morrissey**, Assistant Subscription Manager, COMAR; **Anne deBronkart**, Editor, COMAR Online; **Tami Cathell**, Editor/Help Desk, COMAR and Maryland Register Online.

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

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REGULATIONS CODIFICATION SYSTEM

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

09.12.01.02D(2)(c)(iii)

Title	Chapter	Section	Paragraph	Subparagraph
Subtitle	Regulation	Subsection		

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

Table of Pending Proposals

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

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**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.

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**CLOSING DATES and ISSUE DATES
through JULY 30, 2010**

ISSUE DATE	Emergency and Proposed Regulations* 5:00 p.m.	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
November 6	October 19	October 28	October 26
November 20**	October 30	November 10	November 6
December 4**	November 12	November 23	November 19
December 18	November 30	December 9	December 7
January 4***	December 11	December 22	December 18
January 15	December 22	January 6	January 4
January 29**	January 11	January 20	January 15
February 12	January 25	February 3	February 1
February 26**	February 8	February 17	February 12
March 12	February 22	March 3	March 1
March 26	March 8	March 17	March 15
April 9	March 22	March 31	March 29
April 23	April 5	April 14	April 12
May 7	April 19	April 28	April 26
May 21	May 3	May 12	May 10
June 4**	May 17	May 25	May 21
June 18**	May 27	June 9	June 7
July 2	June 14	June 23	June 21
July 16**	June 28	July 7	July 2
July 30	July 12	July 21	July 19

*Due date for documents containing 25 to 60 pages—48 hours before date shown

Due date for documents exceeding 60 pages—1 week before date shown

**Note closing date changes

***Note issue date change

The regular closing date for Proposals and Emergencies is Monday.

EXECUTIVE ORDER 01.01.2009.13

Governor's Commission on Suicide Prevention

WHEREAS, Suicide is a preventable public health problem;

WHEREAS, Suicidal behavior is complex, as risk factors vary with age, gender, and ethnic group and may occur in combination or change over time;

WHEREAS, In 2006, suicide ranked as the eleventh most frequent cause of death (third most frequent in young people) in the United States, with one person dying from suicide every 15.8 minutes;

WHEREAS, Ninety percent of people who die from suicide have depression, other mental disorders, or a substance-abuse disorder, often in combination with other mental disorders;

WHEREAS, The number of suicides in Maryland among individuals between the ages of 15 and 24 was 1,219 from 1990-2006, and the number among individuals age 25 and over was 3,323 from 2000-2007;

WHEREAS, Maryland has a 25-year history in the area of youth suicide prevention and intervention, which began with survivors who formed an advocacy organization called Marylanders Against Youth Suicide (MAYS);

WHEREAS, In response to this public health issue, Maryland developed the first decentralized crisis hotline in the country, and the first internet-based collection system for a coordinated statewide hotline network;

WHEREAS, In FY 2007 — 2008, an interagency group drafted *Linkages to Life: The Maryland State Plan For Suicide Prevention, FY 2008 — 2012*, to update the State's original plan, completed in 1986; and

WHEREAS, A Maryland Commission on Suicide Prevention will strengthen and coordinate the State's suicide prevention, intervention, and post-suicide services.

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

A. There is a Maryland Commission on Suicide Prevention.

B. (1) Membership. The Commission consists of the following voting members:

(a) One member of the Maryland Senate, appointed by the President of the Senate;

(b) One member of the Maryland House of Delegates, appointed by the Speaker of the House of Delegates;

(c) The Secretary of Health and Mental Hygiene, or the Secretary's designee;

(d) The Deputy Secretary of Behavioral Health, Department of Health and Mental Hygiene, or the Deputy Secretary's designee;

(e) The Deputy Secretary of Public Health Services, Department of Health and Mental Hygiene, or the Deputy Secretary's designee;

(f) The Secretary of the State Department of Education, or the Secretary's designee;

(g) The Secretary of the Department of Juvenile Services, or the Secretary's designee;

(h) The Secretary of the Department of Public Safety and Corrections, or the Secretary's designee;

(i) The Secretary of the Department of Aging, or the Secretary's designee;

(j) The Secretary of the Department of Veterans Affairs, or the Secretary's designee;

(k) The Executive Director of the Governor's Office for Children, or the Executive Director's designee;

(l) The Secretary of the Department of Disabilities, or the Secretary's designee;

(m) One representative of the Mental Health Association of Maryland;

(n) One representative of the National Organization for People of Color Against Suicide;

(o) One representative of the Maryland Addictions Directors Council;

(p) One representative of the faith community;

(q) One representative of the academic community;

(r) One representative of a suicide prevention group;

(s) One veteran;

(t) One family member of an individual who completed suicide; and

(u) One local health officer.

(2) The members identified in Sections B(c) through (u) shall be appointed by the Governor, and shall serve at the pleasure of the Governor.

(3) Members appointed by the Governor may serve up to two consecutive, three-year terms.

(4) The Governor shall designate the Chair from among the members.

(5) In the event of a vacancy on the Commission, the Governor shall appoint a successor to fill the remainder of the term.

C. Procedures.

(1) Members of the Commission may not receive any compensation for their services but may be reimbursed for reasonable expenses incurred in the performance of their duties, in accordance with the Standard State Travel Regulations, and as provided in the State budget.

(2) The Commission will be staffed by the Mental Hygiene Administration of the Department of Health and Mental Hygiene.

(3) The majority of voting members of the Commission shall constitute a quorum for the transaction of any business.

(4) The Commission may adopt such other procedures as may be necessary to ensure the orderly transaction of business, including the creation of committees or task forces.

(5) The Chair may, with the consent of the Commission, designate additional individuals, including interested citizens, elected officials, educators, or specialists with relevant expertise, to serve on any committee or task force.

(6) The Commission may consult with State agencies to obtain such technical assistance and advice as it deems necessary to complete its duties. All Executive Department agencies shall cooperate with and assist the Commission in carrying out its responsibilities.

(7) The Commission shall meet at least four times a year.

D. Purpose. The Commission shall have the following objectives:

(1) To develop a comprehensive, coordinated, and strategic plan for suicide prevention, intervention, and post-suicide services across the State for individuals and their families;

(2) To develop a comprehensive baseline listing of existing support systems for survivors, attempters, and their families;

(3) To promote a coordinated, collaborative, and comprehensive effort by local and State agencies to ensure effective and efficient use of State and local resources for the delivery of a continuum of suicide prevention, intervention, and post-suicide services for Maryland citizens;

(4) To recommend adequate resources to address suicide prevention, intervention, and post-suicide service needs of Maryland citizens, including citizens involved in the criminal justice system; and

(5) To identify and review the impact of suicide on the health and well-being of Maryland citizens; the economic and social costs of suicide; and effective and efficient practices in the organization and delivery of State and local suicide prevention, evaluation, and treatment services.

E. State Plan.

(1) The Commission shall prepare a 2-year plan that establishes priorities and strategies for the organization, delivery, and funding of State suicide prevention, intervention and post-suicide services.

(2) The Commission shall develop the plan taking into account, among other factors:

(a) The identified needs of the citizens of the State, including the general public and the criminal justice population; and

(b) The strategies and priorities identified in the plans established by local jurisdictions.

(3) The plan shall include recommendations for coordination and collaboration among State agencies in the organization, delivery, and funding of suicide prevention, intervention, and post-suicide services; promising practices and programs; training; and emerging needs for State suicide prevention, intervention, and post-suicide services.

(4) The plan shall be submitted to the Governor by June 1, 2011 and biannually thereafter. Any interim updates to the plan also shall be submitted to the Governor.

Given Under my Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 7th day of October, 2009.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. McDONOUGH
Secretary of State

[09-22-62]

EXECUTIVE ORDER 01.01.2009.14

State Coordination of Recovery Zone Bonds

WHEREAS, On February 17, 2009, President Obama signed into law H.R.1, the American Recovery and Reinvestment Act of 2009 (the "Stimulus Act"), which created Recovery Zone Bonds to provide tax incentives and lower borrowing costs for local governments and private entities;

WHEREAS, The Recovery Zone Bonds promote job creation and economic recovery in areas particularly affected by employment declines;

WHEREAS, Recovery Zone Economic Development Bonds (RZEDB) are used to finance economic development in designated recovery zones, which include areas of significant poverty, unemployment, general distress, and economic distress because of a military base closure or realignment or home foreclosures; as well as areas that have been designated as empowerment zones or renewal communities;

WHEREAS, Recovery Zone Facility Bonds (RZFB) are used to finance depreciable property used in a recovery zone in the active conduct of a trade or business;

WHEREAS, The United States Department of Treasury will generally allocate volume caps for these Recovery Zone Bonds to the states based on each state's 2008 employment decline, and then further sub-allocate the Recovery Zone Bonds among counties and large municipalities with populations of more than 100,000;

WHEREAS, Maryland's counties and Baltimore City have received \$208,860,000 in aggregate volume cap allocation for RZEDBs and \$313,291,000 in aggregate volume cap allocation for RZFBs; and

WHEREAS, There is a need for the State of Maryland to have a centralized mechanism for tracking the use by Maryland's counties and Baltimore City of the bond sub-allocations, and to facilitate the transfer of any unused allocations among them or to the State, in order to maximize the economic development potential of the Recovery Zone Bonds to the residents of the State.

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, PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. The State's Department of Business and Economic Development (DBED) is designated as the entity responsible for tracking the use of the Recovery Zone Bond sub-allocations by Maryland's counties and Baltimore City, and for facilitating the transfer of any unused allocations among them or to the State.

B. DBED will request that each county and Baltimore City submit a copy of the required IRS Form 8038 report to DBED upon each issuance of a RZFB and RZEDB.

C. DBED will develop a process for re-allocation of any allocation that has been waived by a county or municipality, and that process shall be designed to maximize public benefits for the State of Maryland.

D. DBED will request that each county and Baltimore City advise DBED of any planned issuances no later than January 31, 2010.

E. Each county and Baltimore City should advise DBED no later than July 1, 2010, of any of their allocations that

have not been issued or included in a notice of intent to issue so that those allocations may be re-allocated to other issuers.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 7th day of October, 2009.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. McDONOUGH
Secretary of State

[09-22-63]

The Attorney General

OPINIONS STATE ETHICS COMMISSION

LIQUOR CONTROL BOARDS — WHETHER LIQUOR CONTROL BOARDS ARE SUBJECT TO STATE OR COUNTY ETHICS LAWS

August 27, 2009

Robert A. Hahn
Executive Director
State Ethics Commission

On behalf of the State Ethics Commission (“the Commission”) you have requested an opinion on whether liquor control boards in Garrett, Harford, Somerset, Wicomico, and Worcester counties are units of State, or local, government for purposes of the Public Ethics Law. Control boards are government agencies authorized to perform certain liquor wholesaling functions and to operate liquor dispensaries. In your letter, you note that the Commission has always treated these boards as units of county government, as it has treated boards of zoning appeals and boards of liquor license commissioners. For this reason, you have also asked about the implications for these other bodies, should we determine that officials and employees of liquor control boards are subject to State ethics requirements.

In our opinion, the liquor control boards in Somerset, Wicomico, and Worcester counties (the only three that actually operate liquor dispensaries) function as State entities for purposes of the Public Ethics Law and therefore their members and employees should be governed by State ethics requirements. Our conclusions regarding the boards in Harford and Garrett counties rest on other grounds. For the Harford County Liquor Control Board, a 1999 law specifies that its members and employees are subject to certain State ethics requirements. In Garrett County, where appointees to the liquor control board serve *ex officio* as its board of license commissioners, board members do not currently perform any of the functions of a liquor control board and have not done so for more than twenty years. Accordingly, we believe that the county ethics code should apply, consistent with the members’ other duties as Garrett County’s board of license commissioners. Lastly, with regard to boards of zoning appeals and boards of license commissioners generally, we do not believe that any change in Commission policy is warranted. Zoning appeals and liquor licensing boards should remain subject to local ethics codes.

I

Background

The Public Ethics Law regulates the conduct of officials and employees of State and local government. See Annotated Code of Maryland, State Government Article (“SG”), §15-101 *et seq.* At the State level, certain rules for ethical behavior — duties to avoid conflicts of interest (Subtitle 5, Part I), to disclose financial interests (Subtitle 6) — apply directly to officials serving in “executive units,” and are administered and enforced by the Commission. At the local level, the standards of conduct described in the statute apply indirectly, through a requirement that local governments adopt codes of ethics “similar” to the State’s, which codes are administered and enforced by municipal or county

ethics commissions. SG §§15-803 through 15-806; *Seipp v. Baltimore City Bd. of Elections*, 377 Md. 362, 833 A.2d 551 (2003).

Relevant to your questions are two terms defined in the Public Ethics Law — “executive unit” and “local official.” An *executive unit* is an agency “of State government” not in either the Judicial branch or the Legislative branch. SG §15-102(m)(1). A second part of the definition specifies that the term includes certain county health departments, as well as the offices of the sheriff and the State’s Attorney in each county. SG §15-102(m)(2). *Local official* means “an official, officer, or employee of a county or municipal corporation” and includes “each member and employee of a board of license commissioners” SG §15-102(y). Thus, apart from boards of license commissioners, *local* refers to the government of a political subdivision of the State, not to a geographical area of operation. According to each definition, then, the ethics code that will apply turns on whether the agency or official is “of” either State, county, or municipal government.

Alcoholic Beverages Article

Title 15 of the Alcoholic Beverages law (Annotated Code of Maryland, Article 2B) creates two basic types of regulatory and licensing boards, boards of license commissioners (Subtitle 1) and liquor control boards (Subtitle 2). Both exercise only “local” authority in the sense that their jurisdiction and powers are confined to the geographical area of a particular political subdivision. Statewide regulatory and enforcement powers are vested in the Office of the Comptroller. See, e.g., Article 2B, §2-101 *et seq.* and Title 2; Article 2B, §§10-101, 10-201, 16-404. In general terms, boards of license commissioners (“licensing boards”) are concerned with liquor licensing and with regulating and inspecting their licensees. Liquor control boards (“control boards”), in contrast, are authorized to operate county liquor dispensaries which make wholesale or retail “package” sales of certain alcoholic beverages (typically wine and spirits, but not beer) as a means to regulate price and competition. Article 2B, §15-201 *et seq.* To this end, control boards have a local monopoly on distribution of the types of alcohol they sell. *Id.*, §15-204.

As a regulatory measure, government sale or distribution of alcohol is designed to promote temperance, not revenue. The concept is that government can more effectively control and regulate liquor outlets that it owns and operates than those owned and operated by private business. See, e.g., *Commonwealth v. Stofchek*, 185 A. 840, 845 (Pa.1936) (explaining regulatory role of liquor dispensaries). As expressed in Article 2B, the State’s policy plan includes:

“displacing or limiting . . . economic competition by regulating or engaging in the sale or distribution of alcoholic beverages or both in order to obtain respect and obedience to law, to foster and promote temperance, to prevent deceptive, destructive, and unethical business practices, and to promote the general welfare of its citizens by controlling the sale and distribution of alcoholic beverages.”

Article 2B, §1-101(b)(1) (emphasis added). Thus, when county liquor dispensaries engage in the sale of alcoholic beverages they perform a governmental function, acting within the General Assembly’s comprehensive regulatory scheme. See 62 Opinions of the Attorney General 45, 50-51 (1977).

Liquor Control Boards Generally

At present, six counties have some form of liquor control board — Garrett, Harford, Montgomery, Somerset, Wicomico, and Worcester counties. As you pointed out in your letter, the Montgomery County Department of Liquor Control is unlike the other five and so it was not included in your opinion request.¹ It bears mentioning, however, that only in Montgomery County is the “Department of Liquor Control” expressly designated an agency of county government and made fully subject to County administrative control. Article 2B, §15-201(a). In the other five counties, some form of control board exists, with some variation in their powers and practice. According to our research, however, in only three of these counties — Somerset, Wicomico, and Worcester — are dispensaries actually operating. See, e.g., Fiscal and Policy Note to House Bill 227 (February 19, 2009) (discussing statutory borrowing limits of dispensary systems in these counties). The control board in Garrett County is authorized to establish and maintain dispensaries, but does not do so, a circumstance which we must account for in our analysis. The Harford County control board no longer has authority to operate dispensaries.

Section 15-201(b) specifies that control boards shall consist of three members, except in Harford County, where the board has five. The nomination process differs slightly from county to county, but in all cases members of the respective control boards are appointed by the Governor for a term of years. Article 2B, §15-201. Members’ salaries and certain expenses are paid by their respective counties, in most cases as prescribed by State law. *Id.*, §15-201(h); but see §15-201(h)(1) (salary in Garrett County, salary to be set by County Commissioners in to accord with county’s public local laws), §15-201(h)(7) (in Worcester County, compensation set by County Commissioners). As a condition of service, neither appointed board members nor dispensary employees are permitted to have any direct or indirect financial interest in a business that manufactures, purchases, or sells alcoholic beverages in the state. *Id.*, §15-208(a).

Each control board is granted “full power and authority within its county” to appoint employees and to set their employees’ compensation, to enter into contracts, to make rules and regulations, and to establish operating hours for the dispensaries. *Id.*, §15-205(a)-(h). Subject to approval by county government, control boards are authorized to rent, lease, or buy such premises as may be needed for their dispensary operations. *Id.*, §15-205(g). Control boards may take advances from their counties or borrow from banks on their own credit, either for working capital or to acquire or operate facilities. *Id.*, §15-202. They are also permitted to establish and maintain a reserve account, the maximum for each control board set by statute. *Id.*, §15-207. Control boards must keep financial records and make them available to the state Comptroller for inspection. *Id.*, §15-206. They must also report their operating results to the governments of their respective counties. *Id.* Proceeds from dispensary operations are to be paid to each county, or in some cases, shared also with divided among municipalities, town-

ships, and certain homeowners associations where the dispensaries are located. *Id.*, §15-207(h)(3).

Garrett County Liquor Control Board

In Garrett County, members of the Liquor Control Board occupy two separate offices concurrently. Article 2B, §15-201(c)(6). The statute provides that members appointed to the control board serve *ex officio* as the board of license commissioners, though they receive compensation only for the former office. *Id.*, §15-108; see also Article 2B, §15-101(m). The Liquor Control Board is declared to be a “State agency,” but the provision declaring this appears in Subtitle 1 (which relates to boards of license commissioners) and the powers described there are licensing powers. Article 2B, §15-108.

In 1985, the Court of Special Appeals interpreted the various provisions concerning the two liquor boards in Garrett County. *Jamison v. Browning*, 61 Md. App. 405, 486 A.2d 810, 486 A.2d 810 (1985). The court concluded that the General Assembly intended to create two separate boards with identical membership; the function being performed at any given time would dictate which of the two boards was then in session. 61 Md. App. at 40910-11. Since that decision, however, these distinctions appear to have lost some relevance. Sometime after *Jamison*, the dispensary system in Garrett County was shut down, presumably by action of the control board itself. As a result, the Garrett County board now functions exclusively as a board of license commissioners, though its statutory power to act as a control board remains in Article 2B.

Harford County Liquor Control Board

In Harford County, all alcoholic beverage regulation is conducted by a single entity — the Harford County Liquor Control Board — which acts as a board of license commissioners, and retains certain authorities of a liquor control board. Article 2B, §15-201(c)(6). At one time, the Harford County Liquor Control Board also exercised the powers of a liquor control board, but no longer. Its authority to operate a dispensary system was removed in 1979. authorized powers, however, no longer include the ability to operate a dispensary system. Chapter 742, Laws of Maryland 1979. In contrast to Garrett County, where the licensing and control board functions are assigned to separate boards with identical membership, in Harford County there is one board that has been granted sole regulatory power concerning alcoholic beverages. In 1999 the General Assembly amended Article 2B to specify that this board is subject to State ethics requirements:

Notwithstanding any other provision of the Code or local law, the members of the Harford County Liquor Control Board are subject to the provisions regarding financial disclosure, conflicts of interest, and lobbying activities under Title 15, Subtitle 5, Part I, and Subtitles 6 and 7 of the State Government Article.

Chapter 414, Laws of Maryland 1999 (codified at Article 2B, §15-201(b)(2)(ii)). Similarly, employees of the Harford County Liquor Control Board are, by express language, made subject to State law conflicts of interest and lobbying rules, but are exempted from the financial disclosure filings requirements of by SG §15-601. Article 2B, § 15-205(i)(4).

II

Analysis

A. Determining State versus Local Status

There is no “single test” to determine whether a particular government entity is part of State government or of county or municipal government. See, e.g., *O & B, Inc. v.*

¹ In Montgomery County, the Department of Liquor Control is a department of the county government under the supervision of the County Executive. Article 2B, §15-201(a). Its Director is appointed by the County Executive with the approval of the County Council and board members serve only an advisory and reporting role. *Id.*, §15-201(c)(7). All further references in this opinion to liquor control boards do not include the Montgomery County Department of Liquor Control.

Maryland-National Capital Park and Planning Commission, 279 Md. 459, 462, 369 A.2d 553, 369 A.2d 553 (1977). Instead, judicial decisions and Attorney General opinions have considered a range of factors bearing on the entity's relationship to the State or to local government, giving special emphasis to one or more such factors in light of the context or purpose of the inquiry. See, e.g., 64 Opinions of the Attorney General 66, 70 n.1 (1979). As a result, an agency or board may be a State entity for some purposes and local for others. 60 Opinions of the Attorney General 813, 815 (1975).

In the ethics context, prior opinions of this Office have most often given priority, first, to the appointment and removal power, see, e.g., 58 Opinions of the Attorney General 343, 348-49 (1973) (interpreting "local official" under Financial Disclosure Act); 60 Opinions of the Attorney General 813, 819 (1975); 64 Opinions of the Attorney General 151 (1979), and secondarily, to the nature of the agency's function and whether that function is a State or local one. See 58 Opinions of the Attorney General 3 (1973); 58 Opinions of the Attorney General 285 (1973); 64 Opinions of the Attorney General 151 (1979). Although these two factors are not by themselves conclusive, and other relevant factors must be examined as well, it is nevertheless true that, when aligned, they have consistently guided our decisions in ethics-related opinions.

Thus, relying primarily on the appointment or removal power and on the State or local nature of the agency's function, we have decided that the Prince George's County Board of License Commissioners was a State agency not subject to the county's conflict of interest rules, 58 Opinions of the Attorney General 3 (1973), that the same county's Board of Supervisors of Elections was subject to the State Code of Ethics, 58 Opinions of the Attorney General 285 (1973), that local, not State, conflict of interest rules applied to the Washington Suburban Sanitary Commission, 60 Opinions of the Attorney General 813 (1975), and that the State Code of Ethics applied to the boards of license commissioners of Allegany and Frederick counties, and to other similar officials. 64 Opinions of the Attorney General 151, 153 (1979) ("Obviously, those commissioners who are appointed and may be removed by the Governor cannot be considered County officials"). In short, where an agency administers a State policy, and State authorities have been vested with the right to appoint or remove the officials who carry it out, our analysis has seldom required more; we have recognized that such bodies are State entities for ethics purposes.

On occasion, other factors have been considered important as well. For example, in 58 Opinions of the Attorney General 343 (1973), in addition to the appointment power, Attorney General Burch stressed "the level of government with which [the official] most directly and frequently interacts in his official capacity." *Id.* at 348. Other factors that either we or the courts have relied upon include the statutory source of the agency's authority, Board of Trustees of Howard Community College v. John K. Ruff, 278 Md. 580, 586-87, 366 A.2d 360, 366 A.2d 360 (1976), the agency's or official's source of funding, 58 Opinions of the Attorney General 343, 349 (1973), and the agency's geographical jurisdiction. 65 Opinions of the Attorney General 356, 359-60 (1980).

While each of these has a place in our analysis, we find none to be of special relevance in the present context. As a general matter, the level of government with which an agency interacts probably deserves less emphasis than the language of one of our and earlier opinions suggests; more important are the terms on which such interactions occur

and whether, for example, the agency is subject to control or direction by the relevant governing body.² But regardless of its value generally, we think frequency of interaction has slight importance to the issue here, in that control boards have only limited interaction with government at any level. See, e.g., Letter from Assistant Attorney General Dan Friedman to Senator J. Lowell Stoltzfus (July 9, 2008) (discussing relative autonomy of control board's operations). As we discuss below, what interaction there is between control boards and county government centers primarily on financial matters, an area we address in the context of the county's role as a source of control board funding.

B. Evaluating the Relevant Factors

First, and most significantly, the power to appoint and remove control board members belongs to the Governor, generally with the advice and consent of the Senate. Article 2B, §15-201; see also Schisler v. State, 394 Md. 519, 594-95, 907 A.2d 175, 907 A.2d 175 (2006) (regarding Governor's removal authority in general). In this regard, Attorney General Burch reasoned that in ethics matters other considerations, though not immaterial, "take on a secondary importance when the statute in question pertains so directly to the conduct of individual [officials] and inevitably raises questions as to whether they should continue in office." 60 Opinions of the Attorney General 813, 819 (1975).

A second critical factor is that control boards perform an exclusively State function. The General Assembly, with its enactment of Article 2B, has preempted the field of alcoholic beverages regulation. See Piscatelli v. Board of Liquor License Commissioners, 378 Md. 623, 636, 837 A.2d 931 (2003); compare Article 25A, §5(S) (Express Powers Act, denying charter counties county charters power to legislate "with reference to licensing, regulating, prohibiting, or submitting to local option, the manufacture or sale of malt or spirituous liquors"). Thus, in Maryland, regulating or controlling the traffic or sale of liquor is a function exclusive to State government or its agents.³ See, e.g., Montgomery County Board of Realtors, Inc. v. Montgomery County, 287 Md. 101, 110, 411 A.2d 97 (1980) (county may not legislate in field of alcoholic beverages because preempted by State law); see also Mayor and Council of Berlin v. Shockley, 174 Md. 442, 199 A. 500 (1938). As previously explained, liquor dispensaries are a part of this State regulatory scheme and therefore control boards. It follows, then, that in operating them, these liquor dispensaries, control boards likewise perform a State regulatory function.

A third consideration indicating State government status is that control boards are created directly under State law and State law remains the sole source of their powers and duties. The local monopoly that control boards exercise is granted to them directly by the State, not through any action by county government. Article 2B, §15-204. What types of liquor the dispensaries may sell, and at what prices, are

² That earlier opinion interpreted "local official" under the State's former Financial Disclosure Act with reference to various agencies, including regional or bi-county agencies, where frequent interaction and coordination of policy with county government was implicitly viewed as more central to the agencies' function. 58 Opinions of the Attorney General 343, 355 (1973). In any event, a careful reading of that opinion suggests that "interaction" played only a minor role in the analysis.

³ The General Assembly has only rarely delegated to a political subdivision some of its power to regulate alcoholic beverages. See, e.g., Article 25, §3(ee) (express power granted to Talbot County to regulate retail liquor sales in the county); Article 2B, §6-101(v)(2) (same).

concerns of the General Assembly, not county government. At the individual level, Board members' duties are prescribed by public general law. County governments are therefore unable to modify those duties. For control board members, it is State law that sets the major conditions of their public service — term of office, salary, residency and other qualifications.⁴ In short, nearly all aspects of the member's office are directly controlled by the State legislature. Compare *Rucker v. Harford County*, 316 Md. 275, 285, 558 A.2d 399, 558 A.2d 399 (1989) (“the question of whether sheriffs and their deputies are State or local officials primarily depends on whether the creation and ultimate control of the offices of sheriff and deputy lie with the State or with local government”). Apart from a small number of occasional decisions — whether to provide a loan or advance, whether to approve a new dispensary location — county government has no role in defining or supervising normal control board operations.

In our view, the above factors in combination are compelling indicators that control boards are State executive units. On the other hand, there are some countervailing factors as well. With regard to financial relationships, for example, the county is both a source of control board funding and the primary recipient of proceeds from dispensary operations. However, given the place and function of control boards within the State regulatory scheme, what influence a county government might otherwise exert through its budget process is limited.⁵

A county may not, for example, enact legislation to close liquor dispensaries or disband the control board. *Montgomery County v. Board of Supervisors of Elections*, 53 Md. App. 123, 127, 451 A.2d 1279, 451 A.2d 1279 (1982) (county voters cannot remove State-created monopoly of county liquor dispensaries); see also Article 25A, §5(S) (no express power granted to charter counties to regulate sale of malt or spirituous liquors). Similarly, we do not think the county could eliminate the control board indirectly, or interfere with its mission, by withholding funds necessary to its operation. See, e.g., 77 Opinions of the Attorney General 7 (1992) (Talbot County obliged by Article 2B to fund its board of liquor license commissioners); compare 80 Opinions of the Attorney General 295, 299-300 (1995) (discussing county's budget responsibility for State's Attorney's office). Thus, what is often a fairly reliable marker of control — the ability to withhold funding — is largely, or at least partially, absent from the county's relationship to the control board.

In this respect, the relationship between county government and control board looks much like that between the county and a State's Attorney's or sheriff's office, both of which are expressly designated “executive units” under the Public Ethics Law, both of which are “local” in terms of geographical jurisdiction, and both of which are funded

through the county budget process. See, e.g., *Rucker*, 316 Md. at 283-84 (citing examples); see also Article 24, § 8-101 (“Entities subject to county budget and fiscal policies and purchasing laws”). In neither of these cases does local funding translate into local control or local status.⁶ Moreover, unlike most agencies, control boards can borrow on their own credit and maintain a reserve fund, powers which give them even greater autonomy. As the Court of Appeals has observed, “[m]any Many other considerations have been more important than funding in determining the status of a governmental agency or official as State or local.” *Rucker*, 316 Md. at 284.

Other “local factors” are, in a similar way, rendered less meaningful when it is State law that accounts for them. That dispensary profits go to county government, for example, indicates that control boards belong to the county no more than paying a share of profits to municipalities or homeowners associations, (in Worcester County), indicates that control boards belong to those bodies homeowners associations. See Article 2B, §15-207(h)(3). In each case, net proceeds are directed and controlled by the General Assembly. Moreover, it is possible to think of such proceeds as compensatory — at least in part — replacing tax revenues lost from the diversion of trade from private business, thus to defray costs imposed on the local economy by the State's regulatory scheme. In any event, nothing about the arrangement is discretionary to the county. And as we have seen, local government has no say in pricing or other policies that might increase the profits, all of which are instead matters governed by State for public general law. See, e.g., Article 2B, §15-204(d) (setting markup limit for liquor sales in Wicomico County).

Finally, we consider the boards' territorial jurisdiction. Without question, wholesaling and dispensary operations have their greatest impact locally. It is therefore understandable that control boards might be viewed in the same way as county or municipal officials, whose primary impact and jurisdiction are also local. However, our office has long recognized that an agency's local orientation does not truly define it. See 6 Opinions of the Attorney General 427 (1921) (“... the true test is not a geographical limitation, but the nature and character of the service to be rendered.”); compare *Spielman Motor Sales Co. v. Dodge*, 295 U.S. 89, 55 S. Ct. 678 (1935) (holding county district attorney was “officer of the state” under federal statute due to performance of state function). Moreover, the issue under the Public Ethics Law is not whether a governmental unit may be said to be “local” in a geographic or descriptive sense, but whether it is a subordinate element of State government or of county or municipal government.

Codes of public ethics are manifestly about promoting the honesty, integrity, and impartiality of public officials, and increasing public confidence that government serves the general interest rather than merely the personal interests of public officials or of those close to them. See, e.g., *Montgomery County v. Walsh*, 274 Md. 502, 514-15, 336 A.2d 97 (1975). A more pointed way of looking at this question, therefore, is to ask “Which level of government would be more answerable for an ethical lapse by a member of a liquor control board? Would a violation represent a misuse of State or county government power?” From that perspective,

⁴ In Worcester County, State law sets a minimum level of compensation, but above that level the County Commissioners have been granted authority to set salaries for the control board. Article 2B, §15-201(h)(7).

⁵ County government's budgetary role appears to be implied by various provisions of Article 2B, such as those relating to salaries and expenses, §15-201, and to the disposition of “net proceeds.” Article 2B, §15-207. Therefore, we assume that control boards are or may be funded and paid through county budgets, rather than through cash flows from dispensary operations. But see note 11 (describing dispensary budget in Worcester County). _____ . That issue, however, is not presented here and therefore we intend no comment on county budget procedures or how dispensary funds are to be managed.

⁶ See also Letter from Assistant Attorney General Dan Friedman to Senator J. Lowell Stoltzfus (July 9, 2008), p. 5 (advising that County Council of Wicomico County has no oversight role regarding Liquor Control Board disbursements).

and consistent with our prior ethics opinions, we conclude that liquor control boards are State executive units within the meaning of the Public Ethics Law.

C. Administrative Practice and Legislative History

In your letter, you advised us that, in the past, the Commission has treated liquor control boards as subject to local ethics rules and thus, by implication, as part of county government. Apparently, the question of ethics jurisdiction over the control boards has seldom arisen and there is little documentation of the Commission's past practice with respect to control boards. It is thus unclear how often and how consistently the Commission's interpretation was expressed and what weight a court would give it.⁷ See *Comptroller v. John C. Louis Co.*, 285 Md. 527, 544, 404 A.2d 1045, 404 A.2d 1045 (1979).⁸

We have also considered whether the General Assembly was made aware of that policy in such a way that it could be said to have approved it, or acquiesced in, it. However, there appears to be little reason to conclude the Legislature has ever held a consensus view that members of control boards are county officials, or that it has been explicitly aware of the Commission's practice in this regard. What we have found instead is a general background of uncertainty, even among control boards themselves, on precisely what relationship they have to county government.

There is no evidence of any widespread acceptance of the notion that control boards are part of county government.⁹ Rather, the idea that control boards are more "local" than State in nature appears to be disputed by the very officials most directly affected. Legal counsel for the board in Wicomico County, for example, describes the board, variously, as "autonomous," or having "independent status," or being an "independent state agency." See Letter from Victor H. Laws, III, Attorney, to Matthew E. Creamer, Council Administrator, Wicomico County (June 9, 2008), pp. 2-3. Similarly, the board's website explains that "[it] serves Wicomico County residents, but it isn't part of the county govern-

ment."¹⁰ To the same effect is the website for Worcester County's "liquor marts."¹¹

The Commission's practice, which directly affects only a small number of officials, has not been stated through the rulemaking process, in an Advisory Opinion, or as a finding in a contested case.¹² Thus, it appears unlikely that General Assembly would have viewed members of control boards generally as county officials, or that it would be aware of the Commission's past policy in particular. Our research did not uncover any proposed legislation dealing with ethics requirements for control boards as a group. Only once has the General Assembly addressed the issue of ethics coverage for what is even nominally a control board, by amending a local provision of Article 2B relating to the Harford County Liquor Control Board, to specify that State ethics rules should apply. Chapter 414, Laws of Maryland 1999. Because that legislation dealt with only a single entity, and one that also functions as a board of license commissioners, we are reluctant to draw from it broader lessons regarding legislative intent toward entities which are purely control boards. See, e.g., *Romm v. Flax*, 340 Md. 690, 698 n.2, 668 A.2d 1, 668 A.2d 1 (1995) (legislative history of subsequent legislation can be ambiguous as to meaning of prior law). However, at a minimum, this enactment does not endorse the principle that control boards should be subject to local ethics codes.

In sum, neither past administrative practice nor the available legislative history alters our view that control boards should be treated as State executive units for purposes of the State ethics law.

D. Garrett and Harford County Liquor Control Boards

As explained above, the General Assembly has specified that the Harford County Liquor Control Board must comply with State ethics rules. Article 2B, §§15-201(b)(2)(ii), 15-205(i)(4). That language is unambiguous and requires no further discussion. In the case of Garrett County, our view is that the board's actual practice should be the deciding factor. Because that board no longer performs control board functions — as liquor wholesaler or dispenser — it remains a control board only in a latent or potential sense. Its continuing authority means something, but so long as the authority remains unused we do not see that it affects the fundamental character of the Garrett County board. On the other hand, the board does act as a board of license commissioners, whose members are by definition "local officials" under the Public Ethics Law and thus subject to the county

⁷ During the late 1990s, the Executive Director of the Commission apparently corresponded with Somerset and Harford counties concerning coverage of the liquor control boards by local ethics laws. See Letter of John E. O'Donnell, Executive Director, State Ethics Commission, to Philip L. Gerald, President, Somerset County Commissioners (October 24, 1997); Letter of John E. O'Donnell to Eileen Rehrmann, Harford County Executive (February 18, 1998). We note also that the Worcester County Code has, since the early 1980s, specifically included the liquor control board in its county ethics law. See, e.g., Worcester County Code, CG, §5-101(a)(3) (Supp. #1, 12-84). By contrast, the Wicomico County ethics law from 1986 provides only that it "shall apply to the elected and appointed officials of Wicomico County and to all compensated full-time employees of Wicomico County, except as hereinafter set forth." Wicomico County Code §37-1 (7-25-86). The language of that provision remains unchanged.

⁸ In *John C. Louis* the Court stated that "if an administrative interpretation has not resulted from a contested adversary proceeding, or from a promulgated administrative decision, rule, regulation, or departmental statement, it is entitled to relatively little weight. Similarly, if the administrative practice has not been publicly established, it is not entitled to substantial weight." 285 Md. at 544 (citations omitted).

⁹ See, e.g., 19 *Opinions of the Attorney General* 129 (1934) (State agency implied); 22 *Opinions of the Attorney General* 108 (1937) (same); 62 *Opinions of the Attorney General* 45, 53 n.5 (1977) (assuming, without deciding, control board is state agency from exclusively State function and Governor's appointment authority); but see also 24 *Opinions of the Attorney General* 124 (1939) (treating as local); 40 *Opinions of the Attorney General* 620 (1955) (same).

¹⁰ See <http://www.wcliq.com/about-us.aspx> (last visited July 17, 2009).

¹¹ "The Liquor Control Board of Worcester County is not an official part of the county government. The board is responsible for preparing their own budget, and is self maintaining in all aspects of a business. Some important details of the Liquor Control Board are that there are ZERO tax dollars involved in the daily operation of the business. L.C.B. employees are not Worcester County employees. All the profits derived from the sale of liquor through the Wholesale Department and the six Liquor Marts located throughout the county are remitted and divided among Worcester County and the towns of Berlin, Ocean City, Pocomoke and Snow Hill." (emphasis in original) Official website of the Worcester County Liquor Control Board, <http://www.liquormrt.com/4.html>, (last visited July 17 May 20, 2009).

¹² The only occasion which apparently drew legislative notice occurred when the Executive Director advised Harford County of the Commission's view that control board members were subject to the local ethics code. See note 7, above. The Legislature then passed legislation specifically placing the Harford County control board under the State ethics provisions. Chapter 414, Laws of Maryland 1999.

ethics code. SG §15-102(y)(2). For this reason, we think the Commission's current ethics treatment of the Garrett County board is appropriate.

E. Boards of License Commissioners and Boards of Zoning Appeals

You have asked about the Commission's existing policy regarding boards of license commissioners and boards of zoning appeals as local entities. In our view, both types of boards are properly subject to local ethics codes. See, e.g., *Carroll County Ethics Comm'n v. Lennon*, 119 Md. App. 49, 703 A.2d 1338, 703 A.2d 1338 (1998) (county ethics rules applied to planning and zoning commission); see also *Murray v. Director of Planning*, 217 Md. 381, 143 A.2d 85, 143 A.2d 85 (1958) (treating zoning officials as county officers of charter counties). Nothing in the reasoning or conclusion of this opinion as to control boards should call those other Commission policies into question. As to license commissioners, they are defined specifically in the Public Ethics Law as "local officials." SG §15-102(y)(2). The Commission's view thus accords with the plain and unambiguous language of the statute.

With respect to boards of zoning appeals, we assume you are referring to the several different county or municipal boards of appeal that perform functions related to zoning, such as hearing and deciding variances and special exceptions.¹³ As indicated earlier in this opinion, prior opinions of this Office, in deciding which ethics law is applicable, have given first priority to appointment and removal power. With respect to county and municipal boards of zoning appeals, that power resides with local government officials.¹⁴

As for the second test — the nature of the agency's function and whether that function is State or local — we believe that a board of appeals functions as a local entity. The powers of a board of appeals are set by the General Assembly and then delegated to local government with specific duties, criteria, and requirements.¹⁵ While such powers are to be exercised subject to a myriad of requirements set by State law, ultimately the decisions of a board of appeals involve the application of a local ordinance.

The situation with boards of appeals is therefore quite distinct from that of control boards, where local government has no power to appoint or remove board members, nor to legislate whatsoever on the subject of alcoholic beverages sales. Once adopted by a political subdivision of the State, planning and zoning is accomplished through public local law, see, e.g., Article 25A, §5(X) (granting express power to enact local zoning laws), though always within the limits defined by the State Legislature. There is no need to catalog all the variations in powers among the local boards of appeals to conclude that they are local entities subject to local ethics laws. In short, our analysis confirms the Commission's policy.

¹³ See Annotated Code of Maryland, Article 25A, §5(u) (charter county board of appeals); Article 28, §8-111 (Prince George's County Board of Zoning Appeals); Article 66B, §2.08 (Baltimore City Board of Municipal and Zoning Appeals); Article 66B, §4.07 (non-charter county and municipal boards of zoning appeals).

¹⁴ See Annotated Code of Maryland, Article 25A, §5(u); Article 28, §8-107(a); Article 66B, §2.08(a); Article 66B, §4.07(a).

¹⁵ See Annotated Code of Maryland, Article 25A, §5(x) (charter counties); Article 28 (Prince George's and Montgomery counties); Article 66B (non-charter counties and municipalities, as well as charter counties for specific sections). The specific duties and requirements imposed on local governments with regard to the delegation of planning and zoning powers depends on the type of local government.

III

Conclusion

For the reasons discussed above, we conclude that liquor control boards in Somerset, Wicomico, and Worcester counties are State entities for ethics purposes. As to the board in Garrett County, we believe that it should be treated as "local" so long as it does not exercise the functions of a liquor control board. The Harford County Liquor Control Board is governed by a statute specific to that body, which provides that State ethics rules apply to its board members and employees. Finally, zoning boards and boards of license commissioners should remain subject to local codes of ethics.

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 Jeffrey L. Darsie Assistant Attorney General
 Robert N. McDonald, Chief Counsel, Opinions and Advice

[09-22-40]

ELECTIONS

VOTING — WHETHER INACTIVE VOTERS SHOULD BE INCLUDED IN THE COUNT OF "REGISTERED VOTERS" TO DETERMINE THE NUMBER OF EARLY VOTING CENTERS

September 22, 2009

Maureen A. Neal, President
 Harford County Board of Elections

You have requested an opinion whether inactive voters should be included in the count of "registered voters" in determining the number of early voting centers that must be established in each county.

In a recent letter of advice, Assistant Attorney General Sandra Benson Brantley concluded that counting registered voters for the purpose of establishing early voting centers is an "official administrative purpose" and therefore voters in inactive status may not be included in the count. A copy of that letter is attached. We agree with that conclusion and make some additional observations.

The number of early voting centers to be established in each county depends on a count of registered voters in that county. See Chapter 445, Laws of Maryland 2009, enacting Annotated Code of Maryland, Election Law Article ("EL"), §10-301.1(b) (effective October 1, 2009). The Court of Appeals has consistently held that the phrase "registered voters" includes both active and inactive voters. *Maryland Green Party v. Maryland Bd. of Elections*, 377 Md. 127, 143, 832 A.2d 214 (2003); *Doe v. Montgomery County Bd. of Elections*, 406 Md. 697, 726, 962 A.2d 342 (2008); see also *Int'l Ass'n of Firefighters v. Mayor & City Council of Cumberland*, 407 Md. 1, 13-14, 962 A.2d 374 (2008) (for municipal referendum, "qualified voters" includes both active and inactive voters). However, the Election Law Article elsewhere provides that "[r]egistrants placed into inactive status may not be counted for official administrative purposes including establishing precincts and reporting official statistics." EL §3-503(d) (emphasis added). The opinions in *Green Party, Doe*, and *Cumberland* do not identify or suggest circumstances in which the Court of Appeals would approve a count that excludes inactive voters, but neither do they foreclose potential application of the "administrative purpose" exception. In our view, therefore, the attached advice letter

properly concludes that inactive voters must be counted unless determining the number of early voting centers required in each county is a proper “administrative purpose.”

Each of the three cases cited above involved the question of how many petition signatures were needed to qualify a candidate or question for the ballot, where the qualifying number was a percentage of “registered voters” or “qualified voters.” *Green Party*, 377 Md. at 139-53, (“registered voters”); *Doe*, 406 Md. at 722-23 (“registered voters”); *Cumberland*, 407 Md. at 13-14 (“qualified voters”). In each case, the Court decided that the total upon which the qualifying percentage was calculated should include inactive voters. Only in *Doe* did the Court address the “administrative purpose” provision of EL §3-503(d) — and then only briefly in a footnote. Relying upon that statute, the Montgomery County Board of Elections had argued that counting total voters in order to calculate 5% of them (the petition standard) was an “administrative purpose.” 406 Md. at 725 n.20. Without fully elaborating its interpretation of the phrase “administrative purpose,” the Court rejected the Board’s argument.¹ *Id.*

Thus, it is uncertain how broadly, or narrowly, the Court would construe the phrase “administrative purpose.” Absent further guidance, it is not possible to state definitively what the limiting principle may be. However, *Doe* established at least one boundary on what functions may be encompassed by the phrase. It does not extend, for example, to a count of voters for purposes of calculating a petition standard. 406 Md. at 725 n.20. On the other hand, as the Court noted, the statute provides two illustrations of what is included in the phrase — “establishing precincts and reporting official statistics.” *Id.* Additionally, the statute’s use of “including” in referencing the latter two purposes does not preclude the existence of other “administrative purposes.” See Annotated Code of Maryland, Article 1, §30.

When establishing precincts, the statute directs election boards to consider only active voters, presumably so that the boards may most effectively allocate available election resources. EL §3-503(d). A similar purpose is served in counting voters to determine the number of early voting centers needed in each county. EL §10-301.1(b). Accordingly, it is our opinion that such a count likewise represents an “administrative purpose” under the statute. As explained in the attached letter of advice, there are cogent reasons for distinguishing between active and inactive voters in this context. See pp. 5-6. Just as importantly, counting only active voters for this purpose would not deny those listed as inactive any right belonging to other registered voters.²

¹ There is some indication that the Court equated fixing the petition standard with the signature verification process:

... Because the two other official administrative purposes, establishing precincts and reporting official statistics, were preserved in the Statute, while “petition signature verification” was removed from the list, we find the Board’s argument that petition signature verification should still be considered as an official administrative purpose unpersuasive.

Doe v. Montgomery County Bd. of Elections, 406 Md. at 725 n.20.

² The statute providing for early voting centers mandates only the roughest correspondence between the number of voters in a county and the number of voting centers required. See EL §10-301.1(b). Thus, any disparity that might arise between counties with large numbers of inactive voters and those with fewer would be negligible as compared to the disparities contemplated by the overall scheme.

Douglas F. Gansler, Attorney General
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Robert N. McDonald, Chief Counsel, Opinions and Advice

THE ATTORNEY GENERAL OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY OPINIONS

July 20, 2009

Linda Lamone
Administrator, State Board of Elections

You asked for advice regarding Chapter 445, Laws of Maryland 2009. In particular, you asked whether election officials may exclude voters in an inactive status from the count of registered voters used to determine the number of early voting centers in each county. As discussed more fully below, in my view, the counting of registrants for determination of the appropriate number of early voting centers is an administrative purpose, therefore, election officials may exclude inactive voters from those statistics.

Early Voting

During the general election in November 2008, the voters of Maryland overwhelmingly approved a constitutional amendment to allow for early voting. The amendment altered Article 1, §3 of the Maryland Constitution to empower the legislature to enact legislation implementing early voting:

The General Assembly shall have the power to provide by suitable enactment a process to allow qualified voters to vote at polling places in or outside their election districts or wards or, during the two weeks immediately preceding an election, on no more than 10 other days prior to the dates specified in this Constitution.

Acting on this authority, the legislature passed House Bill 1179, which was signed into law by the Governor on May 7, 2009. Chapter 445, Laws of Maryland 2009.

The early voting provision in the Election Law Article now provides, in part, that:

- (1) Each county shall have at least one early voting center established in the county as prescribed in this subsection.
- (2) A county with fewer than 150,000 registered voters shall have one early voting center established in the county.
- (3) A county with more than 150,000 registered voters but fewer than 300,000 registered voters shall have three early voting centers established in the county.
- (4) A county with more than 300,000 registered voters shall have five early voting centers established in the county.

EL §10-301.1(b)(effective Oct. 1, 2009).

State law additionally states that voter “[r]egistrants placed into inactive status may not be counted for official administrative purposes including establishing precincts and reporting official statistics.” EL §3-503(d). As a result of this provision, the question arises whether the counting of registrants for purposes of determining the number of voting centers in each county is an administrative purpose. Inactive status of registered voters

The term “inactive status” with regard to registered voters is somewhat of a misnomer in that it implies that a registered voter who simply fails to vote will be placed into in-

active status, which is not the case. Rather, placing certain voters into an inactive status is part of list maintenance requirements imposed by State law. EL §3-101(c); COMAR 33.05.07.01. Under State law, if an election official receives information from the post office “that a voter has moved to a different address outside the State, the election official in the county where the voter most recently resided in the State shall send the voter a confirmation notice informing the voter of his or her potential inactive status.” EL §3-502(c).

If a voter fails to respond to a confirmation notice sent pursuant to EL §3-502 or fails to take any of the actions listed in EL §3-503(b),³ and does not vote “in an election during the period beginning with the date of the notice through the next two general elections,” EL §3-502(e)(2)(ii), the election official may remove the voter on the assumption that the voter has indeed moved outside the State. EL §3-501(3).

Moreover, federal law also requires States to remove voters who move outside the State from their voter registration lists. The federal Help America Vote Act (HAVA) assigned the U.S. Election Assistance Commission (EAC), among other things, the duty to provide guidelines about various federal election standards. 42 U.S.C. §15501. In July 2005, the EAC addressed HAVA’s removal provisions, which include:

The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following: A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.

42 USCS §15483(a)(4)(A)(emphasis added). Interpreting this provision, the EAC issued the following guideline:

The NVRA contains certain requirements regarding the removal of names from official voter rolls. . . . It also requires the removal of individuals who have moved outside of a given registration jurisdiction, have been sent proper notice, have failed to respond to such notice and have not voted in two consecutive general elections for Federal office (42 U.S.C. §1973gg-6 (d)(1)(B)).

“Voluntary Guidance on Implementation of Statewide Voter Registration Lists,” U.S. Election Assistance Commission (July 2005) at 11 (emphasis added).

Thus, a registered voter is placed in inactive status only when election officials receive information from the post of-

fice that the individual has moved out of State.⁴ Once a voter is in inactive status and fails to take certain actions, election officials must remove that individual from the voter list.

Valid Uses of Inactive Status Data

Although election officials are permitted to designate some registered voters as inactive as part of the required process to remove ineligible voters from the voter list, the Maryland Court of Appeals has been explicit that the General Assembly has “no authority to decree that an ‘inactive’ voter is not a ‘registered voter’ with all the rights of a registered voter.” Maryland Green Party v. Maryland Board of Elections, 377 Md. 127, 143 (2003). The Green Party case addressed a statutory provision that excluded from the definition of registered voter, “an individual whose name is on a list of inactive voters.” EL §1-101(mm). As a result of this statutory provision, the signatures of voters in an inactive status were not considered to be valid signatures in support of a petition to nominate candidates. The Court noted that because individuals in inactive status nonetheless remained qualified to vote, they are also entitled to sign petitions.

[W]e stress that the Maryland Constitution sets forth the exclusive qualification and restrictions on the right to vote in the State of Maryland. . . . Additionally, insofar as a minor political party’s only option to nominate a candidate is through the process of submitting nomination petitions, a scheme which improperly invalidates a registered voter’s signature on a nominating petition unconstitutionally infringes on the right of suffrage guaranteed to all qualified voters by Article I of the Maryland Declaration of Rights.

Green Party, 377 Md. at 152.⁵

The legislature subsequently amended the Election Law Article and repealed the provision defining registered voter to exclude individuals who were designated inactive. Chapter 572, Laws of Maryland 2005. That legislation also amended the provisions dealing with inactive voter status to delete the prohibition against counting voters in inactive status for petition signature validation, but left intact the directive that they not be counted for “administrative purposes including establishing precincts and reporting official statistics.” Id.

Since its decision in Green Party, the Court of Appeals has confirmed that voters in inactive status have all the rights of a registered voter. In Doe v. Montgomery Co., 406 Md. 697, 726 (2008), the Court emphasized that “there is no room, after our decision in Green Party, for the maintenance of an ‘inactive’ list to define registration status, because

⁴ It is possible, however, that an individual who has moved in-state will fail to provide a forwarding address so that election officials are unaware that the person still resides in Maryland. In that case, that individual will be sent a confirmation notice and placed in an inactive status. Where the post office provides a new address for that voter that is in the State, that individual is not placed in an inactive status but is re-registered with the new Maryland address.

⁵ In Green Party, the Court remanded the case to the circuit court to determine whether the mandates of federal law require the removal process set out in State law. 377 Md. at 182. On remand, the circuit court found that the removal provisions are mandatory rather than permissive and declared that the State must comply with the removal provisions of both the NVRA and HAVA. 90 Op. Att’y Gen. 133 (2005) (indicating that the final judgment in Green Party requires certain prescribed voter registration list maintenance practices and that the State law conforms

³ A voter on inactive status “shall be restored to active status” by doing any of the following: submitting a voter registration application, or signing a petition, certificate of candidacy or an absentee ballot application. EL §3-503(b).

both 'active' and 'inactive' voters are registered voters." *Doe* addressed the determination by election officials that when calculating the number of signatures needed to petition a local law to referendum inactive voters should be excluded. Under the Montgomery County Charter, petition sponsors must submit a number of signatures from registered voters corresponding to 5 percent of the county's registered voters. In the petition at issue in *Doe*, election officials announced that the 5 percent benchmark was 25,001 signatures, which was 5 percent of the County's 500,012 "active" registered voters. Including the 52,269 voters in "inactive status," however, would mean that petition sponsors would have needed to submit 27,615 signatures. The Court confirmed that because inactive voters were entitled to sign petitions, excluding them from the denominator of the equation to calculate the 5 percent benchmark effectively lowered the benchmark to a number less than 5 percent required by the County Charter, and thus inactive voters must be included in the denominator. *Id.* at 722 — 727. *Accord Int'l Ass'n of Firefighters Local 1715 v. Mayor and City of Cumberland*, 407 Md. 1 (2008)(confirming that when calculating the number of signatures needed from "qualified voters" for a referendum petition, inactive voters must be included in the calculation).

While it is clear from the holdings in *Green Party, Doe* and *Cumberland* that election officials cannot deny voters in inactive status any right of registered voters, election officials may consider the number of voters in inactive status when making decisions about where to allocate election resources. Consistent with EL §3-503(d), the current practice of election officials is to exclude voters in inactive status from the count of registered voters for administrative purposes. Thus, in determining the location of polling places, which are, among other things, to "be located as conveniently as practicable for the majority of registered voters assigned to the polling place," election officials use statistics of active voters only. EL §10-101(a)(2)(ii). Election officials also use active voter statistics to allocate voting units. COMAR 33.10.02.07A(1)(a)(local boards are to provide "[o]ne voting unit for each 200 registered voters"). Additionally, election officials use active voter statistics to determine whether to create new precincts or alter precinct boundaries. EL §2-202(b)(6).

The reason election officials exclude inactive voter numbers from election resource allocation decisions is to ensure that the resources are directed to benefit the greatest number of voters. Data compiled by the State Board of Elections show that only a small number of voters in an inactive status turn out to vote. For example, in the November 2006 gubernatorial election, voter turnout was 53.6 percent statewide, but only 3.1 percent of inactive registered voters voted. In the November 2008 general election, statewide turnout was 72.4 percent, but only 6.9 percent for inactive registered voters.

The legislative history of Chapter 445, Laws of Maryland 2009 is devoid of any indication whether the General Assembly considered inactive voters. Nonetheless, the floor report points out that the bill imposes a funding mandate on local governments. The Fiscal and Policy Note also reveals that the cost to local jurisdictions moving from three early voting centers to five increases from \$624,400 to \$1,015,800. Unlike the situation in *Green Party*, excluding an inactive voter from the registrant statistics to determine the number of early voting centers does not deny any right conferred on registered voters; there is no constitutional requirement to count inactive voters for this purpose. The allocation of elec-

tion resources impacts State and local funding obligations, it does not impact a voter's registration status.

In consideration of these factors, it is my view that counting registrants to implement EL §10-301.1(b) is an administrative purpose under EL §3-503(d). Accordingly, election officials may use voter registration statistics that exclude voters in inactive status. Thus, in addition to counting only active registered voters for determining the number of early voting centers, election officials should also take into consideration where the active voters reside in determining placement of the early voting polling places. EL §10-301.1(e) (directing that "[e]ach early voting center shall satisfy the requirements of §10-101"; that section requires, among other things, that polling places "be located as conveniently as practicable for the majority of registered voters assigned to the polling place").

Sandra Benson Brantley, Assistant Attorney General

[09-22-41]

CODE REVISION

OPEN MEETINGS ACT — WHETHER CERTAIN OPEN MEETINGS STATUTES MAY BE REPEALED AS PART OF CODE REVISION WITHOUT CHANGING SUBSTANTIVE LAW, IN LIGHT OF THE LATER ENACTMENT OF THE OPEN MEETINGS ACT

September 29, 2009

Susan G. Phelps, Manager
Department of Legislative Services

In connection with the ongoing code revision process, you have requested our opinion whether three statutory provisions enacted in 1954 that require certain public entities to hold meetings in public may be repealed, in light of the more recent enactment of the Open Meetings Act, without effecting a substantive change in the law.

In our opinion, the older statutory provisions are, in large part, duplicative of the Open Meetings Act and may be repealed as part of code revision without effecting a substantive change in the law. However, the part of each provision that states that "no ordinance, resolution, rule or regulation shall be finally adopted at [a meeting not open to the public]" should be retained in the Code.

I

Statutory Background

A. 1954 Legislation

Fifty-five years ago, the General Assembly enacted parallel statutes requiring that meetings of certain State and local entities be open to the public. Chapter 13, Laws of Maryland 1954, now codified at Annotated Code of Maryland, Article 23A, §8 (of municipal legislative bodies), Article 25, §5 (county commissioners and county councils), and Article 41, §1-205 (boards or commissions in units of the Executive Branch).¹ The identical requirement in each of the statutes is identically qualified: these provisions are not to be construed to prevent a public body from holding a closed executive session, as long as "no ordinance, resolution, rule or regulation [is] finally adopted at such an executive session." *Id.*

¹ Article 23A, §8 reads:

The term “meeting” is not defined in any of these statutes. Thus, it is to be understood as reflecting its common law meaning: the convening of a quorum of the body’s membership — usually a simple majority — which is the minimum number necessary for a deliberative body to act. See *Floyd v. Mayor and City Council of Baltimore*, 407 Md. 461, 482, 966 A.2d 900 (2009); 73 *Opinions of the Attorney General* 6, 7 n. 2 (1988). The term “executive session” is also undefined, but it presumably refers to the closure of all or part of a meeting. See Schwing, *Open Meeting Laws* §7.4.A (1994). Thus, as long as certain final actions are not taken out of public view, these statutes allow for meetings to be closed to the public. The statutes do not prescribe any procedural requirements governing meetings of public bodies or the closure of such meetings. Nor do they provide any penalty for a violation of the open meetings requirement.

B. Open Meetings Act

In 1977, the General Assembly enacted the Open Meetings Act, which has been described by the Court of Appeals as “Maryland’s first comprehensive legislation regarding open meetings.” *City of Baltimore Dev. Corp. v. Carmel Realty Assoc.*, 395 Md. 299, 320, 910 A.2d 406 (2006). The Act, as amended, is now codified at Annotated Code of Maryland, State Government Article (“SG”), §10-501, *et seq.* The Act embodies the legislative policy in favor of open meetings. Among other things, it requires, “[e]xcept as otherwise expressly provided in [the Act],” that a public body meet in open session, and grants the public the right to attend open meetings. SG §§10-501, 10-505, and 10-507(a).

The Act applies to “public bodies.” The definition of a “public body” consists of two prongs.² First, the term “public

body” includes any multi-member entity created at the State or local government level by certain legal instruments, such as a statute, ordinance, or executive order. SG §10-502(h)(1). Second, the term includes entities appointed by the Governor or the chief executive of a political subdivision — or by an official who is subject to the policy direction of the Governor or a chief executive — if the entity includes at least two individuals not employed by the State or the political subdivision. SG §10-502(h)(2); *City of Baltimore Dev. Corp. v. Carmel Realty Assoc.*, 395 Md. at 323. A “meeting” occurs when a quorum of a public body convenes for the consideration or transaction of public business. SG §10-502(g).

Not every meeting of a public body, however, must be open. The Act does not apply when the public body is engaged in an administrative,³ judicial,⁴ or quasi-judicial function,⁵ as defined in the statute. SG §§10-502(b), (e), and (i) and 10-503(a).⁶ In contrast, the Open Meetings Act does apply whenever a public body is engaged in an advisory, legislative, or quasi-legislative function, as each of these terms

6. an executive order of the Governor; or

7. an executive order of the chief executive authority of a political subdivision of the State.

(2) “Public body” includes:

(i) any multimember board, commission, or committee appointed by the Governor or the chief executive authority of a political subdivision of the State, or appointed by an official who is subject to the policy direction of the Governor or chief executive authority of the political subdivision, if the entity includes in its membership at least 2 individuals not employed by the State or the political subdivision; and

(ii) the Maryland School for the Blind.

SG §10-502(h)(1) and (2). SG §10-508(h)(3) goes on to exclude certain entities from the definition of “public body” including, among other entities, the Governor’s cabinet.

Effective October 1, 2009, the definition of “public body” will be further expanded to include multi-member entities informally appointed by an existing public body in the executive branch of State government, or by an official subject to its policy direction, if the resulting entity includes at least 2 individuals who are not members of the public body or employees of the State. See Chapter 164, Laws of Maryland 2009.

³ The determination of an administrative function can be complex in that it must involve the “administration” of an existing State or local law or a rule, regulation, or bylaw of a public body and may not involve any matter that would fall under any of the Act’s other defined functions. See SG §10-502(b).

⁴ A judicial function would apply solely to the judicial branch of State government. SG §10-502(e).

⁵ A quasi-judicial function involves a contested case proceeding under the Administrative Procedures Act, a proceeding before an administrative agency for which Title 7, Chapter 200 of the Maryland Rules would govern judicial review, or the consideration of a complaint by the Open Meetings Compliance Board. SG §10-502(i).

⁶ The statute further qualifies these exclusions. Regardless of how a meeting is categorized, the Open Meetings Act applies whenever a public body meets to consider the granting of a license or permit or to consider a special exception, variance, conditional use, zoning classification, the enforcement of any zoning law or regulation, or any zoning matter. SG §10-503(b). Furthermore, when a public body conducts a closed administrative function session as part of a meeting governed by the Act, certain subsequent disclosures are required. See SG §10-503(c).

All meetings, regular and special, of the legislative body, by whatever name known, in every municipal corporation in Maryland, including the City of Baltimore, shall be public meetings and open to the public at all times. Nothing contained herein shall be construed to prevent any such body from holding an executive session from which the public is excluded but no ordinance, resolution, rule or regulation shall be finally adopted at such an executive session.

Article 25, § 5 reads:

All meetings, regular and special, of the board of county commissioners or of the county council in this State, shall be public meetings and open to the public at all times. Nothing contained herein shall be construed to prevent any such board or council from holding an executive session from which the public is excluded but no ordinance, resolution, rule or regulation shall be finally adopted at such an executive session.

Article 41, §1-205 reads:

All meetings, regular and special, of the boards or commissions in control of any department, bureau or other agency of the Executive Department in the government of Maryland shall be public meetings and open to the public at all times. Nothing contained herein shall be construed to prevent any such board or commission from holding an executive session from which the public is excluded but no ordinance, resolution, rule or regulation shall be finally adopted at such an executive session.

These provisions have not been substantively modified since their initial enactment.

² The statute reads:

(1) “Public body” means an entity that:

(i) consists of at least 2 individuals; and

(ii) is created by:

1. the Maryland Constitution;
2. a State statute;
3. a county or municipal charter;
4. an ordinance;
5. a rule, resolution, or bylaw;

are defined in the Act. See SG §10-502(c), (f), and (j).⁷ However, even meetings governed by the Act can be closed to the public under 14 enumerated exceptions to the open meeting requirement. SG §10-508(a).

The Act imposes certain procedural requirements to ensure that the public may benefit from the mandate for open meetings. Reasonable advance notice must be given of a meeting. SG §10-506. Minutes must be kept and made available to the public subsequent to a meeting. SG §10-509.⁸ And, when meetings governed by the Act are closed to the public, additional procedures must be followed.⁹ When there is a conflict between the Open Meetings Act and other law relating to meetings of a public body, the “more stringent” law governs. SG §10-504. Although the term “more stringent” is not defined, the policy underlying the Act is furthered only if the term is understood to mean the law granting the public greater access. *City of College Park v. Cotter*, 309 Md. 573, 596-97, 525 A.2d 1059 (1987) (Eldridge, J., dissenting).¹⁰

Finally, the Act created the Open Meetings Compliance Board as an independent panel that issues advisory opinions interpreting the Act, and provided for private civil actions to enforce its requirements, including the award of attorney fees to a prevailing party. SG §§10-502.1 - 10-502.6 and §10-510.¹¹

II

Analysis

You have requested this opinion in connection with the ongoing code revision process. As a general rule, code revision is presumed to be for the purpose of clarity rather than for the purpose of changing the substance of statutory law. *Comptroller v. Blanton*, 390 Md. 528, 538, 890 A.2d 279 (2006). Thus, you have asked whether the open meetings statutes enacted as part of the 1954 legislation may be re-

⁷ The Open Meetings Compliance Board has interpreted the Open Meetings Act, as amended in 1991, to also apply when a quorum of a public body meets to consider public business in those rare situations in which none of the Act's defined functions appears to apply. See, e.g., 5 OMCB Opinions 60, 66 (2006); 1 OMCB Opinions 96, 98 (1994).

⁸ Subject to limited exceptions, minutes of a meeting closed under the Act ordinarily remained sealed. SG §10-509(c)(3)(ii) and (4).

⁹ If it is anticipated that all or a part of a meeting will be closed, that information must be reflected in the notice of the meeting. SG §10-506(b)(3). To close a meeting, the public body must vote publicly on the motion to close the meeting and the presiding officer must complete a written statement documenting the justification for the closed session — a document that is available to the public. SG §10-508(d). Subsequent to the closed session, certain information relating to the closed session is to be made public as part of the publicly available minutes. SG §10-509(c)(2).

¹⁰ Of course, as the two judicial opinions in *Cotter* illustrate, reasonable minds may differ as to which of two enactments is “more stringent.”

¹¹ A judicial action may not be brought under the Open Meetings Act challenging a public body's action in appropriating public funds, levying a tax, or providing for the issuance of debt. SG §10-510(a)(1); see, e.g., *Avara v. Baltimore News Am. Div.*, 292 Md. 543, 552-53, 440 A.2d 368 (1982) (General Assembly budget conference committee subject to Open Meetings Act, but court lacked jurisdiction to issue declaratory judgment remedy); *Bd of County Comm'rs of Carroll County v. Landmark Cmty. Newspapers of Maryland, Inc.*, 293 Md. 595, 446 A.2d 63 (1982) (court lacked jurisdiction in connection with county commissioners' work sessions involving preparation of county budget).

pealed without effecting a substantive change in the law, in light of the later enacted Open Meetings Act.

Your inquiry thus requires that we construe and compare the 1954 legislation and the Open Meetings Act. We consider the relationship between the 1954 legislation and the Open Meetings Act in four steps.

First, we consider the scope of each statute in terms of the entities to which each applies: are there public bodies to which the 1954 legislation, but not the Open Meetings Act, might apply?

Second, we consider whether the functional exclusions from the Open Meetings Act create a distinction from the 1954 legislation: does the 1954 legislation have an open meetings requirement for meetings outside the scope of the Act?

Third, we consider the circumstances under which each statute allows a public body to close a meeting: does the 1954 legislation require a meeting to be open when the Open Meetings Act would allow for a closed meeting?

Finally, we consider the extent to which either statute requires a public body to hold a meeting to take specific action.

A. Scope — Entities Covered

Article 23A, §8 applies to the legislative body of a municipal corporation. As used in Article 23A, the term “municipal corporation” is understood to include all incorporated cities, towns, and villages governed under Article XI-E of the Constitution. Cf. *Maryland-Nat'l Capital Park and Planning Comm'n v. Town of Washington Grove*, 408 Md. 37, 57, 968 A.2d 552 (2009) (municipalities derive authority from Article XI-E of the Constitution and Article 23A of the Code).¹² By its express terms, Article 23A, §8 also applies to the Baltimore City Council.¹³

Article 25, §5 applies to the governing body of each county, whether the county operates under a traditional commission government, charter home rule in accordance with Article XI-A of the Constitution, or code home rule in accordance with Article XI-F of the Constitution.

The application of Article 41, §1-205 to boards and commissions “in control of” any unit of the “Executive Department” in State government is less clear. The term “executive department” is frequently used to refer to those units that are part of the Governor's office for budgetary purposes. See Letter of Advice from Assistant Attorney General Robert A. Zarnoch to the Honorable Charles J. Ryan (March 14, 1989). However, in this context, it is more appropriately interpreted as meaning the Executive Branch of State govern-

¹² Article 23A, §9(a) defines “municipal corporation,” in part, as “cities, towns and villages . . . which are subject to . . . Article XI-E . . .” This definition technically applies only to those provisions under the “Home Rule” subtitle, §§9-46, initially added to the Code by Chapter 423, Laws of Maryland 1955. See *Hitchins v. Mayor and City Council of Cumberland*, 208 Md. 134, 139, 117 A.2d 854 (1955). However, Article 23A is captioned “Corporations – Municipal” and, subject to limited exceptions, the provisions of Article 23A are understood as limited to municipalities governed under Article XI-E of the Constitution. Cf. 90 Opinions of the Attorney General 24 (2005) (county is not a municipal corporation for purposes of Article XI-E).

¹³ Although a municipal corporation, Baltimore City is governed as a charter county under Article XI-A of the Constitution rather than under Article XI-E. 90 Opinions of the Attorney General at 25 n. 2; see also Annotated Code of Maryland, Article 1, §14(a) (“The word county shall be construed to include the City of Baltimore, unless such construction would be unreasonable”); SG §1-101(b) (“County” means a county of the State and, unless expressly provided otherwise, Baltimore City”).

ment — the meaning of the term in 1954.¹⁴ Boards and commissions are generally created by statute or the State Constitution, and sometimes by executive order.

The Open Meetings Act applies to the Baltimore City Council, the county council of a county that has adopted charter home rule, the board of county commissioners of a traditional commission county or of a code county, and a legislative body of a municipal corporation in that each of these entities would qualify as a “public body” under SG §10-502(h)(1).¹⁵ The definition of “public body” under the Act would also extend to any board or commission governed by Article 41, §1-205. Thus, all entities governed by the 1954 legislation are also “public bodies” subject to the Open Meetings Act. Repeal of the 1954 legislation would not reduce the universe of entities subject to an open meetings requirement.

B. Scope — Functions Covered

As noted above, not every meeting of a public body is necessarily governed by the Open Meetings Act. Certain “functions” of a public body are excluded from the Act even if they involve gatherings that would otherwise qualify as a “meeting.” SG §10-503(a). In contrast, the 1954 legislation has no similar exclusions.

At first blush, it might appear that the 1954 legislation grants the public a broader right to access meetings of public bodies than the Open Meetings Act in that the 1954 legislation applies to “[a]ll meetings, regular or special” and lacks the functional exclusions of the Open Meetings Act. Nevertheless, the only real limitation under the 1954 statute on a public body’s ability to conduct an executive session that is closed to the public is that it may not take final action in adopting an ordinance, resolution, rule, or regulation during the course of the closed session. Thus, subject to that caveat, the 1954 legislation also allows a public body to close those meetings that are excluded from the scope of the Open Meetings Act. And, as explained below, that caveat is very limited.

By definition, adoption of an ordinance would be a legislative function subject to the Open Meetings Act. SG §10-502(f)(1). Adoption of a rule or regulation would be a quasi-legislative function also subject to the Act. SG §10-502(j)(1). Under either scenario, the Open Meetings Act would apply not only to the public body’s final action, but to the entire deliberative process conducted during the course of a meet-

ing. *City of New Carrollton v. Rogers*, 287 Md. 56, 72, 410 A.2d 1070 (1980). To be sure, unlike the 1954 legislation, the Open Meetings Act does not expressly address the adoption of a resolution. However, it is clear that adoption of any resolution that “set[s] public policy” would be a legislative function under the Act. SG §10-502(f)(1).¹⁶ Similarly, any resolution approving an appointment, proposing a charter amendment, or approving a budget or contract would be governed by the Act. SG §10-502(f)(2), (4) and (j)(2), (3). Thus, it appears that the authorization of closed executive sessions — and the limitation on closure — in the 1954 legislation are largely co-extensive with the functional application of the openness requirements of the Open Meetings Act.

Nevertheless, we recognize that a limited class of “resolutions” might come within the definition of an administrative function,¹⁷ and therefore would be outside the scope of the Act. SG §10-503(a)(1)(i). Under those limited circumstances, the 1954 legislation would require an open meeting while the Open Meetings Act would not. Thus, to avoid a substantive change in the law, a code revision bill that otherwise repeals the 1954 legislation should retain at least the mandate that final adoption of a resolution occur in an open meeting.¹⁸

C. Exceptions to Open Meeting Requirements

We have thus determined the Open Meetings Act covers the same entities governed by the 1954 legislation and that, with a minor qualification, the application of the openness requirements are largely the same. We next consider whether the statutes differ as to the circumstances under which a meeting subject to the openness requirement may be closed and the procedure required.

As noted above, the 1954 legislation prescribed no procedural requirements for the closure of a meeting. Thus, the procedures required by the Open Meetings Act would govern closure of a meeting and repeal of the 1954 legislation would not affect these procedural requirements.

With respect to the circumstances under which a meeting may be closed, the Open Meetings Act has 14 enumerated exceptions to the openness requirement based on the subject matter under discussion; the 1954 legislation generally permits an entity to hold an “executive session,” but does not further confine the body’s discretion except to the extent that it is finally adopting an ordinance or other measure. However, the Court of Appeals has held that the exceptions

¹⁴ Former Article 41, §15 described the Governor as “head of the Executive Department” and provided that the Governor “shall . . . have supervision and direction over the officers and agencies . . . assigned to the Executive Department.” This provision was understood as a legislative implementation of Article II, §1 of the Maryland Constitution which vests in the Governor “[t]he executive power of the State.” 67 *Opinions of the Attorney General* 203, 207 n. 3 (1982). As part of the code revision process, the reference to the “Executive Department” in former Article 41, §15 was replaced with a reference to the “Executive Branch of State Government.” See Revisor’s Note to SG §3-302, Chapter 284, Laws of Maryland 1984 at p. 1116. We believe this term used in Article 41, §1-205 should be given the same interpretation.

¹⁵ Until recently, SG §10-502(h)(1)(ii)3 referred solely to a “county charter,” a drafting error that resulted from the revision of former Article 76, §8(g) as part of the enactment of the State Government Article in 1984. However, the Open Meetings Act has always been understood as applicable to municipal corporations. The term was amended to refer to “a county or municipal charter” as part of Chapter 60, §1, Laws of Maryland 2009, nonsubstantive corrective legislation which took effect April 14, 2009, to more accurately reflect the original reference to a “local charter,” the language which appeared in the initial enactment of the Open Meetings Act.

¹⁶ Before recodification of the Open Meetings Act as part of the State Government Article, there was no question that such a resolution was covered. See Article 76A, §8(e) (1980 Rep. Vol.) The term resolution was deleted during the revision process “as unnecessary in light of the broad references to a law and ‘other measure to set public policy,’” see Revisor’s Note to SG §10-501(e), Chapter 284, Laws of Maryland 1984 at pp. 1332-33.

¹⁷ In *City of Bowie v. County Comm’rs for Prince George’s County*, a case not involving the Open Meetings Act, the Court held that the County Commissioners were acting “executively or administratively” in adopting a resolution authorizing a sale of bonds pursuant to a State statute and thus, and the Commissioners were not subject to a public local law concerning open meetings. 258 Md. 454, 461, 267 A.2d 172 (1970). However, had the Open Meetings Act been in effect, a resolution approving the sale of bonds to a particular entity would be perceived as a contractual transaction subject to the Act. In fact, the “marketing of public securities” is one of the justifications under which a meeting subject to the Act may be closed. SG §10-508(a)(6).

¹⁸ This retention is reflected in our conclusion that language requiring that final action on an ordinance, resolution, rule, or regulation be taken during the course of a meeting be retained. See Part II.D and E, below.

set forth in SG §10-508 also apply to the open meetings requirement of Article 23A, §8, one of the parallel statutes enacted by the 1954 legislation. *J.P. Delphey Ltd. P'ship v. Mayor and City of Frederick*, 396 Md. 180, 199, 913 A.2d 28 (2006).¹⁹ Specifically, the Court held that exceptions under SG §10-508(a), authorizing a public body to close a meeting for enumerated purposes, “provide[] an exception to the general prohibitions of Section 8 of Article 23A.” *Id.*, 396 Md. at 202.²⁰

D. Required Meetings

Finally, we consider the extent to which either statute prescribes when a public body must hold a meeting. The 1954 legislation requires that public bodies take certain actions in the context of an open meeting — i.e., “final adoption” of an ordinance, rule, regulation, or resolution. In that respect, then, the 1954 legislation imposes an obligation on a public body to hold a meeting in public.

By contrast, our longstanding advice has been that the Open Meetings Act does not specify when a public body must hold a meeting; it simply establishes rules that apply when a meeting occurs. 81 *Opinions of the Attorney General* 140, 141-44 (1996); Office of the Attorney General, *Open Meetings Act Manual* 6 (6th ed. 2006).²¹ Dictum in a recent Court of Appeals decision may raise a question whether the Open Meetings Act also requires a public body to hold a meeting for certain purposes, although that decision can

¹⁹ Other Open Meetings Act cases had acknowledged the 1954 legislation, but the Court of Appeals had not previously had an opportunity to reconcile that statute with the Open Meetings Act. See *Bd. of County Comm'rs of Carroll County v. Landmark Cmty. Newspapers of Maryland, Inc.*, 293 Md. 595, 597 n. 1, 446 A.2d 63 (1982); *City of College Park v. Cotter*, 309 Md. 573, 576 n.1, 525 A.2d 1059 (1987).

²⁰ In *J.P. Delphey*, the Court determined that the two statutes were in conflict in that Article 23A, §8 “is very broad, prohibiting [a municipal governing body] from passing any rule, regulation, resolution or ordinance in any closed, executive session” while SG §10-503(a)(3), authorizing a public body to close a meeting under the Open Meetings Act to consider the acquisition of real property, “is very specific, carving out an exception to Section 10-501’s general mandate that all meetings of public bodies be kept open to the public . . .” *Id.*, 396 Md. at 198 (emphasis in original). The Court determined that the more specific provisions of the Open Meetings Act, allowing closure of meetings for enumerated purposes, created exceptions to the general prohibitions in Article 23A, §8. 396 Md. at 199. This includes authority to act on matters in meetings closed pursuant to SG §10-508(a) to the extent permissible under the Act. 396 Md. at 201.

The Court’s conclusion is somewhat difficult to reconcile with SG §10-504 (Open Meetings Act defers to “more stringent” law), as interpreted in *City of College Park v. Cotter*, in which the Court held that a provision in a municipal charter requiring all city council meetings to be open was a permissible expansion of the public’s right to open meetings under the Open Meetings Act. 309 Md. 573, 525 A.2d 1059 (1987). In *Cotter*, the Court described the Open Meetings Act as “not exclusive in its application”; rather the Act “only outlines the minimum requirements for conducting open meetings. . . . It does not supersede legislative enactments designed to bring more openness to public meetings.” 309 Md. at 586 (emphasis in original). In *J.P. Delphey*, the Court did not address SG §10-504 or the *Cotter* decision. Nor did either party focus on SG §10-504 in their briefs.

²¹ Of course, other law apart from the Open Meetings Act might require that public business be addressed during the course of a meeting. See, e.g., Annotated Code of Maryland, Education Article, §23-404(c)(2) (final action by library board of trustees must be taken at public meeting) and Economic Development Article, §10-705(e)(2) (action by Venture Capital Trust Board of Trustees requires majority vote at meeting consisting of quorum).

likely be reconciled with our longstanding view of the statute. See *Armstrong v. Mayor and City Council of Baltimore*, 409 Md. 648, 976 A.2d 349 (2009).²²

In any event, the 1954 legislation clearly directs that certain actions be taken in an open meeting while it is not at all clear that the Open Meetings Act imposes the same, much less a co-extensive, requirement. In our view, repeal of the 1954 legislation would likely effect a substantive change if it eliminated this requirement.

E. Summary

²² An extended review of the history of the *Armstrong* case is necessary to understand the context for the Court of Appeals’ cryptic reference to the Open Meetings Act. The case concerned the enactment of a Baltimore City ordinance authorizing a parking lot as a conditional use under the City’s zoning code. The bill had been significantly amended by a Council committee without a committee hearing on the amendments. Opponents raised several challenges to the ordinance in the circuit court, including an argument that the ordinance had been enacted in violation of the Open Meetings Act. The circuit court held that the committee had violated the Open Meetings Act, inferring that the committee must have discussed amendments to the bill before approving them (or at least, should have discussed them) and held that such discussions should have been held in public. It rejected the City’s argument that an open meeting was required only if a quorum of the committee discussed the matter simultaneously. However, the circuit court also held that the violation was “cured” as a result of the bill’s subsequent enactment by the full Council.

On appeal, the Court of Special Appeals affirmed, in part, the circuit court decision in an unpublished decision. *Armstrong v. Mayor and City Council of Baltimore* (Case No. 1243, September Term 2005 (filed July 2, 2007)). The intermediate appellate court quoted at length from the circuit court decision and stated that the committee had violated the Act, “by recommending an amendment to the bill without first allowing the public an opportunity to hear the reasoning behind the amendment.” Slip op. at 9. The reasoning of the Court of Special Appeals, to the extent it adopted the circuit court opinion, thus appears to be contrary to the understanding that the Act does not create a substantive requirement for when a public body must hold a meeting. Of course, as an unreported decision, the opinion is not considered precedent or persuasive authority. Maryland Rule 1-104(a).

The *Armstrong* case ultimately reached the Court of Appeals, which determined that the Open Meetings Act issue had been rendered moot by subsequent legislation. *Armstrong v. Mayor and City Council of Baltimore*, 409 Md. 648, 976 A.2d 349 (2009). However, in referring to the ordinance in question, the Court stated cryptically that the ordinance “later was found correctly to have been enacted in violation of the Maryland Open Meetings Act.” 409 Md. at 682 (emphasis added). Thus, although the Court of Appeals did not review the reasoning of the intermediate appellate court and this comment is dictum, it might be construed as an endorsement of the analysis of the circuit court quoted in the Court of Special Appeals’ opinion.

It is possible to reconcile the Court of Appeals’ statement with the longstanding view of this Office. In its opinion, the Court of Appeals recounted at some length the applicable City zoning code provisions relevant to the committee’s actions, 409 Md. at 655-57, including a provision that precludes substantive amendments to zoning legislation following a public hearing without an additional hearing, unless “the amendment [is] made in Committee.” When the committee adopted its amendments as part of its report to the full Council without holding a committee meeting, it could be said that the amendment was not made “in Committee.” Thus, the requirement that the committee hold a meeting in order to amend such a bill could be traced to provisions of the City zoning code. Any meeting of the committee involving a zoning matter would have to have been conducted in accordance with the Open Meetings Act. See SG §10-503(b).

The Open Meetings Act applies to each of the public bodies governed by the 1954 legislation. While the 1954 legislation does not have the functional exclusions that limit the scope of the Open Meetings Act, the earlier legislation allows a public body to close virtually any meeting that would be outside the scope of the Open Meetings Act — except for an entity enacting a “resolution” while performing an “administrative function.” Moreover, the Court of Appeals has held that 14 exceptions to the open meetings requirement in the Act also apply to the open meetings requirements in the 1954 legislation. Thus, the open meeting requirements imposed by the Open Meetings Act equal or exceed those of the older legislation in virtually all circumstances. Finally, in our view, the prohibition on final adoption of an ordinance, resolution, rule, or regulation under the 1954 legislation bans such action outside the course of a meeting — a matter not clearly addressed by the Open Meetings Act.

III

Conclusion

In our opinion, the statutory provisions enacted in 1954 are, in large part, duplicative of the Open Meetings Act. They may be repealed as part of code revision without effecting a substantive change in the law. However, the final clause of each provision that states that “no ordinance, resolution, rule or regulation shall be finally adopted at [a meeting not open to the public]” should be retained.

Douglas F. Gansler, Attorney General
William R. Varga, Assistant Attorney General
Robert N. McDonald, Chief Counsel, Opinions and Advice

[09-22-42]

The Judiciary

COURT OF APPEALS OF MARYLAND

COURT OF APPEALS RULES COMMITTEE STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

NOTICE OF OPEN MEETING

Open Meeting

The Standing Committee on Rules of Practice and Procedure will hold an open meeting on Friday, November 13, 2009, in the Judiciary Education and Conference Center, 2011-D Commerce Park Drive, Annapolis, Maryland, commencing at 9:30 a.m., to consider any questions relating to rules changes as may be brought before the meeting.

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

[09-22-49]

COURT OF APPEALS RULES COMMITTEE

RULES ORDER

This Court's Standing Committee on Rules of Practice and Procedure having submitted to the Court a Letter Report dated September 23, 2009 recommending adoption on an emergency basis of proposed amendments to Rule 9-206, all as set forth in that Report; and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, all those proposed amendments and finding that an emergency exists with reference to the proposed rule changes, it is this 5th day of October, 2009,

ORDERED, by the Court of Appeals of Maryland, that amendments to Rule 9-206 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that the Rule changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after October 5, 2009, and insofar as practicable to all actions then pending; and it is further

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: October 5, 2009

BESSIE M. DECKER
Clerk
Court of Appeals of Maryland

MARYLAND RULES OF PROCEDURE TITLE 9 — FAMILY LAW ACTIONS CHAPTER 200 — DIVORCE, ANNULMENT AND ALIMONY

AMEND Rule 9-206 to add provisions concerning "cash medical support" to the worksheets, as follows:

Rule 9-206. CHILD SUPPORT GUIDELINES

(a) Definitions

The following definitions apply in this Rule:

(1) Shared Physical Custody

"Shared physical custody" has the meaning stated in Code, Family Law Article, §12-201 (i).

(2) Worksheet

"Worksheet" means a document to compute child support under the guidelines set forth in Code, Family Law Article, Title 12, Subtitle 2.

(b) Filing of Worksheet

In an action involving the establishment or modification of child support, each party shall file a worksheet in the form set forth in section (c) or (d) of this Rule. Unless the court directs otherwise, the worksheet shall be filed not later than the date of the hearing on the issue of child support.

Cross reference: See Code, Family Law Article, §12-203 (a) and *Walsh v. Walsh*, 333 Md. 492 (1994).

(c) Primary Physical Custody

Except in cases of shared physical custody, the worksheet shall be in substantially the following form:

_____ In the
Circuit Court for _____
v. _____
No. _____

WORKSHEET A — CHILD SUPPORT OBLIGATION: PRIMARY PHYSICAL CUSTODY

<u>Name of Child</u>	<u>Date of Birth</u>	<u>Name of Child</u>	<u>Date of Birth</u>	
_____	_____	_____	_____	
_____	_____	_____	_____	
_____	_____	_____	_____	
		<i>Mother</i>	<i>Father</i>	<i>Com- bined</i>
1. MONTHLY ACTUAL INCOME (Before taxes)		\$	\$	////////
(Code, Family Law Article, §12-201 (b))				
a. Minus preexisting child support payment actually paid		-	-	////////
b. Minus alimony actually paid		-	-	////////
c. Plus/minus alimony awarded in this case		+/-	+/-	////////

	<i>Mother</i>	<i>Father</i>	<i>Com- bined</i>
2. MONTHLY ADJUSTED ACTUAL INCOME	\$	\$	\$
3. PERCENTAGE SHARE OF INCOME Divide each parent's income on line 2 by the combined income on line 2.)	%	%	////////
4. BASIC CHILD SUPPORT OBLIGATION (Apply line 2 Combined Income to Child Support Schedule.)	////////	////////	\$
a. Work-Related Child Care Expenses (Code, Family Law Article, §12-204 (g))	\$	\$	+
b. Health Insurance Expenses (Code, Family Law Article, §12-204 (h)(1))	\$	\$	+
c. Extraordinary Medical Expenses (Code, Family Law Article, §12-204 (h)(2))	\$	\$	+
d. Cash Medical Support (Code, Family Law Article, §12-102 (c) - applies only to a child support order under Title IV, Part D of the Social Security Act)	\$	\$	+
[d.] e. Additional Expenses (Code, Family Law Article, §12-204 (i))	\$	\$	+
5. TOTAL CHILD SUPPORT OBLIGATION (Add lines 4, 4 a, 4 b, 4 c, [and] 4 d, and 4 e).	////////	////////	\$
6. EACH PARENT'S CHILD SUPPORT OBLIGATION (Multiply line 5 by line 3 for each parent.)	\$	\$	////////
7. TOTAL DIRECT PAY BY EACH PARENT (Add the expenses shown on lines 4 a, 4 b, 4 c, [and] 4 d, and 4 e paid by each parent.)	\$	\$	////////
8. RECOMMENDED CHILD SUPPORT AMOUNT (Subtract line 7 from line 6 for each parent.)	\$	\$	////////

	<i>Mother</i>	<i>Father</i>	<i>Com- bined</i>
9. RECOMMENDED CHILD SUPPORT ORDER (Bring down amount from line 8 for the non-custodial parent only. If this is a negative number, see Comment (2), below.)	\$	\$	////////

Comments or special adjustments, such as (1) any adjustment for certain third party benefits paid to or for the child of an obligor who is disabled, retired, or receiving benefits as a result of a compensable claim (see Code, Family Law Article, §12-204 (j) or (2) that there is a negative dollar amount on line 9, which indicates a recommended child support order directing the custodial parent to reimburse the non-custodial parent this amount for "direct pay" expenses):

PREPARED BY: _____ DATE: _____

(d) Shared Physical Custody
In cases of shared physical custody, the worksheet shall be in substantially the following form:

_____ In the
Circuit Court for _____

v. _____ No. _____

**WORKSHEET B — CHILD SUPPORT OBLIGATION:
SHARED PHYSICAL CUSTODY**

<i>Name of Child</i>	<i>Date of Birth</i>	<i>Name of Child</i>	<i>Date of Birth</i>	
_____	_____	_____	_____	
_____	_____	_____	_____	
_____	_____	_____	_____	
				<i>Mother</i> <i>Father</i> <i>Com- bined</i>
1. MONTHLY ACTUAL INCOME (Before taxes) (Code, Family Law Article, §12-201 (b))	\$	\$		////////
a. Minus preexisting child support payment actually paid	-	-		////////
b. Minus alimony actually paid	-	-		////////
c. Plus/minus alimony awarded in this case	+/-	+/-		////////
2. MONTHLY ADJUSTED ACTUAL INCOME	\$	\$		\$

PREPARED BY: _____ DATE: _____

INSTRUCTIONS FOR WORKSHEET C: Use Worksheet C ONLY if any of the Expenses listed in lines 11 a, 11 b, 11 c, [or] 11 d, or 11 e is directly paid out or received by the parents in a different proportion than the percentage share of income entered on line 3 of Worksheet B. Example: If the mother pays all of the day care, or parents split education/medical costs 50/50 and line 3 is other than 50/50. If there is more than one 11 [d] e expense, the calculations on lines [g] i and [h] j below must be made for each expense.

WORKSHEET C — FOR ADJUSTMENTS, LINE 12, WORKSHEET B

	Mother	Father
a. Total amount of direct payments made for Line 11 a expenses multiplied by each parent's percentage of income (Line 3, WORKSHEET B) (Proportionate share)	\$	\$
b. The excess amount of direct payments made by the parent who pays more than the amount calculated in Line a, above. (The difference between amount paid and proportionate share)	\$	\$
c. Total amount of direct payments made for Line 11 b expenses multiplied by each parent's percentage of income (Line 3, WORKSHEET B)	\$	\$
d. The excess amount of direct payments made by the parent who pays more than the amount calculated in Line c, above.	\$	\$
e. Total amount of direct payments made for Line 11 c expenses multiplied by each parent's percentage of income (Line 3, WORKSHEET B)	\$	\$
f. The excess amount of direct payments made by the parent who pays more than the amount calculated in Line e, above.	\$	\$
g. Total amount of direct payments made for Line 11 d expenses multiplied by each parent's percentage of income (Line 3, WORKSHEET B)	\$	\$
h. The excess amount of direct payments made by the parent who pays more than the amount calculated in line g, above.	\$	\$

	Mother	Father
i. Total amount of direct payments made for Line 11 e expenses multiplied by each parent's percentage of income (Line 3, WORKSHEET B)	\$	\$
j. The excess amount of direct payments made by the parent who pays more than the amount calculated in line i, above.	\$	\$
[i.] k. For each parent, add lines b, d, f, [and] h, and j	\$	\$
[i.] l. Subtract lesser amount from greater amount in Line [i] k, above. Place the answer on this line under the lesser amount in Line [i] k. Also enter this answer on Line 12 of WORKSHEET B, in the same parent's column.	\$	\$

Source: This Rule is new.

[09-22-48]

District Court Notice

**DCAR XVIII
NATURAL RESOURCES FINE SCHEDULE**

The prepayable fine amounts listed below are to be utilized by all law enforcement officers and District Court Commissioners when issuing charging documents in the District Court which charge a violation of any of the provisions of the Natural Resources laws listed below. The fine listed below is mandatory and cannot be altered by the officer or a commissioner. If no prepayable fine amount is listed for a statutory or regulatory section, the charging document must require the defendant to appear. If a violator is charged with a second or subsequent violation, the charging document shall require the defendant to appear. Court costs are included in the prepayable fine amount listed below, but not in the maximum penalty amount. This schedule is effective October 1, 2009.

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
Criminal Law Articles Note:	Because most of these violations are not petty offenses, charging document shall be by a statement of charges to be served by summons or warrant. For sections that have a fine of \$500 or less and/or incarceration of 3 months or less, charging document may be citation. (For CR violations the wording of the charging document should be copied from Part II of the Commissioner's Manual.)		
NR § 8-738.1	Operation of Boat in a Reckless Manner	Must Appear	200 and/or 30 days
CR § 10-621	Sale of Fox, Skunk, etc.	Must Appear	1000 individual 10000 non-individual
CR § 7-203	Unauthorized Operation of Boat	Must Appear	100 and/or 4 years
CR § 10-110	Littering	Must Appear	25000 and/or 5 years
CR § 6-402	Trespass on Posted Property	Must Appear	500 and/or 90 days
CR § 6-404 (Private) and CR § 6-405 (public)	Operating an Off-Road Vehicle on Private/ Public Property Without Permission	Must Appear	500 and/or 90 days
CR § 6-406	Trespass on Cultivated Land	Must Appear	500 and/or 90 days
CR § 6-407	Trespass on Racetrack Stable After Being Told They Are Not Allowed	Must Appear	500 and/or 90 days
CR § 6-408	Trespass for the Purposes of Invading Privacy	Must Appear	500 and/or 90 days
TITLE 5 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SUBMERGED AND TERRESTRIAL ARCHAEOLOGICAL HISTORIC RESOURCES			
Article 83B Note:	For sections that have a fine of \$500 or less and/or incarceration of 3 months or less, charging document may be citation.		
5-620	Excavate, Destroy, Injure or Disturb Submerged State Controlled Archaeological Historic Property Without Permit	Must Appear	1000 and/or 30 days Commercial — 10000 and/or 1 year
5-625	Excavate, Appropriate, Injure or Destroy Terrestrial Archaeological Site Without Permit	Must Appear	1000 and/or 30 days Commercial — 10000 and/or 1 year
5-628(a)	Excavate, Remove, Destroy, Injure or Deface Burial Grounds, Etc., or Archaeological Site Found in a Cave	Must Appear	1000 and/or 30 days Commercial — 10000 and/or 1 year
05.08.03.01A(4)	Failure to Report Submerged Archeological Historic Property to State Underwater Archeologist Within 14 Days	Must Appear	1000 and/or 30 days Commercial — 10000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
05.08.03.03B	Collecting More Than 5 Artifacts / Artifacts Larger Than 12" By 2" / Artifacts Weighing More Than 25 Pounds	Must Appear	1000 and/or 30 days Commercial — 10000 and/or 1 year
05.08.03.03D	Fail to Furnish Maryland Historical Trust With List of Artifacts Collected Within 30 Days	Must Appear	1000 and/or 30 days Commercial — 10000 and/or 1 year
NATURAL RESOURCES ARTICLE TITLE 1 DEPARTMENT OF NATURAL RESOURCES			
1-205	Failure to Appear	100.00	
1-206	Failure to Comply with Lawful Police Order	Must Appear	500 and/or 3 months
1-207	Impersonating An Officer	Must Appear	500 and/or 3 months
TITLE 4 FISH AND FISHERIES			
<p>NOTE: NR 4-205.1(D) ALLOWS FOR THE FOLLOWING ADDITIONAL PENALTIES (ABOVE THOSE LISTED IN THE MAXIMUM PENALTY COLUMN) FOR A VIOLATION OF ANY PROVISION OF TITLE 4 OR REGULATIONS ADOPTED PURSUANT TO TITLE 4 CONCERNING AQUATIC NUISANCE ORGANISMS: UPON CONVICTION A PERSON IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$2500.</p> <p>NOTE: NR 4-1201(d) allows for the following additional penalties (above those listed in the Maximum Penalty column) for a violation of any provision of Title 4 or regulations adopted pursuant to Title 4 concerning the taking of or creel limits for striped bass (rockfish):</p> <p>1st offense \$1500 per fish 2nd offense \$2500 per fish and revocation of fishing license for one to two years 3rd offense \$2500 per fish and revocation of fishing license for two to five years</p> <p>NOTE: NR 4-1201(F) ALLOWS FOR THE FOLLOWING ADDITIONAL PENALTIES (ABOVE THOSE LISTED IN THE MAXIMUM PENALTY COLUMN) FOR A VIOLATION OF ANY PROVISION OF TITLE 4 OR REGULATIONS ADOPTED PURSUANT TO TITLE 4 CONCERNING THE TAKING OF OYSTERS FROM A DESIGNATED OYSTER SANCTUARY OR OYSTER RESERVE: A FINE NOT EXCEEDING \$3000 AND IMMEDIATE SUSPENSION OF THE PERSON'S TIDAL FISH LICENSE FOR A PERIOD OF NOT LESS THAN SIX MONTHS BUT NOT MORE THAN ONE YEAR.</p> <p>NOTE: NR 4-1207 allows for an addition to any other penalty or fine provided in this title, any person who is convicted of violating any provision of this title or any regulation adopted under the authority of this title may have the license under which the person operated in the commission of the violations suspended or revoked by the court.</p>			
4-205.1(h)	INTERFERENCE WITH ABATEMENT OF STATE OF NUISANCE	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
4-206(b)	Failure of Packer to Keep Records/Make Reports	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
4-210	Unlicensed Commercial Fishing Guide (Tidal)	[250.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
4-210.1	Unlicensed Commercial Fishing Guide (Non-Tidal)	[250.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
4-210.2	PROVISIONAL CHARTER PERMIT AND LICENSES REQUIREMENTS	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
4-211	Taxidermist and Fur Tanning License Required	95.00 and 5.00 per specimen	[1st/500] 1st/1000 and 5.00 per specimen possessed; [2nd/1000] 2nd/2000 and/or 1 year and 5.00 per specimen possessed
4-2A-03	Possession of Fish in Need of Conservation	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
4-2A-05	Possession of Endangered Fish Species Without a Permit	[500.00] 700.00	1,000 and/or 1 year
4-410	Trespassing on Fish Refuges	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
4-501	Obstruction to Passage of Fish	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
4-502	Failure to Maintain Fish Ladder	Must Appear	300 and/or 3 years Injunctive Relief Available
4-503	Dynamiting Streams	Must Appear	300 and/or 3 years
4-504	Threshing Streams	[95.00] 125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
4-505	Removing Fish, Nets or Gear of Another	[250.00] 450.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
4-506	Interference With Fishing Nets and Stakes	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
4-506.1(a)(1)	Intentional Interference With Lawful Taking of Fish or Other Marine Life	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
4-506.1(a)(2)	Intentionally Harass/Drive/Disrupt any Fish for the Purpose of Disrupting Lawful Fishing Activity	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
4-506.1(a)(3)	Intentionally Block/Impede/Harass/ Disturb a Person Lawfully Fishing	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
4-506.1(a)(4)	Intentionally Deny Passage by Creating/ Erecting Barriers on Public/Private Property Without Landowners Permission to Areas Where a Lawful Fishing Activity is Permitted	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
4-506.1(a)(5)	Intentionally Hinder Lawful Fishing Activity by Placing Obstacles/Objects in State Waters	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
4-507	Obstruction to Fishery	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
4-508	Vessels Passing Through Nets	Must Appear	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year Actual Damages Suffered Plus Court Costs
4-509	Use of Electronic and Electrical Devices	Must Appear	1000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
4-511	Interference with State Buoys, Markers or Monuments	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-512	Fishing Near Occupied Waterfowl Blind	95.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-514	Interference With Fishing Equipment by Boat	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
SUBTITLE 6 FISHING IN NON-TIDAL WATERS			
NOTE: See beginning of Title 4 violations for additional maximum penalties for violations involving striped bass.			
4-604(c)	Fishing Without an Angler's License (Resident)	55.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-604(c)	Fishing Without an Angler's License (Non-Resident)	105.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-604(f)	Angler's License Application Violations	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-610	Duty to Possess and Show License	35.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-611	Angler's License Agent Violations	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-614	Failure to Obtain Trout Stamp (Resident)	55.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-614	Failure to Obtain Trout Stamp (Non-Resident)	105.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-617	Restrictions on Fishing in Non-Tidal Waters	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-618	Use of Nets by Non-Residents	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-619	Use of Certain Equipment — Prohibited	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-620	Use of Certain Equipment — Exceptions	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
SUBTITLE 7 FISH			
NOTE: See beginning of Title 4 violations for additional maximum penalties for additional maximum penalties for violations involving striped bass.			
4-701(b)(4)	Failure to Obtain a Tidal Fish License for Commercial Activity	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-701(e)(2)	Failure to Pay Oyster Surcharge	320.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-701(l)	Failure to Have Tidal Fish License Available for Inspection	55.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-702	Buy/Sell or Transport Fish Without a License	[250.00] 450.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
4-704(a)	Fishing Without a Finfish License	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-704.1	Catching Striped Bass Without a License	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-708	Operation When License Suspended or Revoked	[320.00] 450.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
Prohibited Methods of Fishing:			
4-710(a)	Gig/Gig Iron	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-710(a)	Purse Net, Beam Trawl, Otter Trawl, Trammel Net, Troll Net, Drag Net	Must Appear	1000 and/or 1 year
4-710(b)	Using Trawl Nets Within One Mile of Maryland Coast	Must Appear	1000 and/or 1 year
4-710(c)(1)	Minimum Size of Mesh	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-710(c)(2)	Minimum Size of Twine	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-710(c)(3)	Maximum Size of Gill Net Mesh	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-710(d)	Unlawful Use of Monofilament Nets, Cast and Throw Nets	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-710(e)(1)	Unlawful Use of Anchored Gill Nets, Fykes, Hoops	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-710(f)	Haul Seine Restrictions	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-710(h)	Obstructing Drift Net Fishing	500.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-710(i)	Multiple Hooks	95.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-711(a)-(d), (f)	Illegal Setting of Pound and Stake Nets	[250.00] 450.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-711(e)	Marking of Nets	55.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-711(g)	Stake Projection Requirements	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-711(h)	Allowing Stakes to Remain in Water After Notice	[500.00] 700.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-713	Illegal Use of Haul Seine	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
4-714(a)-(d)	Fishing Restrictions in Anne Arundel County	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-714(e)	Fishing Restrictions in Anne Arundel County (Haul Seines)	[500.00] 700.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-715 to 4-719, 4-721 to 4-723	Fishing Restrictions in Baltimore, Caroline, Cecil, Charles, Dorchester, Harford, Kent and St. Mary's Counties	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-720	Fishing Restrictions in Cecil and Harford Counties	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-724	Fishing Restrictions in Somerset County	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-725, 4-727 to 4-730	Fishing Restrictions in Talbot, Worcester Counties, Chesapeake Bay, Choptank and Patuxent Rivers	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-731	Selling Striped Bass Without a License	[Must Appear] 650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-733	Possession of Fish Whose Size or Weight Cannot Be Determined	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-734(a)(1)	Sizes of Fish Black Bass, Largemouth and Smallmouth	1-3 fish: 100 4-10 fish: 50 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-734(a)	Size of Catfish	1-3 fish: 100 4-10 fish: 50 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-735	Fishing Restrictions Concerning Chain Pickerel	1-3 fish: 100 4-10 fish: 50 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-736	Fishing Restrictions Concerning Eels in Tidal Waters of State	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-738	Snapping Turtles	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-740	Wall-Eyed Pike	1-3 fish: 100 4-10 fish: 50 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-741	Domestic Animal on Shellfish Vessel	95.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-745(a)	Fishing Without Sport Fishing License (Resident)	55.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-745(a)	Fishing Without Sport Fishing License (Non-Resident)	105.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
SUBTITLE 8 CRABS			
4-804(a)	Crabbing Without a License: Commercial Crabbers	[250.00] 450.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-807	Packing and Shipping Crabs Without a License	[250.00] 450.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
-809	Soft Crab Bycatch	95.00 and 10.00 per crab up to a Maximum of 500.00 per citation	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-814	Restrictions on Number of Crab Pots — Commercial	125.00 plus 10.00 per pot up to maximum total of 500.00 per citation	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-815	Prohibition on Use of Bank Traps and Channel Pounds in St. Mary's County	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
SUBTITLE 9 LOBSTER, TERRAPIN AND CONCH			
4-902	Taking Terrapin Illegally		
4-902	First Offense	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-902	Second Offense	Must Appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-906	Taking Conch Without a License	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
SUBTITLE 10 OYSTERS AND CLAMS			
4-1004(a)	Taking Oysters or Clams Without a License: Commercial	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1006(b)	Less than 150 feet over pollution line	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1006(b)	150 feet or more over pollution line	Must Appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1006.1	Operating a Hydraulic Clam Dredge in a Submerged Aquatic Vegetation Bed and Closed Areas	[250.00] 450.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1007	Shellfish Buying Station Violations	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1009(c)	Landing/Selling of Oysters in Excess of Daily Limit	90.00 per bushel up to maximum total of 500.00 per citation	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1009.1	Size Limit in Harvest Reserve	95.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1011	Patent and Hand Tongs in Certain County Waters	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1012(a)	Dredging in Chesapeake Bay	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
4-1012(b)	Dredging in County Waters	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1013 (a)	Dredging Restrictions — Failure to have license	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1013(b)	Dredging Restrictions — Failure to Properly Display Dredge Boat Numbers	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1013(c)	Dredging Restrictions — Dredging by use of Auxiliary Boat on Non-Designated Day	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1013 (d)	Dredging Restrictions — Lease	125.00	\$3000.00
4-1013(c),(e)	Dredging Restrictions	320.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
Possession of Unculled Oysters (Tonged/Scooped/Raked/Dredged):			
4-1015(b)	6 — 9% per Bushel	155.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1015(b)	10 — 14% per Bushel	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1015(b)	15 — 30% per Bushel	350.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1015(b)	31 — [50] 45% per Bushel	450.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1015(b)	46 — 60% per Bushel	650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1015(b)	[50] 61% and Over per Bushel	[450.00] <i>Must Appear</i>	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
Possession of Unculled Oysters (Diving Apparatus):			
4-1015.1(a)	6 — 9% per Bushel	155.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1015.1(a)	10 — 14% per Bushel	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1015.1(a)	15 — 30% per Bushel	350.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1015(b)	31 — [50%] 45% per Bushel	450.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1015(b)	46 — 60% per Bushel	650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1015(b)	[50%] 61% and Over per Bushel	[450.00] <i>Must Appear</i>	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1015.1(b)	Oyster Bushel Limits for Divers	125.00 and 30.00 per bushel over the limit up to maximum total of 500.00 per citation	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
4-1017	Oyster Dealers	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1018(a)	Oyster Measures	95.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1019	Reporting of buyers or sellers of oyster shells	95.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1020	Oyster Taxes	Must Appear	Variable
4-1021	Dredging in Pocomoke & Tangier — Hard-Shell Clams	[125.00] 225.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1021.1	<i>Dredging in Worcester County — Hard-Shell Clams</i>	225.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1021.[1] 2(b)(2)	Harvesting Hard-Shell Clams with Patent Tongs Between Sunset and Sunrise or on Sunday in Somerset County	[125.00] 225.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1021.[1] 2(b)(3)	Harvesting Hard-Shell Clams with Patent Tongs During Closed Season	[125.00] 225.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1022	Shinnecock Rakes	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1028	Clam Taxes	Must Appear	Variable
4-1030	Landing Clam Catches	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1031	Possession of Undersized Hard-Shell Clams:		
4-1031	11 — 14 in Possession	90.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1031	15 — 20 in Possession	170.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1031	21 — 30 in Possession	210.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1031	31 — 40 in Possession	310.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1031	41 — 50 in Possession	410.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1031	Over 50 in Possession	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1033	Soft-Shell Clams, Generally	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1035	Severance Tax	Must Appear	Variable
4-1036	Illegal Sale of Soft-Shell Clams	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
4-1037	Soft-Shell Clam Dredge Restrictions:		

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
4-1037(1)	Within 150 ft. of Natural Oyster Bar or Leased Area	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
4-1037(1)	On Natural Oyster Bar	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
4-1037(1)	On leased area	[450.00] 650.00	\$3000.00
4-1037 (2)	Within 1000 ft. of Occupied Duck Blind	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
4-1037 (3)	Within 50 ft. of Pier	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
4-1037 (4)	Within 300 ft. (or 1000 ft. During Specified Periods) of Private Bathing Beach	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
-1037 (5)	Within 50 ft. of Shore in Certain Counties or Within 300 ft. in Certain Counties or Within 150 ft. in Other Counties	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
4-1037 (6)	Prohibited Areas — Dorchester County	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
4-1038	Restrictions on Catching Soft-Shell Clams	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
4-1040(a)	Clam Dredges in Restricted Areas (Soft-Shell)	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
4-1040(b)	Oysters Aboard a Clam Boat (Soft-Shell)	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
4-1041	Catching Surf Clams Without License	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
[4-11A-10] 4-11A-09A	Marking of Leased Lands	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
4-11A-09C	Limitations On Harvest Location and Time	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
4-11A-13	Oystering on [Leased Bottom] Aquaculture or Submerged Land Lease Area by [Lessee] Leaseholder	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
4-11A-15	Prohibited Act on [Leased Oyster Bottom] Aquaculture or Submerged Land Lease Area	Must Appear*	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
4-11A-19	Live Bait Dealer in Frederick, Montgomery and Washington Counties	95.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
4-11A-20	Private Owned Artificial Ponds or Lakes	95.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
4-11A-21	Permit to Breed, Propagate, and Sell Fish	95.00	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
4-11A-22	Trespass to Fish in Privately Owned Ponds	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
* §4-11A-15(a) violations must be brought by the State's Attorney under Art. 27, §342 Theft.			
TITLE 5 FOREST AND PARKS			
5-103(b)	Excess Cutting on State Funded Project	250.00	1st/500; 2nd/1000 and/or 1 year
5-103(c)(1)	Failure to Locate Reforestation Site	250.00	1st/500; 2nd/1000 and/or 1 year
5-103(c)(3)	Failure to Pay into Reforestation Fund	250.00	1st/500; 2nd/1000 and/or 1 year
5-103(f)	Clearing on Forest Lands before Consultation	125.00	1st/500; 2nd/1000 and/or 1 year
5-406	Removing or Trimming Roadside Tree Without a Permit	250.00	[1st/500] 1st/2,000; 2nd/5,000
5-407(a)	Placing Advertisements Without Consent	75.00	1st/500; 2nd/1000 and/or 1 year
5-412	Bill of Sale While Transporting	55.00	1st/500; 2nd/1000 and/or 1 year
5-417	Operating a Tree Expert Business Without a License	320.00	1st/500; 2nd/1000 and/or 1 year
5-423	False Advertising or Soliciting an Unlicensed Tree Expert Business	250.00	1st/500; 2nd/1000 and/or 1 year
5-608(a)	Operating a Forest Product Business Without a License	125.00	1st/500; 2nd/1000 and/or 1 year
5-703	Destruction of Posted Signs Relating to Forest Fire and Trespass Laws	125.00	1st/500; 2nd/1000 and/or 1 year
5-704(a)	Malicious Setting of Fire to the Property of Another	Must Appear	2000 and/or 5 years
5-704(b)	Negligently Setting Fire to the Property of Another	125.00	1st/500; 2nd/1000 and/or 1 year
5-704(c)	Failure to Report or Extinguish an Uncontrolled Forest or Brush Fire	125.00	1st/500; 2nd/1000 and/or 1 year
5-720(b)	Open Air Burning During Ban	125.00	1st/500; 2nd/1000 and/or 1 year
TITLE 8 WATERS			
SUBTITLE 7 STATE BOAT ACT			
8-710(a)	Manufacturer or Dealer Doing Business Without License	250.00	1st/500; 2nd/1000 and/or 1 year
8-711(a)	Failure to Affix Hull Identification	85.00	1st/500; 2nd/1000 and/or 1 year
8-711(b)	Destruction, Removal or Alteration of Hull Identification	125.00	1st/500; 2nd/1000 and/or 1 year
8-712(b)	Failure to Obtain Annual Certificate of Number	55.00	1st/500; 2nd/1000 and/or 1 year
8-712(d)	Failure to have Certificate of Number Available for Inspection	35.00	1st/500; 2nd/1000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
8-712.1	Operation Without Validation Sticker	55.00	1st/500; 2nd/1000 and/or 1 year
8-712.2(d)	Failure to Obtain, Possess or Show Certificate of Boating Safety Education	25.00	1st/25; 2nd/500
8-712.3(b)(1)	Renting/Offering For Rent an Unseaworthy/Improperly Equipped Class A Vessel	120.00 per vessel up to a maximum total of 500.00 per citation	1st/500; 2nd/1000 and/or 1 year
8-712.3(b)(2)	Failure of Livery Vessel Owner/Agent to Possess Boating Safety Certificate	125.00	1st/500; 2nd/1000 and/or 1 year
8-713	Operation of Unnumbered Vessel	85.00	1st/500; 2nd/1000 and/or 1 year
8-715	Failure to Obtain Owner's Certificate of Title	85.00	1st/500; 2nd/1000 and/or 1 year
8-716.1(g)	Vessel Tax Violations	Must Appear	5,000 and/or 5 years
8-718(b)	Transfer of Vessel Without Certificate of Origin	250.00	1st/500; 2nd/1000 and/or 1 year
8-722(d)	Obtaining Title Through Fraudulent Means	320.00	1st/500; 2nd/1000 and/or 1 year
8-724(b)	Boating Accident Reports	55.00	1st/500; 2nd/1000 and/or 1 year
8-725(b)	Skiing Without an Observer or After Dark	85.00	1st/500; 2nd/1000 and/or 1 year
8-725(c)(2)	Failure to Wear a Personal Flotation Device (PFD) While Being Towed Behind a Vessel	85.00	1st/500; 2nd/1000 and/or 1 year
8-725.1	Abandoning or Casting Adrift Vessels	Must Appear	1st/1000 and/or 6 months 2nd/2000 and/or 1 year
8-725.3	Violating Severn River Speed Limit	85.00	1st/500; 2nd/1000 and/or 30 days
8-725.4	Violating Vessel Noise Limits	125.00	1st/500; 2nd/1000 and/or 30 days
8-726	Throwing Litter on Waterway	125.00	1st/500; 2nd/1000 and/or 1 year
8-727(c)	Use of Emergency Lights	125.00	500
8-727(d)	Heeding Emergency Lights	125.00	500
8-727(e)	Eluding Officer	Must Appear	1st/1000 and/or 1 year 2nd/1000 and/or 2 years
8-727.1(b)	Use of Emergency Lights	125.00	500
8-727.1(c)	Heeding Emergency Lights	125.00	500
8-738(a)(1)	Operation While Under the Influence of Alcohol	Must Appear	1st/1000 and/or 1 year 2nd/2000 and/or 2 years 3rd/3000 and/or 3 years
8-738(a)(2)-(4)	Operation While Impaired by Alcohol and/or Drugs	Must Appear	1st/500 and/or 2 months 2nd/1000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
Subtitle 7, Section 741 Note:	Penalty for NR 8-741, Marine Sanitation Device (MSD) is a Civil Penalty. When a citation is used as the charging document, only the Uniform Municipal Infraction/Civil Citation (DC 28) shall be used.		
8-741(b)	Having Installed Head that Is Not Type I, II, III MSD	125.00	2000 Civil Penalty
8-741(c)	Having Installed Type I or II MSD Without Certification Label	85.00	2000 Civil Penalty
8-741(d)	Failure to Block Overboard Discharge Lines or AY Valve	85.00	2000 Civil Penalty
8-741(e)	Leasing a Vessel that Does Not Comply or Improper Lease Agreement	85.00	2000 Civil Penalty
8-743(b)(1)	Failure to Wear PFD, Child Under Age 7, Vessels Under 21 Feet	85.00	1st/500 2nd/1000 and/or 1 yr.
8-743(b)(2)	Failure to wear approved PFD for Child under 4	85.00	1st/500; 2nd/1000 and/or 1 year

REGULATIONS BY AUTHORITY OF 8-704: SEE REGULATIONS SCHEDULE

TITLE 10 WILDLIFE*

NOTE: NR 10-1108 allows, in addition to any other authorized penalty, for the suspension of a violator's hunting license for up to five years for any violations of Title 10 or regulations adopted under Title 10.

NOTE: NR 10-1107 allows, in addition to any other authorized penalty, for a violator of any provision of Title 10 to be required to pay restitution for the resource value of any wildlife injured or killed as a result of their actions.

SUBTITLE 3 HUNTING LICENSES

10-301(a)	Failure to Obtain Hunting License	300.00	1st/1500; 2nd/4000 and/or 1 year
10-301(f)(1)(i)	Failure to Obtain Bow and Arrow / Black Powder Stamp	300.00	1st/1500; 2nd/4000 and/or 1 year
10-301.1	Hunter Safety Certificate	250.00	1st/1500 and hunting privileges revoked for up to one year 2nd/4000 and/or 1 year and hunting privileges revoked for up to one year
10-302	Sale of License	250.00	1st/1500; 2nd/4000 and/or 1 year
10-306	Duty to Possess and Exhibit License	80.00	1st/1500; 2nd/4000 and/or 1 year
10-308.1(a)	Failure to Obtain Maryland Migratory Game Bird Stamp	250.00	1st/1500; 2nd/4000 and/or 1 year
10-309 (b)	Master Hunting Guide License violation	450.00	1st/1500; 2nd/4000 and/or 1 year
10-310	False Statement to Obtain Hunting License	400.00	1st/1500; 2nd/4000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
SUBTITLE 4 HUNTING RESTRICTIONS NOTE: See beginning of Title 10 for additional maximum penalties.			
10-401	Hunting, Selling, Possessing Wild Birds	450.00	1st/1500; 2nd/4000 and/or 1 year
10-402	Taking Nest and Eggs — Wild or Migratory Birds	450.00	1st/1500; 2nd/4000 and/or 1 year
10-403(a)	Hunting Waterfowl During Closed Season	300.00	1st/1500; 2nd/4000 and/or 1 year
10-403(b)	Exceeding Daily Bag Limit of Migratory Waterfowl	450.00	1st/1500; 2nd/4000 and/or 1 year
10-404(b)	Failure to Maintain Records on Venison	125.00	1st/1500; 2nd/4000 and/or 1 year
10-404(c)	Hunting, Possessing Game Birds or Mammals During Closed Season	500.00	1st/1500; 2nd/4000 and/or 1 year
10-404(d)	Importing Game Birds or Mammals	500.00	1st/1500; 2nd/4000 and/or 1 year
10-404(e)	Selling Game Birds or Mammals	500.00	1st/1500; 2nd/4000 and/or 1 year
10-404(g)	Buying Game Birds or Mammals	500.00	1st/1500; 2nd/4000 and/or 1 year
10-406	Open Seasons, Fur Bearers	450.00	1st/1500; 2nd/4000 and/or 1 year
10-408.1	Certain Traps Near Residences	250.00	1st/1500; 2nd/4000 and/or 1 year
RESTRICTIONS ON HUNTING WILDLIFE			
10-410(a)	Hunting Wildlife on Sundays	450.00	1st/1500; 2nd/4000 and/or 1 year
10-410(b)	Nighttime Hunting	450.00	1st/1500; 2nd/4000 and/or 1 year
10-410(c)(1)	Loaded Weapon in Vehicle	250.00	1st/1500; 2nd/4000 and/or 1 year
10-410(c)(1)	Hunting From Vehicles	450.00	1st/1500; 2nd/4000 and/or 1 year
10-410(d)	Hunting From Off-Road Vehicles (ORV's)	250.00	1st/1500; 2nd/4000 and/or 1 year
10-410(e)(1)	Spotlighting	125.00	1st/1500; 2nd/4000 and/or 1 year
10-410(f)	Shooting On, From, or Across a Roadway	250.00	1st/1500; 2nd/4000 and/or 1 year
10-410(g)	Hunting Within Safety Zone	450.00	1st/1500; 2nd/4000 and/or 1 year
10-410(i)	Hunting While Intoxicated or Under Influence	Must Appear	1st/1500; 2nd/4000 and/or 1 year
10-410(k)	Trapping, Netting or Snaring Without Written Permission	250.00	1st/1500; 2nd/4000 and/or 1 year
10-410(o)	Setting Steel Jaw Leg hold Trap on Land in Prohibited Counties	250.00	1st/1500; 2nd/4000 and/or 1 year
10-410(p)(2)(i)	Snare Traps — Anne Arundel, Baltimore, Carroll, Cecil, Harford, Montgomery, and Prince George's Counties	450.00	1st/1500; 2nd/4000 and/or 1 year
10-411(a)	Hunting on Private Lands Without Written Permission	450.00	1st/1500; 2nd/4000 and/or 1 year
10-411(d)	Hunting on Private Lands Without Written Permission - Harford County Only	200.00	250.00
10-412	Distribution of Feed to Hunt Game Birds	500.00	1st/1500; 2nd/4000

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
10-413	Restrictions — Dogs	250.00	1st/1500; 2nd/4000 and/or 1 year
10-414	Hunting — Raccoon and Opossum	250.00	1st/1500; 2nd/4000 and/or 1 year
10-415	Hunting — Deer	320.00	1st/1500; 2nd/4000 and/or 1 year
10-416	Hunting Deer — Prohibited Methods		
10-416(a)	Automatic Firearms or Prohibited bullets	250.00	1st/1500; 2nd/4000 and/or 1 year
10-416(b)	Hunting Deer with the use of Dogs	250.00	1st/1500; 2nd/4000 and/or 1 year
10-416(c)	Hunting Deer with Spotlights	Must Appear	2000 and/or 6 months Hunting License Revoked for 2 to 5 years
10-417	Export Game Birds and Mammals	500.00	1st/1500; 2nd/4000 and/or 1 year
10-418	Failure of Hunter to Wear Orange	200.00	1st/1500; 2nd/4000 and/or 1 year
10-420.1	Hunting Deer with Certain Handguns	250.00	1st/1500; 2nd/4000 and/or 1 year
10-421	Hunting Other Animal on First Day of Deer Season	250.00	1st/1500; 2nd/4000 and/or 1 year
10-422(b)	Interfering with Hunters	320.00	1st/1500; 2nd/4000 and/or 1 year
10-424	Negligent Hunting	Must Appear	1st/1500; 2nd/4000 and/or 1 year
10-425(a)	Operating a Waterfowl Processing Operation Without a License	250.00	1st/1500; 2nd/4000 and/or 1 year
10-425(d)	Custody of Wild Waterfowl Without Proper Tagging	250.00	1st/1500; 2nd/4000 and/or 1 year
10-425(e)	Failure to Keep Proper Records	250.00	1st/1500; 2nd/4000 and/or 1 year
10-425(f)	Failure to Submit Records to the Department	250.00	1st/1500; 2nd/4000 and/or 1 year
10-425(g)	Failure to Permit Inspection of Operation and Records	250.00	1st/1500; 2nd/4000 and/or 1 year
SUBTITLE 5 RESTRICTIONS FOR SPECIES HUNTED FOR FUR			
NOTE: NR 10-513 Additional mandatory penalty for Title 10, Subtitle 5 convictions: 5.00 per wild bird/quadruped or any part mounted or possessed for mounting.			
10-502	Non-Resident Trapping License	420.00	1st/1500; 2nd/4000 and/or 1 year
10-503	Non-Resident Trapping — Beaver and Otter Prohibited	250.00	1st/1500; 2nd/4000 and/or 1 year
10-504	Restrictions — Beaver, Otter and Muskrat Taking	250.00	1st/1500; 2nd/4000 and/or 1 year
10-505	Transportation, Possession and Sale of Furs	250.00	1st/1500 and up to 5 year revocation of fur dealer or taxidermist license 2nd/4000 and/or 1 year and up to 5 year revocation of fur dealer or taxidermist license
10-506	Fur Dealers License	420.00	1st/1500; 2nd/4000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
10-507	Fur Dealers License (Failure to Report)	250.00	1st/1500; 2nd/4000 and/or 1 year
10-508	Fur Dealers License (Display of License; Inspection of Records)	80.00	1st/1500; 2nd/4000 and/or 1 year
10-509	Fur Shipping Tags	250.00	1st/1500; 2nd/4000 and/or 1 year
10-510	Fur Shipping Tags (Mutilation of)	250.00	1st/1500; 2nd/4000 and/or 1 year
10-511	Receiving Unmarked Furs	250.00	1st/1500; 2nd/4000 and/or 1 year
10-512	Taxidermist and Fur Tanners License	420.00	1st/1500; 2nd/4000 and/or 1 year
SUBTITLE 6 WILD WATERFOWL			
NOTE: See beginning of Title 10 for additional maximum penalties.			
10-602	Wild Waterfowl, Hunting Prohibitions:		
10-602(b)	Nighttime Hunting	300.00	1st/1500; 2nd/4000 and/or 1 year
10-602(c)	Shooting Waterfowl Resting on Land and Water	250.00	1st/1500; 2nd/4000 and/or 1 year
10-602(d)	Hunting Locations Exceeding 10' Above Ground	250.00	1st/1500; 2nd/4000 and/or 1 year
10-602(e)	Firearms and Ammunition Restrictions	250.00	1st/1500; 2nd/4000 and/or 1 year
10-602(f)	Weapons for Hunting Waterfowl	250.00	1st/1500; 2nd/4000 and/or 1 year
10-602(g)	Hunting Waterfowl With Crossbow	250.00	1st/1500; 2nd/4000 and/or 1 year
10-602(h)	Hunting Waterfowl With Live Decoys	500.00	1st/1500; 2nd/4000 and/or 1 year
10-603	Hunting From Powered Boats		
10-603(a)	Disturbing Waterfowl From a Boat	500.00	1st/1500; 2nd/4000 and/or 1 year
10-603(b)	Use of Floating Device Towed by Power Boat	250.00	1st/1500; 2nd/4000 and/or 1 year
10-603(c)	Use of Sink box or Similar Device	250.00	1st/1500; 2nd/4000 and/or 1 year
10-603(d)	Hunting Wild Waterfowl From a Boat Under Power of Sail	500.00	1st/1500; 2nd/4000 and/or 1 year
10-604	Hunting While Standing in Water on the Natural Bottom		
10-604(a)	Hunting Wild Waterfowl While Standing in Water on the Natural Bottom in Prohibited Area	250.00	1st/1500; 2nd/4000 and/or 1 year
10-604(c)	Hunting Within 250 Yards of Offshore Stationary Blind, Blind Site or Another Hunter	250.00	1st/1500; 2nd/4000 and/or 1 year
10-604(d)	Hunting Within 800 Yards of Shore	250.00	1st/1500; 2nd/4000 and/or 1 year
10-604(e)	Hunting While Standing On Privately Owned Bottom Without Written Permission	450.00	1st/1500; 2nd/4000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
10-604(f)	Non-Resident Hunting Wild Waterfowl Standing Natural Bottom Under Certain Conditions	250.00	1st/1500; 2nd/4000 and/or 1 year
10-605	Hunting From Boat that is Drifting or Being Sculled		
10-605(a)	Hunting Wild Waterfowl From Drifting/Sculled Boat in a Prohibited Area	250.00	1st/1500; 2nd/4000 and/or 1 year
10-605(b)	Hunting From Drifting/Sculled Boat Within 250 Yards of Offshore Blind, Blind Site or Another Hunter	250.00	1st/1500; 2nd/4000 and/or 1 year
10-605(c)	Hunting From Drifting/Sculled Boat Within 800 Yards of Shore	250.00	1st/1500; 2nd/4000 and/or 1 year
10-605(d)	Non-Resident Hunting Wild Waterfowl From Drifting/Sculled Boat Under Certain Conditions	250.00	1st/1500; 2nd/4000 and/or 1 year
10-606	Hunting From an Anchored Boat		
10-606(a)	Hunting Wild Waterfowl From An Anchored Boat in Prohibited Area	250.00	1st/1500; 2nd/4000 and/or 1 year
10-606(c)	Hunting From An Anchored Boat Within 250 Yards of Offshore Blind, Blind Site or Another Hunter	250.00	1st/1500; 2nd/4000 and/or 1 year
10-606(d)	Hunting From An Anchored Boat Within 800 Yards of Shore	250.00	1st/1500; 2nd/4000 and/or 1 year
10-606(e)	Non-Resident Hunting From An Anchored Boat Under Certain Conditions	250.00	1st/1500; 2nd/4000 and/or 1 year
10-607	Riparian Landowners		
10-607(d)	Offshore Stationary Blinds and Blind Sites — Continuous Shoreline Requirement	250.00	1st/1500; 2nd/4000 and/or 1 year
10-607(f)	Offshore Stationary Blinds and Blind Sites — Proximity to Property Line	250.00	1st/1500; 2nd/4000 and/or 1 year
10-607(h)	Licensing Requirements — Offshore Stationary Blinds and Blind Sites	250.00	1st/1500; 2nd/4000 and/or 1 year
10-608	Offshore Blind Sites		
10-608(b)	Offshore Blind Sites — General Requirements	250.00	1st/1500; 2nd/4000 and/or 1 year
10-608(e)	Obtaining More Than Two Licenses Per Day	250.00	1st/1500; 2nd/4000 and/or 1 year
10-608(g)	Offshore Blind Sites — Specific Requirements in Certain Counties	250.00	1st/1500; 2nd/4000 and/or 1 year
10-609	Requirements; Offshore Stationary Blinds and Blind Sites		

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
10-609(a)	Location of Offshore Stationary Blind or Blind Site Within 250 Yards of Another Blind or Blind Site	250.00	1st/1500; 2nd/4000 and/or 1 year
10-609(b)	Failure to maintain shoreline distance in Offshore Stationary Blind	300.00	1st/1500; 2nd/4000 and/or 1 year
10-609(c)	Offshore Stationary Blind or Blind Site Located Within 150 Yards of Dwelling House	450.00	1st/1500; 2nd/4000 and/or 1 year
10-609(d)	Marking Requirements for Offshore Stationary Blind	80.00	1st/1500; 2nd/4000 and/or 1 year
10-609(e)	Marking Requirements for Offshore Blind Sites	80.00	1st/1500; 2nd/4000 and/or 1 year
10-611	Failure To Possess Hunting License When Hunting From Stationary Blind or Blind Site	80.00	1st/1500; 2nd/4000 and/or 1 year
10-614	Impermissible Blind Site Locations	250.00	1st/1500; 2nd/4000 and/or 1 year
10-615	Trespassing on Another's Blind	250.00	1st/1500; 2nd/4000 and/or 1 year
SUBTITLE 7 FIELD TRIALS AND USE OF HUNTING DOGS			
10-701	Field Trial Permits	250.00	1st/1500; 2nd/4000 and/or 1 year
10-702	Shooting Protected Birds at Field Trials Prohibited	250.00	1st/1500; 2nd/4000 and/or 1 year
SUBTITLE 8 STATE WILDLIFE MANAGEMENT AREAS AND HUNTING GROUNDS			
10-807	Entry on Refuge Area	250.00	1st/1500; 2nd/4000 and/or 1 year
SUBTITLE 9 CAPTIVE WILDLIFE			
NOTE: See beginning of Title 10 for additions maximum penalties.			
10-902(a)	Captive Wildlife Licenses and Permits	250.00	1st/1500; 2nd/4000 and/or 1 year
10-905(b)	Shipping Game Birds and Mammals	250.00	1st/1500; 2nd/4000 and/or 1 year
10-905(c)	Keeping Ledger and Allowing Inspections	250.00	1st/1500; 2nd/4000 and/or 1 year
10-906(a)	Permit for Regulated Shooting Ground	320.00	1st/1500; 2nd/4000 and/or 1 year
10-906(d)	Regulated Shooting Ground Hunting License	250.00	1st/1500; 2nd/4000 and/or 1 year
10-907(a)	Falconry Permit	320.00	1st/1500; 2nd/4000 and/or 1 year
10-907(d)	Hunting With Falcons, Hawks or Owls During Closed Season	250.00	1st/1500; 2nd/4000 and/or 1 year
10-908(a)	Wildlife Cooperator Permit	250.00	1st/1500; 2nd/4000 and/or 1 year
10-909	Scientific Collecting Permit	250.00	1st/1500; 2nd/4000 and/or 1 year
SUBTITLE 10 WILD WATERFOWL POLICY			
NOTE: See beginning of Title 10 for additions maximum penalties.			
10-1001 - 10-1008	Feeding Zones	125.00	1st/1500; 2nd/4000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
NATURAL RESOURCES REGULATIONS			
OFF ROAD VEHICLES (ORV's)			
08.01.03.03A(1)(a)	Operation of Off Road Vehicle Without a Valid Driver's License	125.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.03A(1)(b)	Operation of Off Road Vehicle Without First Obtaining Learner's Permit	125.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.03A(1)(c)	Operation of Off Road Vehicle with Learner's Permit and Without Parent or Legal Guardian	125.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.03A(1)(c)	Operation of Off Road Vehicle By Person Under 12 Years Old	Juvenile Petition	1st/500; 2nd/1000 and/or 1 year
08.01.03.03A(2)(a)	Operation of Off Road Vehicle Without Certificate of Registration	55.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.03A(2)(b)	Operation of Off Road Vehicle Without Lease or Rental Agreement	55.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.03A(3)(b)	Failure of Off Road Vehicle Operator to Obtain Hunter/Fishing License	55.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.03A(4)	Failure to Display Registration Sticker on Off Road Vehicle	55.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.03A(4)	Failure to Register Off Road Vehicle with DNR or MVA	125.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.05A	Operation of Off Road Vehicle Not in Conformance with State Laws and Regulations	125.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.05A(1)	Operation of Off Road Vehicle at Night Without Headlight/Tailight	55.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.05A(2)	Operation of Off Road Vehicle With Inadequate Braking System	55.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.05A(3)	Operation of Off Road Vehicle With Inadequate Muffler	125.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.05B(1)	Operation of Off Road Vehicle Without Proper Headgear	125.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.05B(2)	Operation of Off Road Vehicle Without Proper Eye Protection or Windscreen	55.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.05C	Using 3-Wheel Vehicles on State Off Road Vehicle Trails	125.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.06A	Trail Restrictions for Off Road Vehicle	125.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.06C	Use of Certain Off-Road Vehicles on Snowmobile Trails	125.00	1st/500; 2nd/1000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.01.03.06D(1)	Operation of an Off Road Vehicle in a Reckless/Careless/Negligent Manner	125.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.06D(2)	Operation of Off Road Vehicle in Willful/Wanton Disregard for Safety of Individual or Property	270.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.06D(3)	Operation of Off Road Vehicle Under the Influence of Alcohol/Drugs	450.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.06D(4)	Operation of Off Road Vehicle in a Manner Causing Damage	270.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.06D(5)	Operation of Off Road Vehicle in Vehicular Traffic or Parking Area	125.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.06D(6)	Obstruction of Traffic/Improper Parking/Stopping	55.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.06D(7)	Operation of Off Road Vehicle in Non-Designated Area	125.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.06F(1)	Possession of a Loaded Weapon In/On an Off Road Vehicle	125.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.06F(2)	Discharge a Weapon On/Across a Road/Trail	270.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.06F(3)	Pursuing Wildlife With an Off Road Vehicle	125.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.06H	Failure to Obey a Reasonable or Lawful Order of a Commissioned Officer	270.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.07A(1)	Failure of ORV Operator/Owner to File Written Report of Death of an Individual or Animal	125.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.07A(2)	Failure of ORV Operator/Owner to File Written Report of Injury to Individual or Animal	125.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.07A(3)	Failure of ORV Operator/Owner to File Written Report of Property Damage Greater Than \$100	75.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.07B	Failure of ORV Operator/Owner to File Report Within 48Hours/5Days After Accident	125.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.08B	Noise Level Limits for Snowmobiles	125.00	1st/500; 2nd/1000 and/or 1 year
08.01.03.08C	Noise Level Limits for Motorcycles and Other Off Road Vehicles	125.00	1st/500; 2nd/1000 and/or 1 year
CHESAPEAKE FOREST LAND			
08.01.07.04(7)	Hunting within 150 yards of an occupied structure or camp	320.00	1st/500; 2nd/1000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.01.07.04(8)	Hunting within 150 yards of an exterior Chesapeake Forest Land Boundary	320.00	1st/500; 2nd/1000 and/or 1 year
08.01.07.04B	Illegal Baiting or Feeding on Wildlife on Chesapeake Land	450.00	1st/500; 2nd/1000 and/or 1 year
08.01.07.04C	Guiding on Chesapeake Forest Land of a fee	450.00	1st/500; 2nd/1000 and/or 1 year
08.01.07.06	Improper setting of a fire without a permit	260.00	1st/500; 2nd/1000 and/or 1 year
08.01.07.07	Camping without a permit on Chesapeake Forest Land	450.00	1st/500; 2nd/1000 and/or 1 year
08.01.07.08	Littering on Chesapeake Forest Land	450.00	1st/500; 2nd/1000 and/or 1 year
08.01.07.10	Improper use of motorized and non-motorized bikes, ATV or animals on Chesapeake Forest Land	270.00	1st/500; 2nd/1000 and/or 1 year
FISH AND FISHERIES			
08.02.01.02B	Display of Identification Number	55.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
SOFT-SHELL CLAMS			
08.02.02.01A(1)	Operate Hydraulic Clam Dredge Without a License	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.02.01 B	Maintain and Submit Required Records	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.02.02	Registration of Hydraulic Clam Dredge	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.02.03A	Structural Requirements for Hydraulic Clam Dredges	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.02.03B	Failure to Have Adequate Muffler	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
Daily Catch Limit for Soft-Shell Clams:			
08.02.02.04A&B	Soft-Shell Clam Container Violation	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.02.04C	Soft-Shell Clam Severance Tax Violation	320.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.02.04D	Exceeding the Daily Catch Limit of Soft-Shell Clams	125.00 and 50.00 per bushel up to a maximum total of 500.00 per citation	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
Minimum Size Limit for Soft-Shell Clams:			
08.02.02.05	6 — 9% per Bushel	155.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.02.05	10 — 14% per Bushel	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.02.05	15% or More per Bushel	350.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.02.06	Catching Soft-Shell Clams on Sunday or During Restricted Time	320.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.02.06	Landing Soft-Shell Clams After Legal Time	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.02.06D	Distance from Sandy Point State Park	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.02.07	Protecting Clams from Contamination	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.02.08A	Failure to Have Required Dealers License	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.02.08C	Records Required of Dealers	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.02.08C(2)	Failure to Use Shellfish Buy Ticket — Soft-Shell Clams	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.02.08C(3)	Failure to Submit Soft-Shell Clam Dealers Weekly Report And Shellfish Buy Tickets	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.02.10	Failure to Refrigerate Soft Shell Clams	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.02.12	Use of Hydraulic Clam Dredge in Restricted Area	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
CRABS			
08.02.03.01	Crabbing Gear Violation	95.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.03.02	Violating a Seine Requirement or Prohibition	95.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.03.03	Violating a Trotline Requirement or Prohibition	95.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.03.04	Methods of Catching Crabs With Scrapes & Dredges	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.03.05	Violating a Bank Trap or Channel Pound Requirement or Prohibition	95.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.03.06	Violating a Collapsible Trap or Net Ring Requirement or Prohibition	95.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.03.07	Methods of Catching Crabs With Crab Pots	95.00 and 10.00 per pot up to a maximum total of 500.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year

Possession of Egg Bearing Female Crabs:

08.02.03.08A

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.03.08A	1 — 5 per Bushel	150.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.08A	6 — 10 per Bushel	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.08A	11 — 15 per Bushel	350.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.08A	1 — 15 per Barrel	150.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.08A	16 — 30 per Barrel	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.08A	31 — 40 per Barrel	350.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.08 B	IMPORTATION OF EGG BEARING FEMALE CRAB WITHOUT BILL OF SALE OR LADING	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.09A	Failure to Obtain Recreational Crabbing License before harvesting Crabs or Eels	50.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.09A(3)	Failure to possess Recreational Crabbing License	30.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.10	Exceeding the Recreational Crab Catch and Possession Limits	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.10E	Possession of Female Crabs (Recreational):		
08.02.03.10E	1 — 5 per Bushel	150.00	<i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.10E	6 — 10 per Bushel	300.00	<i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.10E	11 — 15 per Bushel	450.00	<i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.10E	16 — 20 per Bushel	600.00	<i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.10F	Having recreationally caught crabs on board while commercially harvesting	250.00	<i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.11A.	Time for Catching Crabs — Commercial	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.11B	Time for Catching crabs — Recreational	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.11A(5)	Possession of Mature Female Crabs During Closed Period (Commercial):		
08.02.03.11A(5)	1 — 5 per Bushel	150.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.11A(5)	6 — 10 per Bushel	300.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.11A(5)	11 — 15 per Bushel	450.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.11A(5)	16 — 20 per Bushel	600.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.11A(5)	1 — 12 per Barrel	150.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.03.11A(5)	13 — 25 per Barrel	300.00	1st/1000; 2nd/2000 and/or 1 year
08.02.03.11A(5)	26 — 37 per Barrel	450.00	1st/1000; 2nd/2000 and/or 1 year
08.02.03.11A(5)	38 — 50 per Barrel	600.00	1st/1000; 2nd/2000 and/or 1 year
08.02.03.11A(5)	Crabbing for females during Female Crab Closed Season	250.00	1st/1000; 2nd/2000 and/or 1 year
08.02.03.11C	Crabbing During closed Season	320.00	1st/1000; 2nd/2000 and/or 1 year
08.02.03.12A	CRAB POT STRUCTURAL REQUIREMENTS IN WORCESTER COUNTY	95.00 and 10.00 per pot up to a maximum total of 500.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.03.12B(1)	Daily Catch Limit, Worcester County — Commercial	250.00 per bushel up to a maximum total of 500.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.03.12B(2)	Daily Catch Limit, Worcester County — Recreational	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.03.12C	Crabbing During Closed Season Worcester County	320.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.03.12D	CRABBING — COMMERCIAL TIME RESTRICTIONS WORCESTER COUNTY	120.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.03.12.E	CRABBING — GEAR RESTRICTIONS IN WORCESTER COUNTY	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.03.13	Crabbing During Closed Season	320.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.03.13	Illegal Commercial Harvesting of crabs from Fin Fish Gear	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.03.14A.	Catch Day Restrictions (Recreational)	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.03.14A(3)	Offering to sell or selling crabs, which were caught for recreational purposes	[250.00] 450.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.03.14A(4)	Knowingly buying or attempting to buy crabs, which were caught for recreational purposes	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.03.14B(4)	Day Off Restrictions (Commercial)	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.03.14	Crabbing/Setting Gear/Use of Vessel on A Declared Day Off	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.03.14B	FEMALE CRABS		
08.02.03.14B	6 — 7 per Bushel	155.00	1st/1000; 2nd/2000 and/or 1 year
08.02.03.14B	8 — 9 per Bushel	200.00	1st/1000; 2nd/2000 and/or 1 year
08.02.03.14B	10 — 18 per Bushel	350.00	1st/1000; 2nd/2000 and/or 1 year
08.02.03.14B	19 — 30 per Bushel	400.00	1st/1000; 2nd/2000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.03.14B	31 — 40 per Bushel	500.00	1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14B	41 — 50 per Bushel	600.00	1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14B	Over 50 per Bushel	Must Appear	1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14B	14 — 17 per Barrel	150.00	1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14B	18 — 22 per Barrel	200.00	1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14B	23 — 45 per Barrel	350.00	1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14B	46 — 75 per Barrel	400.00	1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14B	76 — 100 per Barrel	500.00	1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14B	101 — 125 per Barrel	600.00	1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14B	Over 125 per Barrel	Must Appear	1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14B(10)	Number of Licenses' Daily Catch Limits On board Vessel	250.00	1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14C (2)	Fail to Properly Display A Declared Day Off on Vessel	55.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14E[(1)]	Sizes of Hard Crabs:		
08.02.03.14E[(1)]	6 — 7 per Bushel	155.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14E[(1)]	8 — 9 per Bushel	200.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14E[(1)]	10 — 18 per Bushel	350.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14E[(1)]	19 — 30 per Bushel	400.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14E	31 — 40 per Bushel	500.00	1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14E	41 — 50 per Bushel	600.00	1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14E	Over 50 per Bushel	Must Appear	1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14E[(1)]	[14-16] 14 — 17 per Barrel	150.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14E[(1)]	[17-19] 18 — 22 per Barrel	200.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14E[(1)]	[20-57] 23 — 45 per Barrel	350.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14E[(1)]	[58-90] 46 — 75 per Barrel	400.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14E	76 — 100 per Barrel	500.00	1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14E	101 — 125 per Barrel	600.00	1st / 1000; 2nd / 2000 and / or 1 year
08.02.03.14E	Over 125 per Barrel	Must Appear	1st / 1000; 2nd / 2000 and / or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.03.14E(2)	POSSESSION VIOLATION OF IMPORTED HARD CRABS	450.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.14E[(4)](6)	Sizes of Peeler Crabs:		
08.02.03.14E(6)	11 — 12 per Bushel	[155.00] 150.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.14E(6)	13 — 15 per Bushel	200.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.14E[(6)]	Over 15 per Bushel	350.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.14E(6)	[20] 21 — 22 per Float	150.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.14E(6)	23 — 25 per Float	200.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.14E(6)	Over 25 per Float	350.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.03.14E(7)	Sizes of Soft Crabs:		
08.02.03.14E(7)	Possession of Undersized Soft Crabs	95.00 and 10.00 per crab up to a Maximum of [500.00]	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
<p>NOTE: NR 4-1201(F) ALLOWS FOR THE FOLLOWING ADDITIONAL PENALTIES (ABOVE THOSE LISTED IN THE MAXIMUM PENALTY COLUMN) FOR A VIOLATION OF ANY PROVISION OF TITLE 4 OR REGULATIONS ADOPTED PURSUANT TO TITLE 4 CONCERNING THE TAKING OF OYSTERS FROM A OYSTER SANCTUARY, OYSTER RESERVE, OR AREA CLOSED BY THE DEPARTMENT OF ENVIRONMENT: A FINE NOT EXCEEDING \$3000.</p>			
OYSTERS			
08.02.04.02	Catching Oysters — Non-Commercial	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.04.03	Catching Oysters — Commercial	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.04.05	Catching Oyster With Diving Apparatus — Commercial	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.04.06	Oyster Daily Catch Limits (All Types of Gear)	[95.00] 150.00 per bushel up to maximum total of [500.00]	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.04.09	Areas Reserved for Hand Tonging	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.04.10	Dredging Oysters With Auxiliary Yawl Boat	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.04.11E	Oyster Culling	95.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>
08.02.04.12D	Power Dredge Permit Violation	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st/1000; 2nd/2000 and/or 1 year</i>

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.04.13	Removal of Oysters from Oyster Reserve within 150 feet	[450.00] 650.00	\$3000.00
08.02.04.13	Removal of Oysters from Oyster Reserve beyond 150 feet	Must Appear	\$3000.00
08.02.04.15	Removal of Oysters from Oyster Sanctuary within 150 feet	450.00	3000 and suspension of tidal fish license for 6 months to 1 year
08.02.04.15	Removal of Oysters from Oyster Sanctuary beyond 150 feet	Must Appear	\$3000
08.02.04.16	Failure to use Shellfish Buy ticket — Oyster Dealer	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd/2000 and/or 1 year
08.02.04.16	Failure to Submit Oyster Tax Report	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd/2000 and/or 1 year
<p>NOTE: NR 4-1201(d) allows for the following additional penalties (Above those listed in the Maximum Penalty column) for a violation of any provision of Title 4 or regulations adopted pursuant to Title 4 concerning the taking of or creel limits for striped bass (rockfish):</p> <p>1st offense \$1500 per fish 2nd offense \$2500 per fish and revocation of fishing license for one to two years 3rd offense \$2500 per fish and revocation of fishing license for two to five years</p> <p>NOTE: NR 4-1207 allows for An addition to any other penalty or fine provided in this title, any person who is convicted of violating any provision of this title or any regulation adopted under the authority of this title may have the license under which the person operated in the commission of the violations suspended or revoked by the court.</p>			
FISH			
08.02.05.01A	Fishing, Spear Gun	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd/2000 and/or 1 year
08.02.05.01B	Fishing with Bow and Arrow	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd/2000 and/or 1 year
08.02.05.01C	Fish Snagging — Tidal Waters	95.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd/2000 and/or 1 year
08.02.05.01D	Pound Net Registration	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd/2000 and/or 1 year
08.02.05.01E	Marking and Lighting of Pound Nets	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd/2000 and/or 1 year
08.02.05.01F	Fishing Restrictions — Susquehanna River	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd/2000 and/or 1 year
08.02.05.01G	Prohibition on Using Eels as Bait	95.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd/2000 and/or 1 year
08.02.05.02B(1)-(4)	Prohibitions and Limitations on Fishing Generally	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd/2000 and/or 1 year
08.02.05.02B(5)	Prohibitions and Limitations on Striped Bass	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd/2000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.05.02B (7)	Setting Net in Spawning Reach or Area During Closed Periods	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.02B (8)	Commercial Harvest Prohibitions on Susquehanna River	320.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.02B(12)	Illegal use of Haul Seine	320.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.04	Size Limits — White Perch (Caught Other Than by Hook & Line)	1 — 5 fish: \$50.00 6 — 10 fish: \$100.00 11+ fish: \$105.00 + 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.05	Prohibition of Catching, Possession, or Sale of American Shad	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.06	Prohibition of Catching, Possession or Sale of Hickory Shad	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.08A	Size AND CATCH Limits — Eels — Commercial	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.08B	Size and Catch Limits — Eels — Non-Commercial	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.08C	Eel Pot Violation	95.00 and 10.00 per pot up to a maximum total of 500.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.08D&E	Eel Pot Buoy Free Channel Violations	95.00 and 10.00 per pot up to a maximum total of 500.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.08F	Fishing Eel Pot Without License	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.08G	Sell/Attempt to Sell Eels Without License	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.09F	Chesapeake Bay Sport fishing License Not in Possession/Not in possession of 2nd form of identification	35.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.10A #1	Size Limits — Bluefish — Recreational	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.10A #2	Size Limits — Bluefish — Commercial	1 — 5 fish: 50.00 6 - 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.05.10B	Daily Catch Limits — Bluefish — Recreational	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.05.11	Taking/Possessing Sturgeon	[450.00] 500.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.05.12A	TAKING SUMMER FLOUNDER DURING CLOSED SEASON — RECREATIONAL	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.05.12A(1)	Size Limits — Summer Flounder — Recreational	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.05.12A(2)	Daily Catch Limits — Summer Flounder — Recreational	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.05.12B(2)	Size Limits — Summer Flounder — Commercial	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.05.12B(3)	Daily Catch Limits — Summer Flounder — Commercial	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.05.12C	Summer Flounder — Commercial Permits and Licenses Requirement	[450.00] 450.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.05.12D	Summer Flounder — Gear Restriction — Commercial	[250.00] 450.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.05.13A(1)	SIZE LIMIT [S — WEAKFISH OR] SPOTTED SEATROUT — RECREATIONAL	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.05.13A(2)	SIZE LIMIT — WEAKFISH — RECREATIONAL	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.05.13A(3)	Size Limits — Weakfish or Spotted Sea trout — Commercial	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.05.13B(1)	Daily Catch Limits — Weakfish or Spotted Sea trout — Recreational	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.05.13B(2)	Daily Catch Limits — Weakfish or Spotted Sea trout — Commercial	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.05.13C	Weakfish or Spotted Sea trout — Gear Restrictions	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.05.13D	Taking Weakfish During the Closed Season	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and / or 1 year</i>
08.02.05.13E(1)	Taking Weakfish With a Trawl Net in the Atlantic Ocean or Coastal Bays on Saturday or Sunday	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and / or 1 year</i>
08.02.05.14A#1	Size Limits — Spanish Mackerel — Recreational	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and / or 1 year</i>
08.02.05.14A#2	Size Limits — Spanish Mackerel — Commercial	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and / or 1 year</i>
08.02.05.14B	Daily Catch Limits — Spanish Mackerel — Recreational	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and / or 1 year</i>
08.02.05.15A[#1]	Size Limits — Black Drum — Recreational	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and / or 1 year</i>
08.02.05.15B	Daily Catch Limit — Black Drum — Recreational	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and / or 1 year</i>
08.02.05.15C	Unlawful Taking of Black Drum — Commercial	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and / or 1 year</i>
08.02.05.16A(1)	Size Limits — Red Drum — Recreational	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and / or 1 year</i>
08.02.05.16A(2)	DAILY CATCH LIMIT — RED DRUM — RECREATIONAL	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and / or 1 year</i>
08.02.05.16B (1)	Size Limits — Red Drum — Commercial	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and / or 1 year</i>
08.02.05.16B(2)	DAILY CATCH LIMIT — RED DRUM — COMMERCIAL	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and / or 1 year</i>
08.02.05.18A(1)	Size Limits — Croaker — Recreational	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and / or 1 year</i>
08.02.05.18A(2)	Size Limits — Croaker — Commercial	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and / or 1 year</i>

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.05.18B	Daily Catch Limit — Croaker — Recreational	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.05.18 C	Taking Croaker During the Closed Season	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.05.19A	Size Limits — Black Bass (Largemouth and Smallmouth)	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.05.19B	Daily Catch Limit — Black Bass	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.05.19C(1)	Black Bass — Gear Restrictions	250.00 and [5.00] 25.00 per fish up to a maximum total of 500.00 per citation	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.05.19C(2)	Failure to Return to the Water — Black Bass Caught by Other Than Hook and Line	250.00 and [5.00] 25.00 per fish up to a maximum total of 500.00 per citation	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.05.19D(1)	Sell/Off to Sell/Off to Buy/Buy/Expose For Sale — Black Bass	250.00 and [5.00] 25.00 per fish up to a maximum total of 500.00 per citation	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.05.20A(1) #1	Size Limits — Tautog — Recreational	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.05.20A(1) #2	Size Limits — Tautog — Commercial	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.05.20A(2)	Catch/Possession Limit — Tautog	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.05.20A(3)	CATCH/POSSESSION DURING CLOSED SEASON — TAUTOG	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.05.20B	Tautog — Gear Restriction	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.05.21A(1)	Size Limits — Black Sea Bass — Recreational	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>
08.02.05.21A(2)	CATCH LIMIT — BLACK SEA BASS — RECREATIONAL	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd/ 2000 and/or 1 year</i>

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.05.21A(3)	CATCH/POSSESSION — BLACK SEA BASS — CLOSED RECREATIONAL SEASON	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.21B (1)	Size Limits — Black Sea Bass — Commercial	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.21B	Black Sea Bass — Gear Restrictions	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.21B(3)	BLACK SEA BASS — GEAR RESTRICTIONS FOR TRAWLS	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.21B(4)	BLACK SEA BASS — GEAR RESTRICTIONS FOR POTS AND TRAPS	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.21B(5)	BLACK SEA BASS LANDED IN MARYLAND FEDERAL DEALER RESTRICTION	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.21C(2)	CATCH LIMITS — NON PERMITTED LICENSEE — COMMERCIAL	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish [450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.21D	Black Sea Bass — Commercial Permits and Licenses Requirements		
08.02.05.22A(1)	Size Limits — Scup — Recreational	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.22A(2)	Size Limits — Scup — Commercial	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.22B	Scup — Gear Restrictions	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.22C	Catch Limit — Scup — Commercial	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.22C(3)	Catch Limit — Scup — Recreational	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.23A	Catch or Possess Blue fin Tuna During Closed Season	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.05.23B(1)	Daily Catch Limit — Bluefin Tuna	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.05.23B(2)	Size Limit — Bluefin Tuna	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.23C(1)	Fail to Report — Bluefin Tuna Catch to Reporting Station	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.23C(2)	Fail to Obtain/Affix Bluefin Tuna Tail Tag	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.23D	Possession/Landing Bluefin Tuna That is not Whole	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.24A	Taking Spiny Dogfish During Closed Season	125.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.24B	Spiny Dogfish Finning Violation	125.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.25	Taking Monkfish During Closed Season	125.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.26B	CATCH OR POSSESS BILLFISH DURING CLOSED SEASON	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.26C(1)	DAILY CATCH LIMIT — BILLFISH	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.26C(2)	SIZE LIMIT — BILLFISH	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.26D(1)	FAIL TO REPORT BILLFISH CATCH TO REPORTING STATION	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.26D(2)	FAIL TO COMPLETE BILLFISH CATCH INFORMATION FORM	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.26D(3)	FAIL TO OBTAIN/AFFIX BILLFISH TAIL TAG	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.26E	BILLFISH LANDING RESTRICTIONS	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.05.27B	CATCH OR POSSESS SWORDFISH DURING CLOSED SEASON	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.27C(1)	DAILY CATCH LIMIT — SWORDFISH	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.27C(2)	SIZE LIMIT — SWORDFISH	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.27D(1)	FAIL TO REPORT SWORDFISH CATCH TO REPORTING STATION	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.27D(2)	FAIL TO COMPLETE SWORDFISH CATCH INFORMATION FORM	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.27D(3)	FAIL TO OBTAIN/AFFIX SWORDFISH TAIL TAG	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.27E	SWORDFISH LANDING RESTRICTIONS	450.00 per fish up to a maximum total of [500.00] 1000.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.05.28	WALLEYE RESTRICTIONS	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] 1st/ 1000; 2nd/ 2000 and/or 1 year
TERRAPIN AND SNAPPING TURTLES			
08.02.06.01C	<i>Methods to Catch Snapping Turtles</i>	95.00	1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.06.01E	<i>Catching Snapping Turtle in Charles County during Prohibited Time</i>	250.00 per turtle	1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.06.01F	<i>Possess / Destroy / Distrub Snapping Turtle Eggs</i>	250.00	1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.06.01G(1)	<i>Size Limits — Snapping Turtles — Commercial</i>	1 — 3 turtles: 100.00 4 — 10 turtles: 50.00 per turtle 11+ turtles: Must Appear	1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.06.01G(3)	<i>Commercial Permits and Licenses Requirements — Snapping Turtles</i>	650.00	1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.06.01G(3)(d)	<i>Failure of Snapping Turtle Permittee to Report Catch and Landing Information</i>	125.00	1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.06.01G(4)	<i>Float Requirements for Trap — Snapping Turtles — Commercial</i>	650.00	1st/ 1000; 2nd/ 2000 and/or 1 year
08.02.06.01H(1)	<i>Size Limits — Snapping Turtles — Non-commercial</i>	1 — 3 turtles: 100.00 4 — 10 turtles: 50.00 per turtle 11+ turtles: Must Appear	1st/ 1000; 2nd/ 2000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.06.02B	Possess/Destroy/Disturb Terrapin Eggs	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
HARD-SHELL CLAMS			
08.02.07.01	Size and Number of Hard-Shell Clam Scrapes and Rakes	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.07.02A & B	Clamming in Worcester County With Hydraulic Hard-Shell Clam Dredge that Does Not Meet Required Specifications	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.07.02C(1)	Operating a Hydraulic Hard-Shell Clam Dredge in Worcester County Without a License	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.07.02C(2)	Operating a Hydraulic Hard-Shell Clam Dredge in Worcester County Without the License Number Affixed to the Vessel	55.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.07.02D	Exceeding the Daily Catch Limit of Hard-Shell Clams in Worcester County	125.00 and 50.00 per bag up to a maximum total of 500.00 per citation	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
POSSESSION OF UNDERSIZE HARD-SHELL CLAMS IN WORCESTER COUNTY			
08.02.07.02E(3)	11 — 14% PER BAG	95.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.07.02E(3)	15 — 20% PER BAG	170.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.07.02E(3)	1 — 30% PER BAG	210.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.07.02E(3)	31 — 40% PER BAG	310.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.07.02E(3)	41 — 50% PER BAG	410.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.07.02E(3)	OVER 50% PER BAG	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.07.02[G] H	Catching/Landing Hard — Shell Clams in Worcester County During Prohibited Time	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.07.03	Recreational Daily Catch Limit — Worcester County	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.07.04	Use of Hard-Shell Clam Dredges — Potomac and Tangier Sounds	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
SHELLFISH — GENERAL			
08.02.08.01B	Importation of Shellfish — Permit Required	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.08.07A	Catch/Possess Surf Clams from Restricted Area	[250.00] 450.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.08.07B	Size Limits — Surf Clams	250.00 per cage in excess of 240 surf clams per cage	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.08.10	American Lobster — Restrictions	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.08.12	Shellfish Culture on Leased Bottom	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.08.14	Possession of Conch Less Than 6" inches in length	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
CRUSTACEANS			
08.02.10.01B	Taking Horseshoe Crabs During Closed Season	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.10.01C	Taking Horseshoe Crabs on a Saturday or Sunday	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.10.01D	Exceeding Horseshoe Crab Catch Limits	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11+ fish: \$105.00+ 5.00 per fish	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.10.01E	Failure to Possess Horseshoe Crab Permit When Participating in Permit Related Activities	55.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.10.01F(1)	Failure of Horseshoe Crab Permittee to Report Catch and Landing Information	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
NOTE: NR 4-602(b) applies an additional mandatory penalty, above what is indicated in the Maximum Penalty column, for all convictions for illegal fish caught and suspension of fishing license for a second offense that occurs within 12 months. This additional penalty applies to non-tidal fishing regulations.			
FISHING IN NON-TIDAL WATERS			
08.02.11.01-08	Fishing in Non-Tidal Waters	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
(Except those sections noted below)			
08.02.11.01B	Fishing in a Put and Take Trout Stream During Closed Season	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.11.03A(1)(a)(i)	POSSESSION OF TROUT WHILE FISHING IN A CATCH AND RETURN AREA (FLY FISHING ONLY)	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.11.03A(2)(a)(i)	Possession of Trout While Fishing in a Catch and Return Area	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.11.03B	Treble Gear Prohibition in Trophy Trout Fishing Area	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.11.03F	Keeping/Possessing Trout or Using/Possessing Illegal Gear in Delayed Harvest Areas During Prohibited Times	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.11.03K	Catch-and-Return Bass Areas	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.11.03[M] L	Zero Creel Limit Trout Fishing Areas	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.11.04C(1) (a)-(m)	SEASON VIOLATIONS	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.11.04C(1)(d) & (e)	Taking/Possessing Bass During Closed Season	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.11.04C(2)(a)(i)	Exceeding Trout Creel Limits in Put and Take Areas	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.11.04C(2)(a)(ii)	Exceeding Trout Creel Limits in Other Areas	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.11.04C (2) (b) -[(t)][(u)] (t)	EXCEEDING DAILY CATCH/ POSSESSION LIMIT OF GAME AND FRESHWATER FISH IN NON-TIDAL WATERS	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.11.04L	No Commercial Harvest from Nontidal Waters	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.11.04O	Bait Restrictions — Nontidal Waters	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
ENDANGERED AND THREATENED FISH SPECIES			
08.02.12.02A	Taking, Possessing, Transporting, Exporting, Processing, Selling, Offering for Sale, Delivering, Carrying, or Shipping any Fish Listed as Endangered	Must Appear	1000 and/or 1 year
08.02.12.02A	Taking, Possessing, Transporting, Exporting, Processing, Selling, Offering for Sale, Delivering, Carrying, or Shipping any Fish Listed as Threatened	[500.00] 700.00	1000 and/or 1 year
AQUACULTURE			
08.02.14.04	Aquaculture Permits-Required	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.14.08	Aquaculture — General Terms and Conditions of Permits	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.14.10	Special Requirements of Aquaculture Permits	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.14.11	Aquaculture Permit — Required Reports	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
NOTE: NR 4-1201(d) allows for the following additional penalties (above those listed in the Maximum Penalty column) for a violation of any provision of Title 4 or regulations adopted pursuant to Title 4 concerning the taking of or creel limits for striped bass:			
	1st offense	\$1500 per fish	
	2nd offense	\$2500 per fish and revocation of fishing license for one to two years	
	3rd offense	\$2500 per fish and revocation of fishing license for two to five years	
STRIPED BASS			
08.02.15.01	Take, Possess, Etc., Striped Bass From Territorial Sea, Exclusive Economic Zone	250.00 per fish	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.15.04	Commercial Tidal Fish License Requirements	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.15.05	Disposition of Catch — Striped Bass	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.15.06	Striped Bass Reporting	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.15.07A(2)	Size Limits — Striped Bass — Commercial — Chesapeake Bay and Tributaries	1 — 5 fish: [50.00] 125.00 6 — 10 fish: [100.00] 300.00 11+ fish: [\$105.00+ 5.00] 400.00 + 10.00 per fish	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.15.07A(3)	Seasons — Striped Bass — Commercial — Chesapeake Bay and Tributaries	1 — 5 fish: [50.00] 125.00 6 — 10 fish: [100.00] 300.00 11+ fish: [\$105.00+ 5.00] 400.00 + 10.00 per fish	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.15.07B(2)	Size Limits — Striped Bass — Commercial — Atlantic Ocean, Coastal Bays and Tributaries	1 — 5 fish: [50.00] 125.00 6 — 10 fish: [100.00] 300.00 11+ fish: [\$105.00+ 5.00] 400.00 + 10.00 per fish	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.15.07B(3)	Seasons — Striped Bass — Commercial — Atlantic Ocean, Coastal Bays and Tributaries	1 — 5 fish: [50.00] 125.00 6 — 10 fish: [100.00] 300.00 11+ fish: [\$105.00+ 5.00] 400.00 + 10.00 per fish	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.15.07B(4)	LANDING — STRIPED BASS — COMMERCIAL — STATE WATERS OF ATLANTIC	1 — 5 fish: [50.00] 125.00 6 — 10 fish: [100.00] 300.00 11+ fish: [\$105.00+ 5.00] 400.00 + 10.00 per fish	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.15.07D(2)	Commercial Gill Net Size and Length Restrictions; [Number of Fishermen] Amount of Striped Bass Onboard Gill Net Vessel	[250.00] 450.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year
08.02.15.07D(4) & (5)	Fishing for Striped Bass with Gill Net During Restricted Time/Day	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st/1000; 2nd/2000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.15.07D(6) & (7)	Marking Gill Nets When Fishing for Striped Bass	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.07E(3)	Fail to Display Authorized Flag When Participating in Commercial Striped Bass Hook and Line Activity	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.07E(4)	Catch/Attempt to Catch Striped Bass with Commercial Hook and Line During Restricted Times	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.07F	<i>Commercial Striped Bass Pound Net Fishery Limitations</i>	450.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.08A	Taking Striped Bass During Closed Season — Spring Season — Recreational/Charter Boat	250.00 per fish	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.08B	Size Limits — Striped Bass — Spring Season — Recreational/Charter Boat	250.00 per fish	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.08C	Daily/Seasonal Catch Limit — Spring Season — Striped Bass — Recreational/Charter Boat	250.00 per fish	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.08D	Fishing in Prohibited Area	[125.00] 250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.08E	Use of Prohibited Bait/Lure	[95.00] 250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.09A	Daily Catch Limit — Striped Bass — Early Season- Recreational/Charter Boat	1 — 3 fish: 125.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.09B	Daily Catch Limit — Striped Bass — Summer Season — Recreational/Charter Boat Summer and Fall — Chesapeake Bay and Tidal Tributaries	1 — 3 fish: 125.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.09A	Size Limits — Striped Bass — Summer and Fall Season — Recreational/Charter Boat	1 — 3 fish: 125.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.09B	Size Limits — Striped Bass — Summer and Fall Season — Recreational/Charter Boat	1 — 3 fish: 125.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.10B	Daily Catch Limit — Striped Bass — Summer and Fall Season — Recreational/Charter Boat — Potomac River Tributaries	1 — 3 fish: 125.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.10C	Size Limits — Striped Bass — Summer and Fall Season — Recreational/Charter Boat	1 — 3 fish: 125.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.15.11A	Size Limits — Striped Bass — Atlantic Ocean and Coastal Bays — Recreational/Charter Boat	1 — 3 fish: 125.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.11B	Daily Catch Limit — Striped Bass — Atlantic Ocean and Coastal Bays — Recreational/Charter Boat	1 — 3 fish: 125.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.12A	Methods of Removing Striped Bass from the Water	[1 — 3 fish: 125.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear] 250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.12 B (2)(a)	Time Restrictions for Possession of Striped Bass While Fishing	1 — 3 fish: 125.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.12 B (2)(b)	Prohibitions on Culling Striped Bass	125.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.12 C	Filleting Striped Bass	320.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.15.12H	Charter Boat Violations	[250.00] 450.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
OYSTER RECOVERY AREAS			
08.02.16.05A	Harvest Restrictions in Oyster Recovery Area	[450.00] 650.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
FISH REFUGES			
08.02.17.01-.02	Harvest Restrictions in Fish Refuges	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
FRESHWATER FISHING GUIDE PROVISIONS			
08.02.18.03-.06	Freshwater Fishing Guide Requirements	250.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
NUISANCE SPECIES			
08.02.19.04A	Prohibited species	1 — 3 fish: 125.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.19.04B	Prohibited from transport species	1 — 3 fish: 125.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.19.04C	Permit violation	500.00	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>
08.02.19.06	Snakehead violation	1 — 3 fish: 125.00 4 — 10 fish: 50.00 per fish 11+ fish: must appear	[1st/500; 2nd/1000 and/or 1 year] <i>1st / 1000; 2nd / 2000 and/or 1 year</i>

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
BAIT			
08.02.20.02B	Species sold for bait without a license	1 — 3 fish: 125.00 4 — 10 fish: 50.00 per fish 11 + fish: must appear	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.20.02C	Gear restrictions	125.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.20.02D	Catch limits	1 — 3 fish: 125.00 4 — 10 fish: 50.00 per fish 11 + fish: must appear	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
08.02.20.02E	Registration	250.00	[1st/500; 2nd/1000 and/or 1 year] 1st / 1000; 2nd / 2000 and/or 1 year
YELLOW PERCH			
08.02.21.02B	<i>Size Limits — Yellow Perch — Recreational</i>	1 — 3 fish: [100.00] 50.00 + \$5 per fish 4 — 10 fish: 50.00 per fish 11 + fish: must appear	1st / 1000; 2nd / 2000 and/or 1 year
08.02.21.02C	<i>Daily Catch Limit — Yellow Perch — Recreational</i>	1 — 3 fish: [100.00] 50.00 + \$5 per fish 4 — 10 fish: 50.00 per fish 11 + fish: must appear	1st / 1000; 2nd / 2000 and/or 1 year
08.02.21.03A	<i>Taking Yellow Perch During Closed Season — Commercial</i>	650.00	1st / 1000; 2nd / 2000 and/or 1 year
08.02.21.03B(1)	<i>Size Limits — Yellow Perch — Commercial — Hook and Line — Tidal Waters</i>	1 — 3 fish: [100.00] 50.00 + \$5 per fish 4 — 10 fish: 50.00 per fish 11 + fish: must appear	1st / 1000; 2nd / 2000 and/or 1 year
08.02.21.03B(2)-(3)	<i>Size Limits — Yellow perch — Commercial — (Caught other than Hook and Line) — Tidal Waters</i>	1 — 5 fish: 50.00 6 — 10 fish: 100.00 11 + fish: 105.00 +5.00 per fish	1st / 1000; 2nd / 2000 and/or 1 year
08.02.21.03C(1)	<i>Daily Catch Limit — Yellow Perch — Commercial — Hook and Line</i>	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11 + fish: must appear	1st / 1000; 2nd / 2000 and/or 1 year
08.02.21.03C(2)	<i>Daily Catch Limit — Yellow Perch — Commercial — (Caught than Hook and Line)</i>	1 — 3 fish: [100.00] 50.00 + \$5 per fish 4 — 10 fish: 50.00 per fish 11 + fish: must appear	1st / 1000; 2nd / 2000 and/or 1 year
08.02.21.03D	<i>Taking Yellow Perch for Commercial Purpose from Excluded Area</i>	1 — 3 fish: 100.00 4 — 10 fish: 50.00 per fish 11 + fish: must appear	1st / 1000; 2nd / 2000 and/or 1 year
08.02.21.03E	<i>Yellow Perch — Commercial Permit Requirement</i>	650.00	1st / 1000; 2nd / 2000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.02.21.03G	Fail to obtain/Affix Yellow Perch tag — Commercial	450.00 per fish up to a maximum total of 1000.00 per citation	1st / 1000; 2nd / 2000 and/or 1 year
08.02.21.03J	Fail to Report Yellow Perch Catch to Department	450.00 per fish up to a maximum total of 1000.00 per citation	1st / 1000; 2nd / 2000 and/or 1 year
08.02.21.03K	Setting Fyke Net during Closed Period in Specified Area	[450.00] 650.00	1st / 1000; 2nd / 2000 and/or 1 year
08.02.21.04A	Yellow Perch Egg Possession	95.00	1st / 1000; 2nd / 2000 and/or 1 year
SHARKS			
08.02.22.02A	Harvesting Prohibited Shark Species — Recreational	500.00	1st / 1000; 2nd / 2000 and/or 1 year
08.02.22.03C(1)	Harvesting Shark from Prohibited or Research group without Permit — Commercial	500.00	1st / 1000; 2nd / 2000 and/or 1 year
08.02.22.02.B	Closed Season for Designated Shark Species — Recreational	250.00 per fish up to a maximum total of 1000.00 per citation	1st / 1000; 2nd / 2000 and/or 1 year
08.02.22.03B	Closed Season for Designated Shark Species — Commercial	250.00 per fish up to a maximum total of 1000.00 per citation	1st / 1000; 2nd / 2000 and/or 1 year
08.02.22.02C	Size Limits for Designated Shark Species — Recreational	250.00 per fish up to a maximum total of 1000.00 per citation	1st / 1000; 2nd / 2000 and/or 1 year
08.02.22.02D	Daily Catch Limit — Sharks — Recreational	250.00 per fish up to a maximum total of 1000.00 per citation	1st / 1000; 2nd / 2000 and/or 1 year
08.02.22.03C(3)	Daily Catch Limit — Sharks — Commercial	250.00 per fish up to a maximum total of 1000.00 per citation	1st / 1000; 2nd / 2000 and/or 1 year
08.02.22.02E	Gear Restrictions — Sharks — Recreational	[250.00] 450.00	1st / 1000; 2nd / 2000 and/or 1 year
08.02.22.03D	Gear Restrictions — Sharks — Commercial	[250.00] 450.00	1st / 1000; 2nd / 2000 and/or 1 year
08.02.22.02F(4)	Failing to Land Shark with Head, Tail and Fins attached — Recreational	450.00 per fish up to a maximum total of 1000.00 per citation	1st / 1000; 2nd / 2000 and/or 1 year
08.02.22.04A	Shark Filleting or Finning Violation	450.00 per fish up to a maximum total of 1000.00 per citation	1st / 1000; 2nd / 2000 and/or 1 year

WILDLIFE

NOTE: NR 10-205(b) applies an additional mandatory penalty, above what is indicated in the Maximum Penalty column, for any conviction for a violation of a wildlife regulation of 5.00 for each bird, mammal, amphibian, or reptile illegally hunted or possessed. However, this additional penalty does not apply to game birds and mammals. This subsection also states that if a person is convicted a second or subsequent time within the same 12 month period for a violation of the regulations the Department adopts, the person shall have their person's hunting license suspended and may not procure a hunting license the following calendar year.

NOTE: NR 10-1108 allows, in addition to any other authorized penalty, for the suspension of a violator=s hunting license for up to five years for any violations of Title 10 or regulations adopted under Title 10.

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
ALL REGULATIONS — EXCEPT AS LISTED IN THE EXCEPTIONS BELOW:			
08.03.01-08.03.14	General Wildlife Hunting and Possession and Use of Lands	250.00	1st/1500; 2nd/4000 and/or 1 year
EXCEPTIONS TO ABOVE REGULATIONS			
08.03.02.05	Baiting or Feeding on State Owned Lands or Waters	500.00	1st/1500; 2nd/4000 and/or 1 year
08.03.02.19	Littering and Dumping on State Land	400.00	1st/1500; 2nd/4000 and/or 1 year
08.03.02.20	Damaging Public Property	500.00	1st/1500; 2nd/4000 and/or 1 year
08.03.03.01	Hunting During Closed Season/Exceeding Bag Limits — Except Deer, Bear and Turkey	450.00	1st/1500; 2nd/4000 and/or 1 year
08.03.03.01	Hunting During Closed Season/Exceeding Bag Limits — Deer and Turkey Only	500.00	1st/1500; 2nd/4000 and/or 1 year
08.03.03.01	Hunting During Closed Season/Exceeding Bag Limits — Bear Only	Must Appear	1st/1500 and/or 6 months 2nd/2000 and/or 1 year
08.03.04.05A(2)(c)	Using a Poisoned Arrow or Arrow With an Explosive Tip to Hunt Deer	500.00	1st/1500; 2nd/4000 and/or 1 year
08.03.04.05A(2)(f)	POSSESSION OF COCKED / LOADED CROSSBOW IN OR ON A VEHICLE	125.00	1st/500; 2nd/4000 and/or 1 year
08.03.04.05C	Using a Rifle/Handgun to Hunt Deer in County/Area Restricted to Shotgun Only	250.00	1st/1500; 2nd/4000 and/or 1 year
08.03.04.06A #1	Hunting Turkey During Spring Season Before/After Hours (First 30 Minutes Early/Late)	125.00	1st/1500; 2nd/4000 and/or 1 year
08.03.04.06A #2	Hunting Turkey During Spring Season Before/After Hours (More Than 30 Minutes Early/Late)	250.00	1st/1500; 2nd/4000 and/or 1 year
08.03.04.06B	Hunting Turkey with Illegal Weapon/Bait/Electronic Calls/Dogs or by Driving	500.00	1st/1500; 2nd/4000 and/or 1 year
08.03.04.11	Hunting Turkey and Black Bear with Aid of Bait	500.00	1st/1500; 2nd/4000 and/or 1 year
WILDLIFE — FOREST WILDLIFE			
08.03.04.19	Unlawful use of Dogs for tracking Deer or Bear	450.00	1st/1500; 2nd/4000 and/or 1 year
08.03.04.20D	Hunting or participating in a hunt for Bear without a Black Bear hunting permit	500.00	1st/1500; 2nd/4000 and/or 1 year
08.03.04.20E(1)	Subpermittee, hunting or participating in a hunt for Bear without permittee	450.00	1st/1500; 2nd/4000 and/or 1 year
08.03.04.20H	Illegal use of scent attractants or electronic call while Black Bear hunting	450.00	1st/1500; 2nd/4000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.03.04.20L	Failure to properly check in a killed Black Bear	320.00	1st/1500; 2nd/4000 and/or 1 year
08.03.07.01	Trapping Wild Waterfowl	320.00	1st/1500; 2nd/4000 and/or 1 year
08.03.07.05	Captive Waterfowl	500.00	1st/1500; 2nd/4000 and/or 1 year
08.03.08.04	Taking, Exporting, Possessing, Selling, ETC. Endangered Wildlife	500.00	If Violation Involves Wildlife Other Than Fish: 1st/1500 and/or 1 year; 2nd/4000 and/or 1 year If Violation Involves a Fish Species: 1000 and/or 1 year NOTE: Additional Penalties for Rockfish Listed at Beginning of 08.02.15
08.03.08.05	Taking, Exporting, Possessing, Selling, ETC. Endangered Plant	500.00	1st/1500; 2nd/4000 and/or 1 year
08.03.08.07	Taking, Exporting, Possessing, Selling, ETC. Threatened Wildlife	320.00	If Violation Involves Wildlife Other Than Fish: 1st/1500; 2nd/4000 and/or 1 year If Violation Involves a fish species: 1st/500; 2nd/1000 and/or 1 year
08.03.08.08	Taking, Exporting, Possessing, Selling, ETC. Threatened Plant	320.00	1st/1500; 2nd/4000 and/or 1 year
08.03.08.09	Taking, Exporting, Possessing, Selling, ETC. Wildlife in Need of Conservation	250.00	If Violation Involves Wildlife Other Than Fish: 1st/1500; 2nd/4000 and/or 1 year If Violation Involves a fish species: 1st/500; 2nd/1000 and/or 1 year
08.03.10.02	Recorded Bird Calls	500.00	1st/1500; 2nd/4000 and/or 1 year
08.03.10.07	Baiting	500.00	1st/1500; 2nd/4000 and/or 1 year
08.03.10.13	Fail to Carry Photo I.D./Secondary Form of Positive I.D. in Addition to Hunting License	35.00	1st/1500; 2nd/4000 and/or 1 year
REPTILE AND AMPHIBIAN POSSESSION AND PERMITS			
08.03.11.03A	For Any Violation Involving a Species on List A (Per Separate Offense)	125.00	1st/1500; 2nd/4000 and/or 1 year
08.03.11.03B	For Any Violation Involving a Species on List B (Per Separate Offense)	420.00	1st/1500; 2nd/4000 and/or 1 year
08.03.11.03C	For Any Violation Involving a Species on List C (Per Separate Offense)	500.00	1st/1500; 2nd/4000 and/or 1 year
BOATING			
08.04.03.01	Display of Number on Vessel	55.00	1st/500; 2nd/1000 and/or 1 year
08.04.03.02	Possession of Certificate of Number	35.00	1st/500; 2nd/1000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.04.03.11	Presenting and Carrying Certificate of Number or Rental Agreement	35.00	1st/500; 2nd/1000 and/or 1 year
08.04.03.12	Change of Address	55.00	1st/500; 2nd/1000 and/or 1 year
08.04.03.17	Validation Emblem on Numbered Vessel	35.00	1st/500; 2nd/1000 and/or 1 year
08.04.03.18	Hull Identification Numbers	55.00	1st/500; 2nd/1000 and/or 1 year
08.04.07.01	Reporting Boating Accidents	55.00	1st/500; 2nd/1000 and/or 1 year
08.04.08.01A	Vessel Rental Without Proper Equipment by Boat Livery Operation	85.00	1st/500; 2nd/1000 and/or 1 year
08.04.08.01B	Failure to Keep Proper Records by Boat Livery Operator	55.00	1st/500; 2nd/1000 and/or 1 year
08.04.08.02A(1)	Failure to Display PWC Regulations	85.00	1st/500; 2nd/1000 and/or 1 year
08.04.08.02A(2)	Failure to Advise Renters/Operators of PWC Regulations	85.00	1st/500; 2nd/1000 and/or 1 year
08.04.08.02A(3)	Violation of Requirements Regarding Rental Contract	85.00	1st/500; 2nd/1000 and/or 1 year
08.04.08.02B	Renting a PWC to Individual Under 16 Years of Age	85.00	1st/500; 2nd/1000 and/or 1 year
08.04.08.02B	Renting a PWC to Individual Born After July 1, 1972 Who Does Not Have Boating Safety Certificate	85.00	1st/500; 2nd/1000 and/or 1 year
08.04.13.02 — .03	Mooring Violation	55.00	1st/500; 2nd/1000 and/or 1 year
RECREATIONAL WATER USES			
08.06.01.03	Entering Prohibited Areas of the Potomac River	125.00	500.00 and/or 2 months
08.06.02.03	Interference with Power Boat Races, Regattas or Exhibitions	125.00	1st/500; 2nd/1000 and/or 1 year
MARYLAND FOREST AND PARK SERVICE			
Violations of Title 5 Forest and Park Service Regulations should be cited by COMAR cite and §5-1301(c) of the Natural Resources Article.			
STATE FORESTS			
08.07.01.03B	Hunting/Trapping When/Where Not Permitted	270.00	1st/500; 2nd/1000 and/or 1 year
08.07.01.03C	Trapping or Attempting to Trap Without Permit	125.00	1st/500; 2nd/1000 and/or 1 year
08.07.01.03D	Hunting or Attempting to Hunt Over Bait/Baited Area	450.00	1st/500; 2nd/1000 and/or 1 year
08.07.01.03E	Use/Construct a Permanent Blind/Stand Without Permit or Use of Reed Grass	75.00	1st/500; 2nd/1000 and/or 1 year
08.07.01.04B	Weapons Violation — State Forest	75.00	1st/500; 2nd/1000 and/or 1 year
08.07.01.04C	Target Shooting in Non-Designated Area	75.00	1st/500; 2nd/1000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.07.01.04D	Illegal Discharge of Firearm	75.00	1st/500; 2nd/1000 and/or 1year
08.07.01.04E	Loaded Weapon in Campsite	75.00	1st/500; 2nd/1000 and/or 1year
08.07.01.05A	Fishing in a Posted No Fishing Area	55.00	1st/500; 2nd/1000 and/or 1year
08.07.01.05B	Fishing for Other Than Finfish Without Permit	105.00	1st/500; 2nd/1000 and/or 1year
08.07.01.06	Closure Against Entry	55.00	1st/500; 2nd/1000 and/or 1year
08.07.01.07	Swimming in a Posted No Swimming Area	55.00	1st/500; 2nd/1000 and/or 1year
08.07.01.08	Camping Without a Permit	55.00	1st/500; 2nd/1000 and/or 1year
08.07.01.09	Commercial Enterprise Without Permit	105.00	1st/500; 2nd/1000 and/or 1year
08.07.01.10A	Fire Without Permit	75.00	1st/500; 2nd/1000 and/or 1year
08.07.01.10D	Discarding Burning Object	75.00	1st/500; 2nd/1000 and/or 1year
08.07.01.11	Advertising Without Permit	55.00	1st/500; 2nd/1000 and/or 1year
08.07.01.12A	Littering in a State Forest	125.00	1st/500; 2nd/1000 and/or 1year
08.07.01.12B	Deposit Private/Commercial Garbage in Service Containers	260.00	1st/500; 2nd/1000 and/or 1year
08.07.01.13B	Removing/Disturbing/Destroying a Plant/Rock/Mineral/Animal	55.00	1st/500; 2nd/1000 and/or 1year
08.07.01.13C	Cutting Firewood Without Permit	55.00	1st/500; 2nd/1000 and/or 1year
08.07.01.14B	Failure to Comply With Officers Instruction	125.00	1st/500; 2nd/1000 and/or 1year
08.07.01.14D(1)	Driving in Non-Designated Area	270.00	1st/500; 2nd/1000 and/or 1year
08.07.01.14D(2)	Parking in Non-Designated Area	35.00	1st/500; 2nd/1000 and/or 1year
08.07.01.14D(3)	Obstruction of Traffic	55.00	1st/500; 2nd/1000 and/or 1year
08.07.01.14D(4)	Speed Greater Than Posted	65.00	1st/500; 2nd/1000 and/or 1year
08.07.01.14D(5)	Riding an Animal/Animal Drawn Vehicle in a Developed Area Without Permit	35.00	1st/500; 2nd/1000 and/or 1year
08.07.01.14D(6)	Violating a Traffic Control Device	55.00	1st/500; 2nd/1000 and/or 1year
08.07.01.14D(7)	Permitting a Vehicle to Remain in Forest After Closing Hours	35.00	1st/500; 2nd/1000 and/or 1year
08.07.01.14D(8)	Parking Over Posted Time Limit Without Paying Parking Fee	35.00	1st/500; 2nd/1000 and/or 1year
08.07.01.15	Illegal Entry/Use of Forest Facilities	55.00	1st/500; 2nd/1000 and/or 1year
08.07.01.16	Grazing Animals Without Permit	45.00	1st/500; 2nd/1000 and/or 1year
08.07.01.17	Uncontrolled Pet/Pet in Non-Designated Area	45.00	1st/500; 2nd/1000 and/or 1year
08.07.01.18B	Digging/Removal of Relics/Treasures/Historic Artifacts Without Permit	300.00	1st/500; 2nd/1000 and/or 1year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.07.01.18B	Use of Metal Detector in Restricted Area	45.00	1st/500; 2nd/1000 and/or 1year
08.07.01.19A	Possession of Intoxicating Beverage By Person Under 21 Years of Age	300.00	1st/500; 2nd/1000 and/or 1year
08.07.01.19B	Possession/Consumption of Intoxicating Beverage in Non-Designated Area	55.00	1st/500; 2nd/1000 and/or 1year
08.07.01.20	Disorderly Conduct	125.00	1st/500; 2nd/1000 and/or 1year
08.07.01.21	Disobeying Lawful Order of Officer	300.00	1st/500; 2nd/1000 and/or 1year
08.07.01.22	Possess/Use of Fireworks	75.00	1st/500; 2nd/1000 and/or 1year
08.07.01.23	Bow and Arrow/Firearms Range Safety Violation	75.00	1st/500; 2nd/1000 and/or 1year
08.07.01.24	Land-Use Encroachment	450.00	1st/500; 2nd/1000 and/or 1year
08.07.01.25	Unauthorized Use of Trail	55.00	1st/500; 2nd/1000 and/or 1year
08.07.01.26	Use of Motorized Equipment Without Permit	55.00	1st/500; 2nd/1000 and/or 1year
08.07.02.03	Removing or Trimming or Treating Roadside Trees Without Permit	260.00	[1st/500; 2nd/1000 and/or 1year] 1st/2,000; 2nd/5000 and/or 1 year
08.07.02.07A	Failure to Meet Tree Care Standards	125.00	1st/500; 2nd/1000 and/or 1year
08.07.02.07B	Failure to Meet Clearance Standards or to Replace Trees	125.00	1st/500; 2nd/1000 and/or 1year
08.07.02.07C	Failure to Meet Underground Projects Standards	125.00	1st/500; 2nd/1000 and/or 1year
08.07.02.08	Application of Herbicides	125.00	1st/500; 2nd/1000 and/or 1year
08.07.02.09	Roadside Tree Planting Specifications	75.00	1st/500; 2nd/1000 and/or 1year
OPEN AIR BURNING:			
08.07.04.03A	Inadequate Safety Strip	75.00	1st/500; 2nd/1000 and/or 1year
08.07.04.03A	Insufficient Personnel	75.00	1st/500; 2nd/1000 and/or 1year
08.07.04.03A	No One Responsible For Fire	125.00	1st/500; 2nd/1000 and/or 1year
08.07.04.03A	Burning During Prohibited Hour	75.00	1st/500; 2nd/1000 and/or 1year
08.07.04.03B	Violation of Permit	260.00	1st/500; 2nd/1000 and/or 1 year
08.07.04.03B	Burning Without Permit	260.00	1st/500; 2nd/1000 and/or 1year
08.07.04.04	Operating a Disposal Area Without Proper Safety Precautions or Permit	300.00	1st/500; 2nd/1000 and/or 1year
08.07.04.05	Allowing Slash to Remain Within 50' of a Public Highway Beyond Permissible Time Allotted	125.00	1st/500; 2nd/1000 and/or 1year
08.07.04.06	Littering Within 50 feet of Public Highway	155.00	1st/500; 2nd/1000 and/or 1year
08.07.04.07	Failure to Use Proper Spark Arrestor	75.00	1st/500; 2nd/1000 and/or 1year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.07.04.08	Detonating Fireworks in Natural Cover Fuels	75.00	1st/500; 2nd/1000 and/or 1year
08.07.04.09	Burning While Ban is in Effect	300.00	1st/500; 2nd/1000 and/or 1year
08.07.04.10	Discarding Burning Material	200.00	1st/500; 2nd/1000 and/or 1year
STATE PARKS			
08.07.06.03A(1)	Hunting/Trapping Where/When/By Method Not Permitted	270.00	1st/500; 2nd/1000 and/or 1year
08.07.06.03A(5)	Use/Construct a Permanent Blind/Stand Without Permit	75.00	1st/500; 2nd/1000 and/or 1 year
08.07.06.03A(7)	Trapping Without a permit	125.00	1st/500; 2nd/1000 and/or 1year
08.07.06.03A(8)	Hunting in Violation of Permit	125.00	1st/500; 2nd/1000 and/or 1year
08.07.06.03B	Hunting or Attempting to Hunt Over Bait/Baited Area	450.00	1st/500; 2nd/1000 and/or 1year
08.07.06.04	Weapons Violation — State Park	75.00	1st/500; 2nd/1000 and/or 1year
08.07.06.05A	Fishing in a Non-Designated Area	55.00	1st/500; 2nd/1000 and/or 1year
08.07.06.05B	Fishing for Other Than Finfish Without Permit	105.00	1st/500; 2nd/1000 and/or 1year
08.07.06.06	Closed Against Entry	55.00	1st/500; 2nd/1000 and/or 1year
08.07.06.07	Swimming in a Posted No Swimming Area	55.00	1st/500; 2nd/1000 and/or 1year
08.07.06.08	Camping Without Permit	55.00	1st/500; 2nd/1000 and/or 1year
08.07.06.09	Commercial Enterprise Without Permit	105.00	1st/500; 2nd/1000 and/or 1year
08.07.06.10A	Kindling/Building/Maintaining/Using Fire Without permit	75.00	1st/500; 2nd/1000 and/or 1year
08.07.06.10D	Discarding Burning Object	75.00	1st/500; 2nd/1000 and/or 1year
08.07.06.11	Advertising Without Permit	55.00	1st/500; 2nd/1000 and/or 1year
08.07.06.12A	Littering in a State Park	125.00	1st/500; 2nd/1000 and/or 1year
08.07.06.12B	Possessing a Glass Container/Hazardous Object in Swimming/Beach Area	55.00	1st/500; 2nd/1000 and/or 1year
08.07.06.12C	Depositing of Private/Commercial Garbage in a Service Container	260.00	1st/500; 2nd/1000 and/or 1year
08.07.06.13B(1)	Remove/Disturb/Damage/Destroy a Plant, Rock, Mineral or Animal	55.00	1st/500; 2nd/1000 and/or 1year
08.07.06.13B(2)	Cutdown/Remove/Destroy a Tree	450.00	1st/500; 2nd/1000 and/or 1year
08.07.06.13B(3)	Feed/Touch/Tease/Frighten or Disturb Wildlife	55.00	1st/500; 2nd/1000 and/or 1year
08.07.06.14A	Failure to Comply With Officers Instructions	125.00	1st/500; 2nd/1000 and/or 1year
08.07.06.14B	Docking in a Posted No-Docking Area	35.00	1st/500; 2nd/1000 and/or 1year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.07.06.14D(1)	Driving in a Non-Designated Area	270.00	1st/500; 2nd/1000 and/or 1year
08.07.06.14D(2)	Parking in a Non-Designated Area	35.00	1st/500; 2nd/1000 and/or 1year
08.07.06.14D(3)	Obstruction of Traffic	55.00	1st/500; 2nd/1000 and/or 1year
08.07.06.14D(4)	Speed Greater Than Posted	65.00	1st/500; 2nd/1000 and/or 1year
08.07.06.14D(5)	Riding an Animal/Animal Drawn Vehicle in a Developed Area Without Permit	35.00	1st/500; 2nd/1000 and/or 1year
08.07.06.14D(6)	Violating a Traffic Control Device	55.00	1st/500; 2nd/1000 and/or 1year
08.07.06.14D(7)	Permitting a Vehicle to Remain in a Park After Closing Hours	35.00	1st/500; 2nd/1000 and/or 1year
08.07.06.14D(8)	Parking Over Posted Time Limit Without Paying Parking Fee	35.00	1st/500; 2nd/1000 and/or 1year
08.07.06.15	Illegal Entry/Use of Park Facilities	55.00	1st/500; 2nd/1000 and/or 1year
08.07.06.16	Grazing Without Permit	45.00	1st/500; 2nd/1000 and/or 1year
08.07.06.17A	Pet in Restricted Area	45.00	1st/500; 2nd/1000 and/or 1year
08.07.06.17B	Pet in Undeveloped Area Off-Leash	45.00	1st/500; 2nd/1000 and/or 1year
08.07.06.18B	Digging/Removal of Relics/Treasures/Historic Artifacts Without Permit	300.00	1st/500; 2nd/1000 and/or 1year
08.07.06.18D(2)	Use of Metal Detector	45.00	1st/500; 2nd/1000 and/or 1year
08.07.06.18D(3)	Use of Metal Detector During Restricted Times	45.00	1st/500; 2nd/1000 and/or 1year
08.07.06.19A	Possession of Intoxicating Beverage by Person Under 21 Years Of Age	300.00	1st/500; 2nd/1000 and/or 1year
08.07.06.19B	Possession/Consumption of an Intoxicating Beverage in a Non-Designated Area	55.00	1st/500; 2nd/1000 and/or 1year
08.07.06.19C	Possession of Alcoholic Beverages in Non-Designated Area	55.00	1st/500; 2nd/1000 and/or 1year
08.07.06.20	Disorderly Conduct	125.00	1st/500; 2nd/1000 and/or 1year
08.07.06.21	Disobeying Lawful Order Of Officer	300.00	1st/500; 2nd/1000 and/or 1year
08.07.06.22	Possess/Use of Fireworks	75.00	1st/500; 2nd/1000 and/or 1year
08.07.06.23	Bow and Arrow/Firearms Range Safety Violation	75.00	1st/500; 2nd/1000 and/or 1year
08.07.06.24	Land Use Encroachment	450.00	1st/500; 2nd/1000 and/or 1year
08.07.06.25	Unauthorized Use of Trails	55.00	1st/500; 2nd/1000 and/or 1year
08.07.06.26	Use of Amplifier/Loudspeaker Without Permit	65.00	1st/500; 2nd/1000 and/or 1year
08.07.06.27A	Launching in a Non-Designated Area	55.00	1st/500; 2nd/1000 and/or 1year
08.07.06.27B(1)	Use of Gasoline Engine on Impoundment	55.00	1st/500; 2nd/1000 and/or 1year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.07.06.27C	Operating a Vessel in a Restricted Area	55.00	1st/500; 2nd/1000 and/or 1 year
08.07.06.27E	Swimming/Diving From a Vessel	55.00	1st/500; 2nd/1000 and/or 1 year
DEEP CREEK LAKE			
08.08.05.01B	Prohibited Public Use of Buffer Strip or Lake	75.00	1st/500; 2nd/1000 and/or 1 year
08.08.05.02	Buffer Strip Use Permit Required	125.00	1st/500; 2nd/1000 and/or 1 year
08.08.03.03	Commercial Validation of Permit Required	300.00	1st/500; 2nd/1000 and/or 1 year
08.08.05.01A(2)	Interference With Hydroelectric Project or Public Use	75.00	1st/500; 2nd/1000 and/or 1 year
08.08.05.05 A	Special Permit Required	450.00	1st/500; 2nd/1000 and/or 1 year
08.08.05.05A	Development Permit Required	300.00	1st/500; 2nd/1000 and/or 1 year
08.08.05.05 A	Non-Conforming Use Permit Required	75.00	1st/500; 2nd/1000 and/or 1 year
08.08.05.02	Requirements for Buffer Strip Use by Adjacent Landowners	75.00	1st/500; 2nd/1000 and/or 1 year
08.08.05.02E	I.D. Numbers On Lake Facilities	45.00	1st/500; 2nd/1000 and/or 1 year
08.08.07.02	Removal of Safety Hazards	75.00	1st/500; 2nd/1000 and/or 1 year
YOUGHIOGHENY WILD RIVER			
08.15.02.05	Logging Without Approval	320.00	1st/500; 2nd/1000 and/or 1 year
Commercial Whitewater Boating Safety:			
08.15.04.03A	Operating Commercial Whitewater Boat Without Permit	450.00	1st/500; 2nd/1000 and/or 1 year
08.15.04.03B	Operating Commercial Whitewater Boat Without Insurance	250.00	1st/500; 2nd/1000 and/or 1 year
08.15.04.03C	No Name or Logo on Commercial Whitewater Boat	55.00	1st/500; 2nd/1000 and/or 1 year
08.15.04.03D	Transferring Commercial Whitewater Permit Without Approval	250.00	1st/500; 2nd/1000 and/or 1 year
08.15.04.03F	Exceeding Allocation of Commercial Boats	250.00 and 55.00 per boat exceeding allocation up to a maximum total of 500.00 per citation	1st/500; 2nd/1000 and/or 1 year
08.15.04.04D	Launching or Landing Commercial Whitewater Boat Without Written Consent of Landowner	55.00	1st/500; 2nd/1000 and/or 1 year
08.15.04.04E(1)	Failing to Preserve Written Record of Whitewater Trip Data	125.00	1st/500; 2nd/1000 and/or 1 year
08.15.04.04E(2)	Violating Minimum Number of Registered Whitewater Guides	250.00	1st/500; 2nd/1000 and/or 1 year
08.15.04.04E(3)	Damaging Environment by Commercial Whitewater Boat or Customer	125.00	1st/500; 2nd/1000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.15.04.04E(4)	Employing Unqualified Whitewater Guide	125.00	1st/500; 2nd/1000 and/or 1 year
08.15.04.05A	Whitewater Guiding Without Registration	125.00	1st/500; 2nd/1000 and/or 1 year
08.15.04.05B	Unqualified Whitewater Guiding	125.00	1st/500; 2nd/1000 and/or 1 year
08.15.04.06A	Whitewater Craft Safety Violation	125.00	1st/500; 2nd/1000 and/or 1 year
08.15.04.06B	Whitewater Equipment Violation	125.00	1st/500; 2nd/1000 and/or 1 year
08.15.04.06C	Failing to Maintain Whitewater Equipment	125.00	1st/500; 2nd/1000 and/or 1 year
08.15.04.06D	Whitewater Accident Report Violation	55.00	1st/500; 2nd/1000 and/or 1 year
08.15.04.06E	Serious Whitewater Accident Report Violation	55.00	1st/500; 2nd/1000 and/or 1 year
BOATING — SPEED LIMITS AND OPERATION OF VESSEL			
08.18.01.04	Failure to Obey Navigation Rules (Rules of the Road)	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.01.05A	Reckless Operation of a Vessel	450.00	1st/500; 2nd/1000 and/or 1 year
08.18.01.05B	Negligent Operation of a Vessel	320.00	1st/500; 2nd/1000 and/or 1 year
08.18.01.06	Skiing-Distance Requirements	85.00	1st/500; 2nd/1000 and/or 1 year
Required Equipment — White Water Rafting			
08.18.01.08E(1)	Failure to Wear a PFD While Boating on a White Water Stream	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.01.08E(2)	Failure of Operator of a Commercial Vessel on a White Water Stream to Have a First Aid Kit	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.01.08E(3)	Failure to Have Grab Loops or Safety Lines Attached to Vessel While Boating on a White Water Stream	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.01.08E(4)	Failure of Person Using Kayak or Covered Canoe on a White Water Stream to Wear Safety Helmets	85.00	1st/500; 2nd/1000 and/or 1 year
PERSONAL WATERCRAFT RESTRICTIONS:			
08.18.02.05A	Leasing, Renting, Hiring, Operating, or Giving Permission to Operate a PWC When the Operator is Under 16 YOA	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.02.05B	Violating Restriction on Towing Person on Water Skis, Aquaplane or Similar Device	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.02.05C	Failure of operator of PWC Born After July 1, 1972 to Possess a Boater Safety Education Certificate	30.00	1st/500; 2nd/1000 and/or 1 year
08.18.02.05D	Failure to Wear PFD	85.00 and 5.00 for each PFD short up to a maximum total of 500.00 per citation	1st/500; 2nd/1000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.18.02.05E	Operating or Giving Permission to operate a PWC Between Sunset and Sunrise	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.02.05F	Operating or Giving Permission to Operate a Personal Watercraft Without a Self-Circling Device or a Lanyard-Type Engine Cutoff Switch	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.02.05G	Operating or Giving Permission to Operate a Specialty Prop Craft without Lanyard-Type Engine Cutoff Switch	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.02.05H	Operating or Giving Permission to Operate a Personal Watercraft With A Non-Operational or Unattached Lanyard-Type Engine Cutoff Switch	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.02.05I	Operating or Giving Permission to Operate a Personal Watercraft with an Altered Self-Circling Device or Engine Throttle	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.02.05J	Operating or Giving Permission to Operate a Personal Watercraft Within Maryland Waters of the Atlantic Ocean Within 300 Feet of People in Water or Surf Fishermen or at Speed of More Than 6 Knots Within 100 Feet of a Vessel, Wharf, Pier or Jetty	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.02.05K	Operating or Giving Permission to Operate a Personal Watercraft on State Waters Other Than Atlantic Ocean in Excess of 6 Knots Within 100 Feet of Shore, Wharf, Pier, Piling, Bridge Structure or Abutment, or People in the Water	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.02.05L	Operating or Give Permission to Operate a Personal Watercraft on State Waters in Excess of 6 Knots Within 100' of Another Vessel	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.02.05 M	Negligent Operation	300.00	1st/500; 2nd/1000 and/or 1 year
08.18.02.05 N	Violation of Regulations Regarding Personal Watercraft Livery Owners or Livery Owners Agents or Employees	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.02.05O	Operating or Give Permission to Operate a Personal Watercraft on State Waters Without Regulation Sticker Displayed/Properly Displayed	85.00	1st/500; 2nd/1000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.18.02.05P	Operating or Give Permission to Operate a Personal Watercraft on State Waters in Excess of Idle Speed in Waters Less Than 18 Inches in Depth	85.00	1st/500; 2nd/1000 and/or 1 year
NOISE LEVEL LIMITS OF VESSELS			
08.18.03.01	Operating Restrictions and Requirements for Vessels Exempt from Noise Level Limits	85.00	1st/500; 2nd/1000 and/or 30 days
08.18.03.03	Exceeding Noise Level Limits	125.00	1st/500; 2nd/1000 and/or 30 days
08.18.03.08	Inadequate Muffler	125.00	1st/500; 2nd/1000 and/or 30 days
SAFETY EQUIPMENT			
08.18.04.02 A	Failure to Carry PFDs Aboard Vessel Not Subject to USCG Inspection	85.00 and 5.00 per PFD short up to a maximum total of 500.00 per citation	1st/500; 2nd/1000 and/or 1 year
08.18.04.02D	Failure to Wear Wet or Dry Suit During Specified Months When Operating a Sailboard	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.04.04	Failure to wear PFD on Upper Potomac River	85.00	1st/500; 2nd/1000 and/or 1 year
SPEED LIMITS AND OPERATION OF VESSELS			
08.18.05 — 08.18.18.04	Exceeding Established Speed Limits	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.18.05	Operating/Give Permission to Operate a Vessel in a Protected Buffer for Bird Feeding/Nesting	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.18.06	Exceeding Established Speed Limits	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.19 — 08.18.23	Exceeding Established Speed Limits	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.24.01	Exceeding Established Severn River Proper Speed Limit	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.24.02	Exceeding Established Severn River South Shore Speed Limit	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.24.03	Exceeding Established Severn River North Shore Speed Limit	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.24.04	Operating a Vessel in Violation of College Creek Designated Rowing Area Restrictions	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.24.05	Operating a Vessel in Violation of Maynard Creek Controlled Ski Area Restrictions	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.24.06	Operating a Vessel in Violation of Sunrise Beach Controlled Ski Area Restrictions	85.00	1st/500; 2nd/1000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.18.24.07A	Operating a Vessel in Violation of Designated Beach Area Restrictions	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.24.07B	Operating a Vessel in a Swim Area	125.00	1st/500; 2nd/1000 and/or 1 year
08.18.25 — 08.18.32	Exceeding Established Speed Limits	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.33.02 A-D	Violating Vessel Restrictions on Deep Creek Lake	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.33.02E	Littering on Deep Creek Lake	125.00	1st/500; 2nd/1000 and/or 1 year
08.18.33.02F	Operating a Vessel with an Installed Marine Sanitation Device on Deep Creek Lake	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.33.02G	Operating In or Near Buoyed Swim Area on Deep Creek Lake	125.00	1st/500; 2nd/1000 and/or 1 year
08.18.33.02I	Violation of Para-Sailing Prohibition on Deep Creek Lake	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.33.02J	Violating Personal Watercraft/Air Cushion Vessel Restrictions on Deep Creek Lake	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.33.03	Exceeding Established Speed Limit on Deep Creek Lake	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.33.04	Violating Aircraft Prohibition on Deep Creek Lake	320.00	1st/500; 2nd/1000 and/or 1 year
08.18.34	Exceeding Established Speed Limits	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.04A	Jennings Randolph Lake Regulations		
	Failure to Comply With Inland Navigation Rules	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.04B(1)	Failure to Have Required Safety Equipment	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.04B(2)	Failure to Have Required PFDs	85.00 and 5.00 per PFD short up to a maximum total of 500.00 per citation	1st/500; 2nd/1000 and/or 1 year
08.18.35.04C	Person under 15 Years of Age Operating Motorboat	55.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.04D	Operating/Give Permission to Operate Vessel in Negligent Manner	320.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.04D	Operating/Give Permission to Operate Vessel in Reckless Manner	450.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.04E	Creating Wake or Operating in Excess of Minimum/No Wake Speed in No Wake Zone	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.04F	Operating Within 100' of Diver Down Flag	125.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.04F	Operating in Restricted Area	85.00	1st/500; 2nd/1000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.18.35.04G	Placing Buoys or Markers Without Permission	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.04H(1)	Depositing Waste Products in Lake or On Lake Project	Must Appear	1st/500; 2nd/1000 and/or 1 year
08.18.35.04H(2)	Operating Vessel Equipped With MSD With Overboard Discharge	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.04I	Operating a Vessel in Excess of 26 Feet	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.04J	Operating a Vessel Carrying Passengers For Hire Without Permission	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.04J	Operating a Vessel, Carrying Passengers For Hire, in Excess of 50 Feet	125.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.04K	Operating a Sea or Float Plane Without Permission	125.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.05A	Operating/Give Permission to Operate Vessel that Emits Noise Level Exceeding 90dB(A)	125.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.05C(1)(a)	Operating Vessel Without Muffler or Noise Suppression System That Quiets Noise to Less Than 90dB(A)	125.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.05C(1)(b)	Operating Vessel With Exhaust Vented Above Waterline	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.05C(2)	Operating Vessel With Exhaust Equipped With Cutout	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.06A	Operating PWC in Violation of USCG Regulations	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.06B(1)	Operating/Give Permission to Operate PWC Towing Skier if PWC Has Capacity of <3	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.06B(1)(b)	Operating/Give Permission to Operate PWC Towing Skier With Observer Less Than 12 Years Old	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.06B(2)	Operating/Give Permission to Operate PWC Towing Skier if PWC Not Designed For Waterskiing	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.06C(1)	Operating/Give Permission to Operate PWC Without Each Person Wearing PFD	85.00 and 5.00 for each PFD short up to a maximum total of 500.00 per citation	1st/500; 2nd/1000 and/or 1 year
08.18.35.06C(2)(a)	Operating/Give Permission to Operate PWC Not Equipped With Lanyard Cut-Off Switch	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.06C(2)(a)	Operating/Give Permission to Operate PWC Without Lanyard	85.00	1st/500; 2nd/1000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.18.35.06C(2)(b)	Operating/Give Permission to Operate PWC Without Functional Self Circling Device	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.06D	Operating/Give Permission to Operate PWC Between Sunset and Sunrise	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.06E	Operating PWC in Less Than Reasonable and Prudent Manner	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.06F	Operating/Give Permission to Operate PWC in Excess of 6 Knots Within 100' of Vessel, Shore, Piling, etc.	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.07A(1)(a)	Operating a Vessel While Towing a Water-skier, Etc. With the Operator Younger Than 12 Years Old	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.07A(1)(b)	Operating a Vessel While Towing a Water-skier, Etc. Without an Observer at Least 12 Years Old or a Wide Angle Rear View Mirror	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.07A(2)	Operating a Vessel While Towing a Skier, Etc. Between Sunset and Sunrise	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.07A(2)	Waterskiing, Etc. Between Sunset and Sunrise	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.07B	Operating a Vessel Within 100' of Shore, Piling, Swimmer, Etc.; While Towing a Skier, Etc.	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.07C#1	Using a Tow Rope Longer Than 75' to Tow Skier, Etc.	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.07C#2	Using a Tow Rope Longer Than 100' to Tow Barefoot Skier	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.07D(1)	Waterskiing, Etc. In a Negligent Manner	320.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.07D(1)	Waterskiing, Etc. In a Reckless Manner	450.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.07D(2)	Waterskiing, Etc. With BAC > .07%	Must Appear	1st/500; 2nd/1000 and/or 1 year
08.18.35.07D(3)	Waterskiing, Etc. Under the Influence of CDS	Must Appear	1st/500; 2nd/1000 and/or 1 year
08.18.35.07D(4)	Waterskiing, Etc. Under the Influence of CDS and Alcohol	Must Appear	1st/500; 2nd/1000 and/or 1 year
08.18.35.07E	Waterskiing, Etc. Without Wearing PFD	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.08B	Operating Sailboard Between Oct. 15 and May 15, Without Wearing Wet or Dry Suit	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.09B	Skin/SCUBA Diving in Prohibited Areas	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.09C(1)	Skin/SCUBA Diving Without Displaying Diver Down Flag	125.00	1st/500; 2nd/1000 and/or 1 year

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
08.18.35.09C(2)	Skin/SCUBA Diving Without Displaying Flag That Meets Specified Requirements	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.09C(3)	Failure of Diver to Surface Within 100' of Diver Down Flag	85.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.10A	Person Born After July 1, 1980, Operating Motorboat Without Having Passed Boating Safety Course	30.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.10B	Person Born After July 1, 1980, Operating Motorboat Without Having Boating Safety Certificate Available For Inspection	30.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.11A	Possession of Nonprescription CDS on Lake Project	450.00	1st/500; 2nd/1000 and/or 1 year
08.18.35.11B(1)	Operating a Vessel While Having a BAC of .07% or Greater	Must Appear	1st/1000 and/or 1 year; 2nd/2000 and/or 2 years; 3rd/3000 and/or 3 years
08.18.35.11B(2)	Operating a Vessel While Under The Influence of CDS	Must Appear	1st/1000 and/or 1 year; 2nd/2000 and/or 2 years; 3rd/3000 and/or 3 years
08.18.35.11B(3)	Operating a Vessel While Under The Influence of a Combination of CDS and Alcohol	Must Appear	1st/1000 and/or 1 year; 2nd/2000 and/or 2 years; 3rd/3000 and/or 3 years
08.18.36 — .08.18.37	Exceeding Established Speed Limits	85.00	1st/500; 2nd/1000 and/or 1 year

[09-22-46]

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 02 OFFICE OF THE ATTORNEY GENERAL

Subtitle 02 DIVISION OF SECURITIES

02.02.01 General Administrative Regulations

Authority: Corporations and Associations Article, §§11-203, 11-302, 11-305,
and 11-412,

Annotated Code of Maryland

Notice of Emergency Action

[09-344-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulation .09 under COMAR 02.02.01 **General Administrative Regulations**.

Emergency status began: October 5, 2009.

Emergency status expires: April 2, 2010.

Editor's Note: The text of this document will not be printed here because it appears as a Notice of Proposed Action on page(s) 1727 — 1728 of this issue, referenced as [09-344-P].

MELANIE SENTER LUBIN
Securities Commissioner

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 04 STATE HIGHWAY ADMINISTRATION

11.04.15 Work Zone Speed Control Systems

Authority: Transportation Article, §21-810(k),
Annotated Code of Maryland

Notice of Emergency Action

[09-330-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulations .01 — .05 under a new chapter, **COMAR 11.04.15 Work Zone Speed Control Systems**. These regulations are being adopted jointly with the Department of State Police, which concurs with this proposal.

Emergency status began: October 1, 2009.

Emergency status expires: March 30, 2010.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 36:21 Md. R. 1604 — 1607 (October 9, 2009), referenced as [09-330-P].

NEIL J. PEDERSEN
Administrator
State Highway Administration
TERRENCE B. SHERIDAN
Secretary of State Police

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 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 02 BUILDING AND MATERIAL CODES

05.02.01 Model Performance Code

Authority: Public Safety Article, §§12-201 — 12-204,
Annotated Code of Maryland

Notice of Final Action

[09-237-F-I]

On September 23, 2009, the Secretary of Housing and Community Development adopted amendments to Regulations **.02-1** and **.03** under **COMAR 05.02.01 Model Performance Code**. This action, which was proposed for adoption in 36:16 Md. R. 1253 — 1255 (July 31, 2009), has been adopted as proposed.

Effective Date: January 1, 2010.

RAYMOND A. SKINNER
Secretary of Housing and Community Development

Subtitle 02 BUILDING AND MATERIAL CODES

05.02.07 Maryland Building Performance Standards

Authority: Public Safety Article, §§12-501 — 12-507,
Annotated Code of Maryland

Notice of Final Action

[09-238-F-I]

On September 23, 2009, the Secretary of Housing and Community Development adopted amendments to Regulations **.02** and **.04 — .07** under **COMAR 05.02.07 Maryland Building Performance Standards**. This action, which was proposed for adoption in 36:16 Md. R. 1255 — 1257 (July 31, 2009), has been adopted with the nonsubstantive changes shown below.

Effective Date: January 1, 2010.

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 **.04C(5)**: The change updates a cross-reference.

.04 Incorporation by Reference.

A. — B. (proposed text unchanged)

C. *Modifications to the 2009 International Residential Code for One- and Two-Family Dwellings:*

(1) — (5) (proposed text unchanged)

(6) **ELECTRICAL. Chapter 34. GENERAL REQUIREMENTS.** Add note to Section ~~[[E3301.1]]~~ E3401.1 **Applicability:** The subject matter of chapters 34 through 43 is not within the scope of the Maryland Building Performance Standards. For the applicable electrical requirements, refer to the local electrical code and the National Electrical Code as adopted and enforced by the State Fire Marshal, authorized fire officials, or building officials pursuant to the provisions of Public Safety Article, Title 12, Subtitle 6, Annotated Code of Maryland.

RAYMOND A. SKINNER
Secretary of Housing and Community Development

Subtitle 13 NEIGHBORHOOD BUSINESS DEVELOPMENT

05.13.05 Linked Deposit Program

Authority: State Finance and Procurement Article, §6-211,
Annotated Code of Maryland

Notice of Final Action

[09-246-F]

On September 30, 2009, the Secretary of Housing and Community Development adopted the repeal of existing Regulation **.05**, new Regulation **.05**, and amendments to Regulation **.08** under **COMAR 05.13.05 Linked Deposit Program**. This action, which was proposed for adoption in 36:16 Md. R. 1257 — 1258 (July 31, 2009), has been adopted as proposed.

Effective Date: November 2, 2009.

RAYMOND A. SKINNER
Secretary of Housing and Community Development

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 03 WILDLIFE

08.03.09 Wildlife Possession

Authority: Natural Resources Article, §§10-902 and 10-907,
Annotated Code of Maryland

Notice of Final Action

[09-230-F]

On October 13, 2009, the Secretary of Natural Resources adopted new Regulation .14 under **COMAR 08.03.09 Wildlife Possession**. This action, which was proposed for adoption in 36:15 Md. R. 1172 — 1173 (July 17, 2009), has been adopted as proposed.

Effective Date: November 2, 2009.

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 19 FOREST CONSERVATION

Notice of Final Action

[09-271-F]

On October 13, 2009, the Secretary of Natural Resources adopted amendments to:

- (1) Regulation .04 under **COMAR 08.19.01 General**;
- (2) Regulation .02 under **COMAR 08.19.02 State Review and Approval of Loan Program**;
- (3) Regulations .01, .03, .07, and .09 under **COMAR 08.19.04 State Forest Conservation Program**; and
- (4) Regulation .02 under **COMAR 08.19.05 Forest Conservation Maintenance and Management Agreements**.

This action, which was proposed for adoption in 36:18 Md. R. 1384 — 1386 (August 28, 2009), has been adopted with the nonsubstantive changes shown below.

Effective Date: November 2, 2009.

Attorney General's Certification

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

COMAR 08.19.04.01D is amended to state, "The following procedure shall apply to a unit of government described in §A(1)(b) of this regulation: . . ." This change was made pursuant to a recommendation from Legislative Services to clarify that the newly numbered requirements of COMAR 08.19.04.01D constitute the procedure to be followed for review of applicable development projects or activities by a unit of County government, municipal corporation, or other political subdivision which uses State funds for that activity.

08.19.04 State Forest Conservation Program

Authority: Natural Resources Article, §§5-1601 — 5-1612,
Annotated Code of Maryland

.01 Application.

A. — C. (proposed text unchanged)

D. [[A unit of government described in §A(1)(b) of this regulation shall conform to the following procedure:]] The following procedure shall apply to a unit of government described in §A(1)(b) of this regulation:

(1) — (5) (proposed text unchanged)

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 19 FOREST CONSERVATION

08.19.03 Model Forest Conservation Ordinance

Authority: Natural Resources Article, §§5-1601 — 5-1613,
Annotated Code of Maryland

Notice of Final Action

[09-272-F]

On October 13, 2009, the Department of Natural Resources adopted amendments to Regulation .01 under **COMAR 08.19.03 Model Forest Conservation Ordinance**. This action, which was proposed for adoption in 36:18 Md. R. 1386 — 1387 (August 28, 2009), has been adopted as proposed.

Effective Date: November 2, 2009.

JOHN R. GRIFFIN
Secretary of Natural Resources

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.40 Workplace Fraud

Authority: Labor and Employment Article, §§3-904, 3-914, and 3-917,
Annotated Code of Maryland

Notice of Final Action

[09-278-F]

On October 14, 2009, the Commissioner of Labor and Industry adopted new Regulations .01 — .04 under a new chapter, **COMAR 09.12.40 Workplace Fraud**. This action, which was proposed for adoption in 36:18 Md. R. 1388 — 1389 (August 28, 2009), has been adopted with the nonsubstantive changes shown below.

Effective Date: November 2, 2009.

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:

New Regulation .01: Added to identify the applicability of the chapter. The Workplace Fraud Act of 2009 identifies its scope as applying to construction and landscaping. Remaining regulations are renumbered.

.01 Scope.

This chapter applies to construction services and landscaping services.

[.01] .02 Notice.

(proposed text unchanged)

[.02] .03 Record Keeping.

(proposed text unchanged)

[.03] .04 Evidence of a Knowing Violation.

(proposed text unchanged)

J. RONALD DEJULIIS
Commissioner of Labor and Industry

Subtitle 32 UNEMPLOYMENT INSURANCE**09.32.09 Workplace Fraud**

Authority: Labor and Employment Article, §§8-305, 8-306, and 8-201.1, Annotated Code of Maryland

Notice of Final Action

[09-277-F]

On October 14, 2009, the Secretary of Labor, Licensing, and Regulation adopted new Regulation .01 under a new chapter, **COMAR 09.32.09 Workplace Fraud**. This action, which was proposed for adoption in 36:18 Md. R. 1391 (August 28, 2009), has been adopted as proposed.

Effective Date: November 2, 2009.

LEONARD J. HOWIE, III
Deputy Secretary of Labor, Licensing, and Regulation

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 40 BOARD OF PODIATRIC MEDICAL EXAMINERS

Notice of Final Action

[09-226-F]

On September 30, 2009, the Secretary of Health and Mental Hygiene adopted:

(1) Amendments to Regulation .02 under **COMAR 10.40.08 Interpretation of Terms in the Maryland Podiatry Act**; and

(2) New Regulation .01 under a new chapter, **COMAR 10.40.10 General Provisions**.

This action, which was proposed for adoption in 36:15 Md. R. 1188 (July 17, 2009), has been adopted as proposed.
Effective Date: November 2, 2009.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 11 MOTOR VEHICLE ADMINISTRATION — ADMINISTRATIVE PROCEDURES

Notice of Final Action

[09-208-F]

On October 13, 2009, the Administrator of the Motor Vehicle Administration adopted:

(1) The repeal of existing Regulation .03, and new Regulation .03 under **COMAR 11.11.05 Motor Vehicle Fees**;

(2) The repeal of existing Regulations .05, .06, and .11 — .13 under **COMAR 11.17.06 Identification Cards**; and

(3) The repeal of existing Regulations .01 — .09, and new Regulations .01 — .07 under **COMAR 11.17.09 Proof of Age, Name, Identity, Residence, and Lawful Status**.

This action, which was proposed for adoption in 36:14 Md. R. 993 — 997 (July 6, 2009), has been adopted with the nonsubstantive changes shown below.

Effective Date: November 2, 2009.

Attorney General's Certification

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

COMAR 11.17.09.01A: Delete the word “driver’s” because it is unnecessary since it is used to define license.

COMAR 11.17.09.01B: Delete the words “driver’s” and “permit” because they are unnecessary since they are used to define license.

COMAR 11.17.09.02B(9): Delete the words “with an expiration date not later than June 30, 2015” to remove unnecessary language.

COMAR 11.17.09.02B(13): Add new §B(13) “SSN non-match” means a Social Security Number (SSN) which cannot be verified electronically with the Social Security Administration. This addition is to define and clarify SSN non-match referenced in the regulations.

COMAR 11.17.09.02B: Recodified §B(13) — (15) to §B(14) — (16) and change §B(16) to §B(17) because of the addition of new §B(13).

COMAR 11.17.09.02B(17), .03C, and .06B(1): Change the word “compliance” to “compliant” to make the language grammatically correct and consistent throughout the regulations.

COMAR 11.17.09.02B(17): Delete the words “the temporary compliance or limited term of” to remove unnecessary language.

COMAR 11.17.09.04F(1): Change the reference from “§B(1) — (7)” to “§B(1) — (8)”. This is a technical correction to reference the correct regulation sections.

COMAR 11.17.09.04F(2): Change the reference from §B(8) and (9) to §B(9) and §B(1) — (7) to §B(1) — (8) to make a technical correction to reference the correct regulation sections.

COMAR 11.17.09.07: Add Regulation .07 to the chapter. This language will clarify the Social Security number non-match process requested by the AELR Committee.

11.17.09 Proof of Age, Name, Identity, Residence, and Lawful Status

Authority: Transportation Article, §§12-104(b), 12-301, 16-103.1, 16-104.2, 16-106, 16-115, 16-121 — 16-122, Annotated Code of Maryland; 6 CFR 37

.01 Purpose and Application.

A. *The purpose of this chapter is to identify the documents acceptable to the Administration as proof of age, name, identity, Maryland residence, Social Security number, and lawful status required for the issuance of a Maryland [[driver’s]] license or identification card as set forth in Ch. 390, Acts of 2009.*

B. *This chapter is applicable to the issuance of a [[driver’s]] license [[, permit,]] or identification card by the Administration on or after June 1, 2009.*

.02 Definitions.

A. (proposed text unchanged)

B. *Terms Defined.*

(1) — (8) (proposed text unchanged)

(9) *“Noncompliant” means a license or identification card not acceptable by federal agencies for official purposes [[with an expiration date not later than June 30, 2015]].*

(10) — (12) (proposed text unchanged)

(13) *“SSN non-match” means a Social Security Number (SSN) which cannot be verified electronically with the Social Security Administration.*

[[(13)]] (14) — [[(15)]] (16) (proposed text unchanged)

[[(16)]] (17) *“Temporary [[compliance]] compliant or limited term” means [[the temporary compliance or limited term of]] a license or identification card where the term expires at:*

(a) — (b) (proposed text unchanged)

[[(17)]] (18) (proposed text unchanged)

.03 Applicant’s Requirements.

A. — B. (proposed text unchanged)

C. *Temporary Lawful Status. In accordance with Maryland Vehicle Law, an applicant for a license or identification card with verifiable proof of temporary lawful status in the U.S. may be issued a temporary [[compliance]] compliant or limited term license or identification card.*

.04 Source Documents for Proof of Age, Name, Identity, Residence, Social Security Number, and Lawful Status.

A. — E. (proposed text unchanged)

F. *Proof of Lawful Status.*

(1) *An applicant may use an acceptable document submitted as proof of age, name, and identity under [[§B(1) — (7)]] §B(1) — (8) of this regulation as proof of lawful status; or*

(2) *If an applicant submits one source document for proof of age, name, and identity under [[§B(8) and (9)]] §B(9) of this regulation, the applicant shall submit a second*

source document listed under [[§B(1) — (7)]] §B(1) — (8) of this regulation, or other documentation issued by the U.S. DHS or other federal agencies to establish lawful status [[acceptable by the Administration]].

G. (proposed text unchanged)

.06 Renewal or Issuance of a Subsequent License or Identification Card.

A. (proposed text unchanged)

B. *The Administration shall issue an applicant:*

(1) *A [[compliance]] compliant, temporary [[compliance]] compliant, or limited-term license or identification card as defined under this chapter; or*

(2) *A noncompliant license or identification card [[, if an applicant cannot prove lawful status in the U.S. and the current license or identification card was issued by the Administration prior to April 19, 2009]] as provided for under Transportation Article, §16-122, Annotated Code of Maryland.*

.07 Unresolved Non-Match.

A. *This regulation applies to the renewal or issuance of a license or identification card.*

B. *In the event of a SSN non-match with the Social Security Administration, the Administration shall issue a noncompliant license or identification card only if the Administration has reasonable grounds to determine that the applicant otherwise meets all eligibility requirements for a license or identification card, with the exception of the SSN non-match, as provided for under Transportation Article, §§16-121(c) and 16-122, Annotated Code of Maryland.*

C. *In the event of any other non-match as provided for under Transportation Article, §§16-121(c), and 16-122, the Administration shall issue a noncompliant license or identification card only if the Administration has reasonable grounds to determine that the applicant otherwise meets all eligibility requirements as set forth in Regulation .03 of this chapter for, and a license or identification card but for the non-match, as provided for under Transportation Article, §§16-121(c) and 16-122, Annotated Code of Maryland.*

JOHN T. KUO

Administrator

Motor Vehicle Administration

Title 23

BOARD OF PUBLIC WORKS

Subtitle 03 PUBLIC SCHOOL CONSTRUCTION

Notice of Final Action

[09-150-F]

On October 7, 2009, the Board of Public Works adopted: (1) Amendments to Regulation .01 under COMAR 23.02.01 Terminology; and

(2) Amendments to Regulations .01 — .05, .11 — .16, .23, and .24, and new Regulations .01 and 24-1 under COMAR 23.03.02 Administration of the Public School Construction Program. Amendments to Regulation .06 under COMAR 23.03.02 are not being adopted at this time.

This action, which was proposed for adoption in 36:10 Md. R. 724 — 731 (May 8, 2009), has been adopted with the nonsubstantive changes shown below.

Effective Date: November 2, 2009.

Attorney General's Certification

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

COMAR 23.03.01.01B(35). The definition of Priority Funding Area ("PFA") in the original proposal referenced part of the statutory definition of the term, State Finance and Procurement Article, §5-7B-03, Annotated Code of Maryland. The complete definition of Priority Funding Area needs to reference both State Finance and Procurement Article, §§5-7B-02 and 5-7B-03, Annotated Code of Maryland. It is only a nonsubstantive clarification to add the second PFA definition statute. Both statutes together define the PFA throughout the State. Without citation to both sections, these regulations would not be consistent with the statutory definition of PFA.

COMAR 23.03.02.03: The name of a Maryland Code volume is corrected and codification is modified.

COMAR 23.03.03.24-1: During the comment period, a commenter suggested adding the word "property" immediately after the word "school" in Regulations .24-1A(1); .24-1A(2); .24-1A(3) and .24-1B to clarify that the regulation refers to "school property." The term "school property" is consistent with the term as defined in COMAR 23.03.02.23, and making this change clarifies that the regulation is referring to the "school property" as defined in COMAR 23.03.02.23. Moreover, adding the word "property" immediately after "school" adds consistency with the use of the term "school property" in other related regulations. These are nonsubstantive revisions to keep the regulation consistent with the defined terminology used in this section. This change does not modify the meaning of the section and does not differ substantively from the original proposal.

23.03.01 Terminology

Authority: Education Article, §§4-126, 5-112, and 5-301, Annotated Code of Maryland

.01 Definitions.

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

(1) — (34) (proposed text unchanged)

(35) "Priority funding area" means an area designated by a county or a municipal corporation in accordance with State Finance and Procurement Article, §§5-7B-02 and 5-7B-03, Annotated Code of Maryland.

(36) — (50) (proposed text unchanged)

23.03.02 Administration of the Public School Construction Program

Authority: Education Article, §§4-126, 5-112, and 5-301, Annotated Code of Maryland

.03 Capital Improvement Program.

- A. (proposed text unchanged)
- B. IAC Review.

(1) (proposed text unchanged)

(2) *Funding Approval*. The IAC shall evaluate funding approval requests contained in the local capital improvement programs using the following factors when applicable:

(a) — (f) (proposed text unchanged)

(g) *The State's policy set forth in State Finance and Procurement Article, §5-7B-07, Annotated Code of Maryland, emphasizing that funding for*

school construction projects shall target rehabilitating existing schools to ensure that facilities in established neighborhoods are of equal quality to new schools;

(h) — (n) (proposed text unchanged)

(3) (proposed text unchanged)

C. (proposed text unchanged)

D. *Interim State Capital Improvement Program Recommendation; IAC Recommendation.*

(1) — (2) (proposed text unchanged)

[[E.]] (3) (proposed text unchanged)

[[F.]] E. — [[G.]] F. (proposed text unchanged)

.24-1 Assumption of State Debt, Capital Lease Financing Balances, and Disposition Proceeds.

A. *The Board of Public Works:*

(1) *May not require reimbursement of debt service from a county for a school property that:*

(a) — (d) (proposed text unchanged)

(2) *Shall require reimbursement of debt service from a county for a school property that:*

(a) — (b) (proposed text unchanged)

(3) *May require reimbursement of debt service or capital lease financing balances, or both, from a county for a school property that:*

(a) — (d) (proposed text unchanged)

B. *The Board of Public Works may require the county to pay the State a proportional share of the disposition proceeds based on the proportion of the State's investment in the school property.*

C. (proposed text unchanged)

SHEILA McDONALD
Executive Secretary
Board of Public Works

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 02 OFFICE OF THE ATTORNEY GENERAL

Subtitle 02 DIVISION OF SECURITIES

02.02.01 General Administrative Regulations

Authority: Corporations and Associations Article, §§11-302, 11-305, and 11-412, Annotated Code of Maryland

Notice of Proposed Action

[09-344-P]

The Office of the Attorney General proposes to adopt new Regulation .09 under COMAR 02.02.01 General Administrative Regulations.

Statement of Purpose

The purpose of this action is to define as a violation of the Maryland Securities Act, Corporations and Associations Article, Title 11, Annotated Code of Maryland, and, as a dishonest or unethical practice as used in that Act, the use of a senior or retiree designation or credential in a way that misleads any person.

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 Melanie Senter Lubin, Securities Commissioner, Division of Securities, Office of the Attorney General, 200 St. Paul Place, 17th Floor, Baltimore, MD 21202, or call 410-576-6882, or email to mlubin@oag.state.md.us, or fax to 410-576-6532. Comments will be accepted through December 9, 2009. A hearing will be held on December 22, 2009, if requested by a party wishing to testify.

.09 Senior or Retiree Designations and Credentials

A. *It shall constitute a violation of the Maryland Securities Act, Corporations and Associations Article, §11-305, Annotated Code of Maryland, and a dishonest or unethical business practice under Corporations and Associations Article, §§11-302(a)(3) and 11-412(a)(7), Annotated Code of Maryland, to use, in a way that misleads or would mislead any person, a senior-specific certification or designation that indicates or implies that the user has special certification or training in advising or servicing senior citizens or retirees.*

B. *The prohibited use of a certification or professional designation includes, but is not limited to, the following:*

(1) *Use of a certification or professional designation by a person who has not actually earned or is ineligible to use the certification or designation;*

(2) *Use of a nonexistent or self-conferred certification or professional designation;*

(3) *Use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training, or experience that the user does not have; and*

(4) *Use of a certification or professional designation that was obtained from a designating or certifying organization that:*

(a) *Is primarily engaged in the business of instruction in sales, marketing, or sales and marketing;*

(b) *Does not have reasonable standards or procedures for assuring the competency of its designees or certificants;*

(c) *Does not have reasonable standards or procedures for monitoring and disciplining its designees or certificants for improper or unethical conduct; or*

Title 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 02 BUILDING AND MATERIAL CODES 05.02.03 Minimum Livability Code

Authority: Public Safety Article, §12-203,
Annotated Code of Maryland

Notice of Proposed Action [09-342-P-I]

The Secretary of Housing and Community Development proposes to amend Regulation .02, repeal existing Regulations .10 — .14, adopt new Regulation .10, and recodify existing Regulations .15 and .16 to be Regulations .11 and .12 under **COMAR 05.02.03 Minimum Livability Code**.

Statement of Purpose

The purpose of this action is to update the Minimum Livability Code by adopting the property maintenance standards in the latest edition of the International Property Maintenance Code (IPMC) and removing defined terms and property requirements that are contained in the IPMC.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Minimum Livability Code applies to residential rental properties in jurisdictions that do not have a housing code that substantially conforms to the Minimum Livability Code. The proposal to adopt the property requirements of the International Property Maintenance Code (IPMC), as modified by the Department, as part of the Minimum Livability Code, has minimal economic impact. The Department will benefit from the adoption of the IPMC because it will be able to receive interpretation assistance from the International Code Council (ICC) on difficult code issues. In addition, the ICC publishes a new version of the IPMC every 3 years, which reduces staff time in researching and preparing amendments to the Minimum Livability Code.

Although this action replaces most of the current property requirements contained in COMAR 05.02.03 with the requirements of the IPMC, the code requirements for each are essentially identical. Individuals, code officials and business entities will experience minimal or no additional costs by the adoption of the IPMC since the actual code requirements are not changing. These groups should benefit from the adoption of the IPMC because it is a standard code in the industry which builders, architects and property owners are accustomed to using.

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

(d) Does not have reasonable continuing education requirements for its designees or certificants in order to maintain the designation or certificate.

C. There is a rebuttable presumption that a designating or certifying organization is not disqualified solely for purposes of §B(4) of this regulation if:

- (1) The organization has been accredited by:
 - (a) The American National Standards Institute; or
 - (b) The National Commission for Certifying Agencies;

or

(2) The organization is on the United States Department of Education's list entitled "Accrediting Agencies Recognized for Title IV Purposes" and the issued designation or credential does not primarily apply to sales, marketing, or sales and marketing.

D. The following factors shall be considered when determining whether a combination of words, or an acronym standing for a combination of words, constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or servicing senior citizens or retirees:

- (1) Use, in the name of the certification or professional designation, of one or more words such as "senior", "retirement", "elder", or similar terms, combined with one or more words such as "certified", "registered", "chartered", "adviser", "specialist", "consultant", "planner", or similar terms; and
- (2) Manner in which the words described in §D(1) of this regulation are combined.

E. Exceptions.

(1) For purposes of this regulation, a certification or professional designation does not include a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency, when that job title:

- (a) Indicates seniority or standing within the organization; or
- (b) Specifies an individual's area of specialization within the organization.

(2) For purposes of this section, financial services regulatory agency includes, but is not limited to, an agency that regulates broker-dealers, investment advisers, or investment companies as defined under the Investment Company Act of 1940.

F. Nothing in this regulation limits the Securities Commissioner's authority to enforce existing provisions of law.

MELANIE SENTER LUBIN
Securities Commissioner

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	Indeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

D. The IPMC is part of the building code series published by the International Code Council (ICC). Currently, under COMAR 05.02.07, Maryland has adopted the International Building Code (IBC), International Residential Code (IRC), and International Existing Building Code (IEBC), published by the ICC, as the codes for new and existing building construction. Architects, engineers and builders are accustomed to using the ICC codes, and the adoption of the IPMC should benefit these groups because it will be easier to use than the current regulations. The actual amount of benefit is indeterminable.

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 Ed Landon, Codes Administration, Division of Credit Assurance, Department of Housing and Community Development, 100 Community Place, Crownsville, MD 21032, or call 410-514-7444, or email to landon@mdhousing.org, or fax to 410-987-8902. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference
Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the 2009 International Property Maintenance Code has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 36:3 Md. R. 194 (January 30, 2009), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) (text unchanged)
 - [(2) "Basement" means that portion of a structure which is partly or completely below grade.]
 - [(3)] (2) (text unchanged)
 - [(4) "Central heating" means the heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable areas from a source outside of these areas.]
 - [(5)] (3) — [(10)] (8) (text unchanged)
 - [(11) "Habitable area" means the space in a structure used for living, sleeping, eating, or cooking, including bath-

rooms and toilet compartments. Closets, halls, storage or utility space, and similar areas are not considered habitable areas.]

[(12)] (9) — [(18)] (15) (text unchanged)
[(19) "Plumbing" means the practice, materials, facilities, and fixtures used in the installation, maintenance, extension, or alteration of all piping, fixtures, appliances, and appurtenances within the scope of the applicable plumbing code.

(20) "Plumbing fixture" means a receptacle or device which:

(a) Is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water from it;

(b) Discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or

(c) Requires both a water supply connection and a discharge to the drainage system of the premises.]

[(21)] (16) — [(22)] (17) (text unchanged)
[(23) "Rubbish" means paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and other similar materials as well as the residue from the burning of wood, coal, coke, and other combustible materials.]

[(24)] (18) — [(26)] (20) (text unchanged)
[(27) Ventilation.

(a) "Ventilation" means the process of supplying and removing air by natural or mechanical means to or from a space.

(b) "Mechanical ventilation" means ventilation by power-driven devices.

(c) "Natural ventilation" means ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without power-driven devices.]

.10 Property Standards.

A. *The 2009 International Property Maintenance Code (International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC 20001), as described in this chapter, is incorporated by reference.*

B. *Each residential structure and premise subject to the International Property Maintenance Code shall comply with Chapters 2 through 7 of this Code.*

C. *In addition to any fire safety requirements contained in the International Property Maintenance Code, the State fire safety laws, Public Safety Article, Title 9, Annotated Code of Maryland, and the State Fire Prevention Code, COMAR 29.06.01, may contain additional fire safety requirements. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official.*

RAYMOND A. SKINNER
Secretary of Housing and Community Development

Title 07 DEPARTMENT OF HUMAN RESOURCES

Subtitle 07 CHILD SUPPORT ENFORCEMENT ADMINISTRATION

07.07.10 Lottery Intercept Program

Authority: Family Law Article, §§10-113.1 and 10-114,
Annotated Code of Maryland

Notice of Proposed Action

[09-337-P]

The Secretary of Human Resources proposes to amend Regulation .04 under COMAR 07.07.10 Lottery Intercept Program.

Statement of Purpose

The purpose of this action is to correct a discrepancy between regulation and statute. The proposed action aligns the regulation to comply with the statute.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to LaVonne Oliver, Regulations Coordinator, Department of Human Resources, Office of Government, Corporate and Community Affairs, 311 West Saratoga Street, Rm. 270, Baltimore, Maryland 21201, or call 410-767-7193, or email to regulations@dhr.state.md.us, or fax to 410-333-0637. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

.04 Appeals.

A. (text unchanged)

B. Decisions and Remedies.

(1) — (4) (text unchanged)

(5) If, in a non-TCA case, the [Administration] *administrative law judge* determines that the intercept, or part of the intercept, is due to the custodial parent, the Administration shall remit the amount to the custodial parent within [2] 15 days [of the determination] *after expiration of the period of appeal to the circuit court*. If the case is appealed to the circuit court, the Administration shall distribute the intercepted amount as ordered by the court.

BRENDA DONALD
Secretary of Human Resources

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 07 FORESTS AND PARKS

08.07.06 Use of State Parks

Authority: Natural Resources Article, §5-209,
Annotated Code of Maryland

Notice of Proposed Action

[09-343-P]

The Secretary of Natural Resources proposes to amend Regulation .02 under COMAR 08.07.06 Use of State Parks.

Statement of Purpose

The purpose of this action is to reflect the decision of the Board of Public Works in the official listing of State park areas, and rename the Choptank River Fishing Piers State Park as Bill Burton Fishing Piers State Park. On July 22, 2009, the Board of Public Works voted to rename the Choptank River Fishing Piers State Park in honor of outdoor writer and columnist Bill Burton.

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 Lieutenant Colonel Christopher Bushman, Deputy Superintendent, Maryland Park Service, Department of Natural Resources, 580 Taylor Avenue, E-3, Annapolis, MD 21401, or call 410-260-8186, or email to cbushman@dnr.state.md.us, or fax to 410-260-8191. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

.02 State Park System.

A. — H. (text unchanged)

I. Waterfront Parks.

Name of Area — County

(1) (text unchanged)

(2) [Choptank River] *Bill Burton* Fishing Piers — Talbot, Dorchester

(3) — (11) (text unchanged)

J. — P. (text unchanged)

JOHN R. GRIFFIN
Secretary of Natural Resources

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.26 Crane Safety

Authority: Labor and Employment Article, §§2-106(b)(4) and 5-104,
Annotated Code of Maryland

Notice of Proposed Action

[09-347-P-I]

The Commissioner of Labor and Industry proposes to amend Regulations **.03**, **.04**, **.06**, **.08**, **.09**, and **.12** under **COMAR 09.12.26 Crane Safety**. This action was considered by the Maryland Occupational Safety and Health Advisory Board pursuant to a meeting held on August 12, 2009, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to provide clarification and update requirements relating to Maryland's existing regulations on crane safety.

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 Debbie Stone, Regulations Coordinator, Division of Labor and Industry, 1100 N. Eutaw Street, Room 606, Baltimore, Maryland 21201, or call 410-767-2225, or email to stone.debbie@dol.gov, or fax to 410-767-2986. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Standards for Educational and Psychological Testing (American Educational Research Association, American Psychological Association, National Council on Measurement in Education, 1999) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 36:3 Md. R. 194 (January 30, 2009), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (19) (text unchanged)

(20) "Tower crane" means a power-operated hoisting machine in which a boom[, swing jib,] or structural member is mounted upon a vertical mast or tower structure with the function of hoisting, lowering, and swinging loads at various radii *but does not include a conventional lattice boom, including mobile and track.*

.04 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated.

(1) — (4) (text unchanged)

(5) *Standards for Educational and Psychological Testing (American Educational Research Association, American Psychological Association, National Council on Measurement in Education, 1999).*

.06 Crane Operator Requirements.

A. (text unchanged)

B. Except for a crane operator trainee, an employer may not require or permit an individual to operate a crane unless the individual is trained and successfully meets the following requirements:

(1) The individual has participated in training and passed a written examination that is developed and administered in accordance with the Standards for Educational and Psychological Testing, published jointly by the Joint Committee of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education, and that tests knowledge and skills necessary for safe crane operation, including the following:

(a) — (b) (text unchanged)

(c) [Basic arithmetic skills] *Demonstrated ability to use arithmetic and load capacity charts* necessary for crane operation;

(d) The ability to read and comprehend the crane manufacturer's operation and maintenance instruction materials, including load capacity information, such as load charts, for the crane for which [certification] *qualification* is sought; and

(e) (text unchanged)

(2) The individual[:] *demonstrates proficiency in:*

(a) [Demonstrates proficiency in operating] *Operating* the specific type of crane;

(b) [Performs a practical skills examination that includes pre-start] *Pre-start* and post-start inspection, maneuvering skills, shutdown, and securing procedures; and

(c) [Demonstrates specific] *Basic* knowledge of crane operations, including:

(i) — (ii) (text unchanged)

(iii) *Emergency procedures to address fire, power line contact, loss of stability, or control malfunction*; and

(iv) (text unchanged)

(3) — (4) (text unchanged)

C. — D. (text unchanged)

.08 [Signal-Person] Signal Person Requirements.

A. An employer shall ensure that no individual is permitted to provide hand or verbal signals to control crane operations unless the individual has received the following training and meets the following requirements:

(1) (text unchanged)

(2) [In depth knowledge] *Knowledge* of crane operations and limitations, including the crane dynamics involved in swinging, controlling, and stopping loads, and boom deflection from hoisting loads; and

(3) [Specific] *Basic* knowledge of crane operations, including:

(a) — (b) (text unchanged)

(c) *Emergency procedures to address fire, power line contact, loss of stability, or control malfunction*; and

(d) (text unchanged)

B. (text unchanged)

.09 Rigger and Rigging Requirements.

A. An employer shall ensure that all rigging *has been inspected and is used [is]* in accordance with the rigging manufacturer's limitations and requirements.

B. (text unchanged)

C. An employer shall ensure that a level I rigger has completed training in the safe application, use, and limitations of rigging equipment, as applicable to the work performed, and has [a basic] knowledge of the following:

(1) — (2) (text unchanged)

(3) Rigging hardware[, including:] *applicable to the work to be performed, including the use of taglines to control loads*;

[(a) Hooks and similar attaching devices;

(b) Shackles, clips, and clamps; and

(c) Taglines;

(4) Synthetic/wire rope slings; and]

[(5)] (4) *Common load configurations and positioning* [.] and

(5) *Emergency procedures to address fire, power line contact, loss of stability, or control malfunction*.

D. The level I rigger shall demonstrate specific knowledge of crane operations, including:

(1) — (2) (text unchanged)

(3) *Emergency procedures to address fire, power line contact, loss of stability, or control malfunction*; and

(4) (text unchanged)

E. An employer shall ensure that in addition to the requirements of a level I rigger, a level II rigger has completed training in the safe application, use, and limitations of rigging equipment, as applicable to the work performed, including:

(1) *Blind hoists and lifts*;

[(1)] (2) — [(17)] (18) (text unchanged)

[(18)] (19) *Softeners*; [and]

[(19)] (20) *Cable dogs/grips* [.]

(21) *Load dynamics*;

(22) *Load weight estimation or determination*;

(23) *Capacity or load charts*;

(24) *Mechanical advantages*;

(25) *Center of gravity*;

(26) *Equipment capacity computations*; and

(27) *Boom angles and load radius*.

F. In lieu of compliance with [§D] §C of this regulation, an employer may accept proof of completion of training through an apprenticeship program for riggers that has been approved by the Maryland Apprenticeship and Training Council.

G. An employer shall ensure that in addition to the requirements of a level II rigger, a master/lead rigger has completed training in the safe application, use, and limitations of rigging as applicable to the work performed, including:

[(1) Blind hoists;]

[(2)] (1) — [(4)] (3) (text unchanged)

[(5) Load dynamics;

(6) *Load weight estimation or determination*;]

[(7)] (4) — [(9)] (6) (text unchanged)

[(10) Capacity or load charts;

(11) *Mechanical advantages*;

(12) *Center of gravity*;]

[(13)] (7) (text unchanged)

[(14) Equipment capacity computations;]

[(15)] (8) *Drum/diameter (D/d) ratios*; and

[(16)] (9) *Vectors and angles* [; and

(17) *Boom angles and road radius*].

H. In lieu of compliance with §C, E, or G of this regulation required for a level I rigger, level II rigger, and master/lead rigger respectively, an employer may accept a certification from a nationally recognized certification program accredited by the NCCA or ANSI that demonstrates that the rigger has acquired and maintains the *experience*, knowledge, skills, and abilities as required by §C, E, or G of this regulation.

I. An employer shall ensure that *crane operators, crane operator trainees, signal persons, and riggers* receive refresher training under the following circumstances:

(1) — (3) (text unchanged)

J. (text unchanged)

.12 Record Keeping.

A. (text unchanged)

B. Training Records.

(1) All training records shall be maintained for [5] 3 years *after the end of the individual's employment* in the employer's principal office of the business in Maryland.

(2) (text unchanged)

J. RONALD DEJULIIS
Commissioner of Labor and Industry

Subtitle 21 BOARD OF ARCHITECTS

09.21.04 Fees

Authority: Business Regulation Article, §§2-106.1 and 2-106.2; Business Occupations and Professions Article, §§3-101, 3-208, 3-209, 3-304, 3-306, 3-309, 3-310, 3-405, 3-406, and 3-408; Annotated Code of Maryland

Notice of Proposed Action

[09-349-P]

The Board of Architects proposes to amend Regulation .03 under **COMAR 09.21.04 Fees**. This action was considered

by the Board at a public meeting held on May 27, 2009, notice of which was published in 36:10 Md. R. 736 (May 8, 2009), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend the regulations to reflect the current exam fees. The National Council of Architectural Registration Boards (NCARB), the national organization, has reorganized and consolidated the exam into seven parts from the previous nine. NCARB is also assessing a surcharge per section to offset costs to replace lost content and related expenses caused by cheating and exam disclosure issues.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The cost to the candidate to take all parts of the exam will increase by \$399, from \$1,071 to \$1,470.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(-)	\$399
E. On other industries or trade groups:	(+)	\$399
F. Direct and indirect effects on public:	NONE	

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

- A. The candidate pays the exam fees directly to the exam vendor. The Board does not collect any exam fees.
- D. An exam candidate who takes all parts of the exam will pay \$399 more than previously.
- E. The exam vendor, Prometric, will receive an increase of \$399 in exam fees from a candidate who takes all parts of the exam.

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, Board of Architects, 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 December 7, 2009. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Architects during a public meeting to be held on December 16, 2009, 9:30 a.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.03 Fees and Costs.

- A. (text unchanged)
- B. An applicant shall pay the following examination fees directly to NCARB or its designee, as these fees are established by NCARB:
 - [(1) Predesign (PD) — \$102;
 - (2) Site Planning (SP) — \$153;
 - (3) Building Planning (BP) — \$153;
 - (4) Building Technology (BT) — \$153;
 - (5) General Structures (GS) — \$102;
 - (6) Lateral Forces (LF) — \$102;
 - (7) Mechanical and Electrical Systems (ME) — \$102;
 - (8) Materials and Methods (MM) — \$102;
 - (9) Construction Documents and Services—\$102.]
 - (1) *Programming, Planning, and Practice* — \$170;
 - (2) *Site Planning and Design* — \$170;
 - (3) *Building Design and Construction Systems* — \$170;
 - (4) *Schematic Design* — \$170;
 - (5) *Structural Systems* — \$170;
 - (6) *Building Systems* — \$170;
 - (7) *Construction Documents and Services* — \$170.

C. Effective October 1, 2009, an applicant shall pay directly to NCARB or its designee a security and development fee of \$40 per each section of the ARE, as such fee is established by NCARB.

DIANE CHO
Chair
Board of Architects

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

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.46 Home and Community-Based Services Waiver for Adults with Traumatic Brain Injury

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

Notice of Proposed Action

[09-346-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .02 under **COMAR 10.09.46 Home and Community-Based Services Waiver for Adults with Traumatic Brain Injury**.

Statement of Purpose

The purpose of this action is to change participant eligibility requirements to allow individuals in the Employed Individuals with Disabilities (EID) Program to participate in the Traumatic Brain Injury (TBI) waiver.

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 an impact on individuals with disabilities as follows: This amendment would allow TBI individuals who participate in the EID Program to remain financially eligible to participate in the waiver and keep healthcare benefits even with an increase in income or resources.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to regs@dnhmh.state.md.us, or fax to 410-333-7687. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

.02 Medical Assistance Eligibility.

- A. (text unchanged)
- B. Categorically Needy. An individual is eligible for waiver services as categorically needy if the individual is receiving Medical Assistance as:
 - (1) — (2) (text unchanged)
 - (3) [Any other type of categorically needy person in accordance with COMAR 10.09.24.03.] *A recipient eligible in another mandatory or optional categorically needy coverage group with full Medical Assistance benefits, covered in the community under the State Plan.*
- C. — E. (text unchanged)

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

Notice of Proposed Action

[09-338-P]

The Secretary of Health and Mental Hygiene proposes to amend:

- (1) Regulation .19 under **COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations**; and
- (2) Regulation .14 under **COMAR 10.09.76 Primary Adult Care**.

Statement of Purpose

The purpose of this action is to implement the mid-year adjustment to the calendar year 2009 MCO's HealthChoice and PAC capitation rates.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The total HealthChoice and Primary Adult Care capitation decrease for the period of July 1, 2009, until December 31, 2009, is \$63,201,123. Of that amount, \$60,855,840 is being removed from the HealthChoice capitation as a result of a Health Services Cost Review Commission (HSCRC) regulated decrease in hospital inpatient and outpatient rates, a decrease in physician fees across various categories of medical services, removal of funding for the July 1, 2009 dental carve out, and the 1 percent rate decrease approved by the Board of Public Works

(BPW). The remaining \$2,345,283 is being removed from the PAC capitation as a result of a 1 percent rate cut approved by the (BPW) effective April 1, 2009, a 4.1 percent rate cut approved by the BPW effective July 1, 2009, and the July 1, 2009 carve out of certain mental health drugs.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E-)	\$63,201,123
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(-)	\$63,201,123
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. The rate decrease of \$63,201,123 is due to the HSCRC approved and updated rates for inpatient and outpatient hospital services, a reduction in physician fees, the dental fee carve out, and Board of Public Works fee cut. Also included is a PAC capitation rate decrease of \$2,345,283 for PAC rate adjustment, Board of Public Works fee cuts in April and July of 2009, and the Mental Health Pharmacy carve out. Therefore, the total Health Choice and PAC decrease effective July 1, 2009, is \$63,201,123.

D. There will be a negative impact on the MCOs because of the various cuts in the Health Choice Program.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to regs@dnhmh.state.md.us, or fax to 410-333-7687. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations

Authority: Health-General Article, §§2-104 and 15-103;
Annotated Code of Maryland

.19 MCO Reimbursement.

- A. (text unchanged)
- B. Capitation Rate-Setting Methodology.
 - (1) — (3) (text unchanged)
 - (4) Except to the extent of adjustments required by §D of this regulation or by Regulations .19-1 — .19-4 of this chapter, the Department shall make payments monthly at the rates specified in the following tables:

[(a) — (c)] (proposed for repeal)
 (a) Rate Table for Families and Children

Effective July 1, 2009 — December 31, 2009

	Age	Gender	PMPM Baltimore City	PMPM Montgomery and Prince George's Counties	Rest of State
	Under age 1 Birth Weight 1500 grams or less	Both	\$7,655.69	\$6,614.06	\$6,749.04
	Under age 1 Birth Weight over 1500 grams	Both	\$384.93	\$332.56	\$339.35
	1 — 5	Male	\$180.77	\$156.17	\$159.36
		Female	\$159.75	\$138.01	\$140.83
	6 — 14	Male	\$87.81	\$75.86	\$77.41
		Female	\$77.55	\$66.99	\$68.36
	15 — 20	Male	\$131.46	\$113.57	\$115.89
		Female	\$171.60	\$148.25	\$151.28
	21 — 44	Male	\$374.64	\$323.67	\$330.28
		Female	\$385.41	\$332.97	\$339.77
	45 — 64	Male	\$958.85	\$828.39	\$845.30
		Female	\$777.54	\$671.75	\$685.46
<i>ACG — adjusted cells</i>					
ACG 100, 200, 300, 500, 600, 1100, 1600, 2000, 2400, 3400, 5100, 5110, 5200	RAC 1	Both	\$88.61	\$75.44	\$76.98
ACG 400, 700, 900, 1000, 1200, 1300, 1710, 1711, 1712, 1800, 1900, 2100, 2200, 2300, 2800, 2900, 3000, 3100, 5310	RAC 2	Both	\$115.15	\$ 98.04	\$ 100.04
ACG 1720, 1721, 1722, 1731, 1732, 1730, 2500, 3200, 3300, 3500, 3800, 4210, 5230, 5339	RAC 3	Both	\$148.96	\$126.83	\$129.42
ACG 800, 1740, , 1741, 1742, 1750, 2700, 3600, 1750, 1751, 1752, 2700, 3600, 3700, 3900, 4000, 4100, 4220, 4310, 4410, 4510, 4610, 4710, 4720, 4810, 5340	RAC 4	Both	\$240.37	\$204.66	\$208.84
ACG 1400, 1500, 1750, 1761, 1762, 1770, 1771, 1772, 2600, 4320, 4520, 4620, 4820	RAC 5	Both	\$358.34	\$305.10	\$311.33
ACG 4330, 4420, 4830, 4910, 4920, 5010, 5020, 5040	RAC 6	Both	\$584.50	\$497.65	\$507.81
ACG 4430, 4730, 4930, 5030, 5050	RAC 7	Both	\$799.25	\$680.50	\$694.39
ACG 4940, 5060	RAC 8	Both	\$1,152.01	\$ 980.85	\$ 1,000.87
ACG 5070	RAC 9	Both	\$1,785.83	\$1,520.51	\$1,551.54
	SOBRA	Mothers	\$703.20	\$607.52	\$619.92
Persons with HIV	ALL	Both	\$752.41	\$737.36	\$752.41

PROPOSED ACTION ON REGULATIONS

(b) Rate Table for Disabled Individuals

Effective July 1, 2009 — December 31, 2009

			PMPM Baltimore City	PMPM Montgomery and Prince George's Counties	Rest of State
	Age	Gender			
	Under Age 1	Both	\$3,114.32	\$3,052.03	\$3,114.32
	1 — 5	Male	\$1,004.07	\$ 983.99	\$1,004.07
		Female	\$1,130.91	\$1,108.29	\$1,130.91
	6 — 14	Male	\$195.27	\$191.36	\$195.27
		Female	\$175.71	\$172.20	\$175.71
	15 — 20	Male	\$214.35	\$210.06	\$214.35
		Female	\$302.96	\$296.90	\$302.96
	21 — 44	Male	\$1,226.14	\$1,059.31	\$1,080.93
	21 — 44	Female	\$1,229.61	\$1,062.31	\$1,083.99
	45 — 64	Male	\$1,691.17	\$1,461.07	\$1,490.89
	45 — 64	Female	\$1,595.55	\$1,378.46	\$1,406.59
ACG — adjusted cells					
ACG 100, 200, 300, 1100, 1300, 1400, 1500, 1600, 1710, 1711, 1712, 1720, 1721, 1722, 1730, 1731, 1732, 1900, 2400, 2600, 2900, 3400, 5100, 5110, 5200, 5310	RAC 10	Both	\$262.47	\$223.48	\$228.04
ACG 400, 500, 700, 900, 1000, 1200, 1740, 1741, 1742, 1750, 1751, 1752 1800, 2000, 2100, 2200, 2300, 2500, 2700, 2800, 3000, 3100, 3200, 3300, 3500, 3900, 4000, 4310, 5330	RAC 11	Both	\$365.65	\$311.32	\$317.67
ACG 600, 1760, 1761, 1762, 3600, 3700, 4100, 4320, 4410, 4710, 4810, 4820	RAC 12	Both	\$667.10	\$567.99	\$579.58
ACG 3800, 4210, 4220, 4330, 4420, 4720, 4910, 5320	RAC13	Both	\$715.70	\$609.36	\$621.80
ACG 800, 4430, 4510, 4610, 5040, 5340	RAC14	Both	\$1,001.65	\$852.84	\$870.24
ACG 1770, 1771, 1772, 4520, 4620, 4830, 4920, 5050	RAC15	Both	\$1,125.53	\$958.31	\$ 977.87
ACG 4730, 4930, 5010	RAC16	Both	\$1,373.63	\$1,169.54	\$1,193.41
ACG 4940, 5020, 5060	RAC17	Both	\$1,988.52	\$1,693.08	\$1,727.63
ACG 5030, 5070	RAC 18	Both	\$2,621.40	\$2,231.93	\$2,277.48
Persons with AIDS	All	Both	\$2,941.99	\$2,377.83	\$2,426.36
Persons with HIV	All	Both	\$1,623.13	\$1,590.67	\$1,623.13

(c) Rate Table for Supplemental Payment for Delivery/Newborn.

Effective July 1, 2009 — December 31, 2009

Supplemental Payment Cells	Age / RAC	Gender	Baltimore City	Mont, PG Counties	Rest of State
Supplemental Payment Cells					
Delivery/Newborn — all births except live birth weight 1,500 grams or less	All	Both	\$12,704.75	\$10,140.10	\$10,347.04
Delivery/Newborn — live birth weight 1,500 grams or less	All	Both	\$78,644.16	\$69,339.51	\$70,754.60

- (d) — (g) (text unchanged)
- (5) (text unchanged)
- C. — D. (text unchanged)

10.09.76 Primary Adult Care Program

Authority: Health-General Article, §15-101, 15-103, and 15-140, Annotated Code of Maryland

.14 Payments.

A. MCO Capitation. The Department shall pay an MCO a fixed monthly capitation rate for each of its PAC enrollees, at the rates specified in the following table[,] effective: [January 1, 2009 December 31, 2009:

	Per Month Per Member
Age 19 — 44 Male	\$79.88
Age 19 — 44 Female	\$102.02
Age 45+ Male	\$150.08
Age 45+ Female	\$197.45]

(1) April 1, 2009 through June 30, 2009

	Per Month Per Member
Age 19 — 44 Male	\$78.99
Age 19 — 44 Female	\$100.89
Age 45+ Male	\$148.41
Age 45+ Female	\$195.26

(2) July 1, 2009 through December 31, 2009:

	Per Month Per Member
Age 19 — 44 Male	\$75.79
Age 19 — 44 Female	\$96.80
Age 45+ Male	\$142.40
Age 45+ Female	\$187.34

B. — F. (text unchanged)

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 21 MENTAL HYGIENE REGULATIONS
10.21.25 Fee Schedule — Mental Health Services — Community-Based Programs and Individual Practitioners

Authority: Health-General Article, §§10-901, 15-103, and 15-105; Title 16, Subtitles 1 and 2; Annotated Code of Maryland

Notice of Proposed Action
[09-351-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .09 under **COMAR 10.21.25 Fee Schedule — Mental Health Services — Community-Based Programs and Individual Practitioners.**

Statement of Purpose

The purpose of this action is to add reimbursement rates for case management because the Department is reinstating targeted case management as a result of legislative action taken in the 2009 General Assembly that resulted in a budget reduction. This amendment provides the rates to be paid for the services described in proposed new text in COMAR 10.09.45, Mental Health Case Management. The legislature has required the Department of Health and Mental Hygiene (DHMH) to reapply to the Center for Medicaid and Medicare Services (CMS) for Medicaid State Plan amend-

ment to implement Medicaid-reimbursed mental health case management services.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Currently, the Mental Hygiene Administration (MHA) within the Department is reimbursing case management providers through State General Funds only. Under this regulation, the Department, after receiving approval from CMS, will pay providers through MHA’s fee for service system. This will enable the Department to receive federal fund participation monies for providing mental health case management. Funds were removed from MHA’s budget by the 2009 legislature requiring DHMH to apply to CMS for a Medicaid state plan amendment for mental health case management in order for the State to receive Federal Funds. MHA will pay for case management after services are authorized by MHA’s Administrative Services Organization through the fee for service system.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
(1) MHA	(R+)	\$1,781,643
(2) SGF	(E+)	\$1,781,643
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$1,781,643
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A(1). MHA will receive Medicaid Federal Fund Participation of \$1,781,643 for providing case management services according to the changes made to the Medicaid State Plan. The rates mirror what may be found in the Medicaid State Plan.

A(2). This action represents a change in funding source from 100 percent State general funds (SGF) to 50 percent Federal Fund Participation starting September 1, 2009. These rates will be paid directly to eligible mental health case management providers.

D. In order for providers of mental health case management to receive reimbursement, they will be required to request authorizations from MHA’s Administrative Services Organization and submit claims for payment. If the amendments were not made, the funding stream for mental health case management would be eliminated. Therefore, the providers could not be reimbursed, and individuals needing this service would not receive it.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to regs@dhmh.state.md.us, or fax to 410-333-7687. Comments

will be accepted through November 23, 2009. A public hearing has not been scheduled.

.09 Fee Schedule — Support Services.

A. — H. (text unchanged)

I. Mental Health Case Management. Beginning September 1, 2009 the Department shall reimburse a designated program that is approved by the Core Service Agency for mental health case management according to COMAR 10.09.45 for providing case management services to a child or adolescent with a serious emotional disorder or an adult with a serious and persistent mental health disorder as follows:

(1) *Assessment — \$105; and*

(2) *Case Management Service units, for a minimum of 60 minutes of face-to-face and non-face-to-face case management service at a rate of \$105 per day for:*

(a) *General level up to 2 units per month; or*

(b) *Intensive level up to 5 units per month.*

JOHN M. COLMERS

Secretary of Health and Mental Hygiene

Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

10.29.05 Continuing Education

Authority: Health Occupations Article, §§7-205 and 7-314(c)(4),
Annotated Code of Maryland

Notice of Proposed Action

[09-339-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations **.03 — 05** under **COMAR 10.29.05 Continuing Education**. This action was considered the Board of Morticians and Funeral Directors at a public meeting held May 13, 2009, notice of which was given by publication 36:9 Md. R. 686 (April 24, 2009), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to allow automatic approval for specified continuing education units; allow licensed Maryland funeral establishments and other Maryland licensees to apply to the Board for continuing education unit approval; and allow three carry-over credits for morticians renewing during the renewal period beginning May 1, 2008, and for funeral directors and surviving spouse licensees who are renewing their licenses during the renewal period beginning December 1, 2008.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to regs@dhmh.state.md.us, or fax to 410-333-7687. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

.03 Standards of Continuing Education Preapproval.

A. Continuing education units are automatically approved and do not need to be submitted to the Board if the programs are:

(1) *Approved by the Academy of Funeral Service Practitioners;*

(2) *Sponsored by national service organizations;*

(3) *Sponsored by State associations;*

(4) *Sponsored by local associations;*

(5) *Provided by suppliers; or*

(6) *Already approved by the Board.*

B. Licensed Maryland funeral establishments and other Maryland licensees may apply to the Board for CEU approval.

[A.] *C. — [B.] D. (text unchanged)*

.04 Post-Approval and Review.

A. Each licensee seeking credit for attendance and participation in an education program that is not preapproved [by the Board] shall submit to the Board, within 30 days after completion of the activity, the following:

(1) — (4) (text unchanged)

B. — C. (text unchanged)

D. A continuing education course or workshop that is already approved [by the Board] may be monitored or reviewed by the Board, and, upon evidence of significant variation in the program presented from the program approved, all or any part of the approved hours granted the program may be disapproved.

.05 Continuing Education Requirements.

A. — B. (text unchanged)

C. Except as provided in this regulation, each licensee in the State shall submit, with the license renewal application, a list of a minimum of 12 CEUs each renewal period of continuing education course work approved by continuing education providers as set forth in Regulation .03 of this chapter, or the Board. The Board shall undertake a random audit of a certain percentage of licensees to determine CEU compliance.

D. — J. (text unchanged)

K. A licensee may obtain three CEUs for any business courses completed and approved by continuing education providers set forth in Regulation .03 of this chapter, or the Board.

L. After the renewal period beginning May 1, 2008 for morticians, and December 1, 2008 for funeral directors and surviving spouse licensees, 3 carry-over credits may [not] be granted per renewal cycle.

M. (text unchanged)

JOHN M. COLMERS

Secretary of Health and Mental Hygiene

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 04 STATE HIGHWAY ADMINISTRATION 11.04.06 Residential Entrance Permits

Authority: Transportation Article, §§2-103(b)(2), 8-202(b)(2)(i), 8-203(a), and 8-204(b), (c), and (i),
Annotated Code of Maryland

Notice of Proposed Action

[09-335-P]

The Administrator of the State Highway Administration proposes to amend Regulations .01 and .02 under **COMAR 11.04.06 Residential Entrance Permits**.

Statement of Purpose

The purpose of this action is to strengthen the State Highway Administration's (SHA) ability to gain effective compliance on elements of access permit improvements. Such improvements ensure that safe and efficient access to the State roadway network occurs in an acceptable manner. The specific revisions would update addresses for SHA office locations, add language specifying that the SHA may specify other methods for transmitting applications for a permit, require that existing sidewalks, curbs, and gutters disturbed by construction shall be replaced according to specifications considered acceptable by SHA, authorize the State Highway Administration to collect an engineering fee, and require permittees to cover inspection costs. While there is no corresponding federal standard to this proposed action, there are federal regulations applicable to work performed under permits authorized by this chapter with which such work must comply under this proposed action.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed changes would likely result in an increase in revenue for SHA, given that an engineering fee could now be imposed on applicants. Also, by changing the surety requirement, SHA would not have to cover as much of the cost of upgrades/enhancements on residential access points that are not completed or not completed according to proper engineering and safety standards. These proposed changes are aimed at cost recovery, not revenue generation.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
(1) SHA	(R+)	Moderate
(2) Permit Applicants	(E-)	Moderate
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:	NONE	
F. Direct and indirect effects on public:	(-)	Moderate

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

A(1). Currently, SHA does not impose an engineering fee on residential access permits, but does so for commercial and industrial access permits. However, residential access permits do require work by SHA. By imposing this fee, SHA will see an increase in revenue.

A(2). These proposed changes would also require permittees to cover the cost of construction inspections. Additionally, by increasing the surety, SHA will ensure that, when a resident obtains an access permit, but does not complete it, there is a more appropriate amount of money set aside to cover the cost of completion. SHA normally covers the excess cost. As such, the proposed changes would likely yield a reduction in expenditures.

F. Individuals applying for residential access permits would incur a higher cost under these proposed changes. Not only would an engineering fee be imposed and costs for inspections be required, but the surety would be increased to ensure there is a more appropriate amount of money set aside for the completion of the project if the permittee cannot complete it or if the work does not meet required engineering safety standards.

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: There will be a positive impact on individuals with disabilities as the proposed changes would require access points to provide pedestrian mobility in a manner acceptable to SHA. While this practice is currently in place per SHA policies, the proposed changes would codify it in COMAR, thus adding greater legal weight.

Opportunity for Public Comment

Comments may be sent to Linda Singer, COMAR Coordinator, Maryland State Highway Administration, C-412, 707 N. Calvert Street, Baltimore, MD 21202, or call 410-545-0362, or email to lsinger@sha.state.md.us, or fax to 410-209-5015. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

.01 Procedure for Obtaining Permit.

A. (text unchanged)

B. An individual or corporation desiring to construct an entrance to serve a private residence shall make written application, *transmitted by methods as determined acceptable by the Administration*, in the form prescribed in these regulations, to the appropriate office listed below:

County	Address	Telephone
Allegany	State Highway Administration P.O. Box 3347 LaVale, MD 21502	[(301) 777-2206] (301) 729-8400
Anne Arundel	State Highway Administration P.O. Box 33 Glen Burnie, MD 21061	[(410) 841-5466] (410) 766-3770

County	Address	Telephone
Baltimore — Caroline (text unchanged)		
Carroll	State Highway Administration 5111 Buckeystown Pike Frederick, MD 21701	[(301) 694-2025] (301) 624-8115
Cecil — Dorchester (text unchanged)		
Frederick	State Highway Administration 5111 Buckeystown Pike Frederick, MD 21701	[(301) 694-2025] (301) 624-8115
Garrett — Harford (text unchanged)		
Howard	State Highway Administration 5111 Buckeystown Pike Frederick, MD 21701	[(301) 694-2025] (301) 694-8115
Kent	State Highway Administration 615 Morgnec Rd. [(MD 291)] P.O. Box 299 Chestertown, MD 21620	[(410) 778-0818] (410) 810-3300
Montgomery — Queen Anne’s (text unchanged)		
St. Mary’s	State Highway Administration [RFD 2, Box 8] 27345 Point Lookout Road Leonardtwn, MD 20650	(301) 475-8035
Somerset	State Highway Administration [Box 387] 10980 Market Lane Princess Anne, MD 21853	(410) 651-1333
Talbot (text unchanged)		
Washington	State Highway Administration [Route 9, Box 67B] 18320 Col. Henry K. Douglas Drive Hagerstown, MD 21740	(301) 791-4790
Wicomico	State Highway Administration [Box 751] 660 West Road P.O. Box 2679 Salisbury, MD [21801] 21802	(410) 543-6710

County	Address	Telephone
Worcester	State Highway Administration P.O. Box [51] 268 Snow Hill, MD 21863	(410) 632-0511

B-1. Addresses may be posted on the Administration’s website.

C. Application. Applications shall be submitted in duplicate on forms provided by the Administration, or by other methods as determined acceptable by the Administration.

D. (text unchanged)

E. Performance Surety.

(1) To ensure complete and satisfactory compliance with the terms and specifications of the entrance permit, the permittee may be required to submit a performance bond, letter of credit, or certified check in the amount of [\$1,000] 150 percent of the cost estimated for the construction for each entrance. The estimate must be acceptable to the Administration.

(2) — (4) (text unchanged)

F. (text unchanged)

G. Engineering Fee. In connection with the processing of applications, an engineering fee shall be charged for each point of access and offsite improvement beyond the first point of access. The fee shall be waived for only the first access to a single residential property.

H. Inspection Cost.

(1) At the discretion of the Administration, a State highway construction inspector may be assigned to inspect the work stipulated in the permit. The cost of the inspection shall be the responsibility of the permittee and shall be submitted before a permit is issued.

(2) If the cost of the inspection, including any necessary laboratory work, is expected to exceed \$5,000, the cost shall be paid in advance. The cost shall be calculated on the base pay of the assigned employee, plus overhead, and all administrative and general expenses.

.02 Standards and Specifications.

A. — E. (text unchanged)

F. Existing sidewalks, curb, and gutter disturbed by construction shall be replaced in kind to the alignment and grade specified by authorized Administration personnel in a manner acceptable to the Administration.

G. — J. (text unchanged)

NEIL J. PEDERSEN
Administrator
State Highway Administration

**Subtitle 04 STATE HIGHWAY ADMINISTRATION
11.04.07 Control and Use of Rest Areas**

Authority: Transportation Article, §§2-103(b)(2), 8-202(b)(2)(i), 8-203(a), and 8-204(b), (c), (h), and (i), Annotated Code of Maryland

Notice of Proposed Action

[09-336-P]

The Administrator of the State Highway Administration proposes to amend Regulations **.06, .09, .10, .12, .13, .16, and .18** under **COMAR 11.04.07 Control and Use of Rest Areas.**

Statement of Purpose

The purpose of this action is to revise outdated and obsolete references as they relate to the control and use of rest areas. Specifically, the proposed changes would change “guide dog” to “service animal” and would broaden who may use service animals from solely people who are blind to anyone with a disability. It also would clarify that consumption of alcoholic beverages in rest areas is prohibited, specify that displaying or discharging a firearm or fireworks is prohibited, and provide that the regulation prohibiting gambling in rest areas does not apply to the State lottery. While there is no corresponding federal standard to this proposed action, there are federal regulations regarding rest areas along Federal-aid highways with which this proposal is consistent.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed changes would likely result in a decrease in expenditures to the extent that the changes result in decreased litter.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E-)	Unknown
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
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. Maintenance costs for rest areas may decrease if the proposed changes are more clear, direct and understandable.

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: The term “guide dog” was broadened to “service animal”, and reference to guide dogs being used by blind people was broadened to anyone with a disability. These changes allow for various types of animals (not just dogs) to be used as service animals for those with disabilities (not just by people who are blind).

Opportunity for Public Comment

Comments may be sent to Linda Singer, COMAR Coordinator, Maryland State Highway Administration, C-412, 707 N. Calvert Street, Baltimore, MD 21202, or call 410-545-0362, or email to lsinger@sha.state.md.us, or fax to 410-209-5015. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

.06 Pets.

A. Pets shall be on leashes at all times. Except for [guide dogs for the blind] *service animals used by people with disabilities*, pets are not permitted in buildings.

B. (text unchanged)

.09 Unattended Vehicles.

Vehicles left unattended for more than 3 hours, without permission of the Maryland State Police or the caretaker, will be towed away at the expense and risk of the owner.

.10 Alcoholic Beverages.

[Alcoholic] *Consumption of alcoholic beverages [are] is prohibited.*

.12 Firearms and Fireworks.

[Firearms] *The display or discharge of firearms, pellet guns, B-B guns, and fireworks of any kind [are] is prohibited.*

.13 Gambling and Fortune-Telling.

Gambling [and fortune-telling are] *is prohibited. This regulation does not apply to State lottery terminals.*

.16 Vandalizing, Defacing, Misusing, or Damaging the Area.

[Misusing] *Vandalizing, defacing, misusing, or damaging any man-made or natural part of the area is prohibited.*

.18 Throwing Objects.

Throwing stones or other [missiles] *objects is prohibited.*

NEIL J. PEDERSEN
Administrator
State Highway Administration

Subtitle 21 MOTOR VEHICLE ADMINISTRATION — COMMERCIAL MOTOR VEHICLES

11.21.01 Motor Carrier Safety

Authority: Transportation Article, §§12-104(b), 16-820, and 25-111(f), Annotated Code of Maryland

Notice of Proposed Action

[09-356-P]

The Administrator of the Motor Vehicle Administration proposes to amend Regulation .06 under **COMAR 11.21.01 Motor Carrier Safety**.

Statement of Purpose

The purpose of this action is to amend the existing regulation to reflect the current policies of the Administration.

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 Carolyn Decker, Regulations Coordinator, Motor Vehicle Administration, 6601 Ritchie Highway N. E., Room 200, Glen Burnie, Maryland 21062, or call 410-424-3105, or email to cdecker@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

.06 49 CFR 391, Qualifications of Drivers — Amendments and Exemptions.

A. — D. (text unchanged)

E. 49 CFR §391.41(b).

(1) An intrastate driver who does not operate a bus or who does not transport hazardous materials of a type and quantity requiring placarding under federal hazardous materials regulations, or who does not operate a vehicle designed to transport 16 or more passengers, including the driver, and who does not meet the physical qualifications of 49 CFR §391.41(b)(1) — (3), (10), or (11), may drive in intrastate commerce if issued a waiver for intrastate operation by the Administrator. The waiver is valid for up to 2 years from the date of issue.

(2) In order to obtain a waiver for medical conditions from the provisions of 49 CFR §391.41(b)(1) — (3), (10), or (11), the intrastate driver shall:

(a) — (b) (text unchanged)

(c) Have a mental or physical condition which would disqualify the individual under 49 CFR §391.41(b)[(1) — (11)](1) — (3), (10), or (11).

(3) *In order to obtain a waiver for intrastate operation from the provisions of 49 CFR §391.41(b)(11), the applicant shall currently hold or have held within the past year a valid commercial drivers license.*

[(3)] (4) — [(5)] (6) (text unchanged)

F. (text unchanged)

G. 49 CFR §391.49.

(1) A driver who operates intrastate only in a commercial motor vehicle requiring a commercial driver's license to operate, who is not physically qualified to drive under 49 CFR §391.41(b)(1) or (2), and who is otherwise qualified to drive a motor vehicle, may drive in intrastate commerce only, if granted a waiver by the Administrator. The waiver is valid for up to 2 years from the date of issue.

(2) In order to obtain a waiver for intrastate operation from the provision of 49 CFR §391.41(b)(1) or (2), the intrastate driver shall comply with the requirements specified in 49 CFR §391.49 for interstate drivers.

(3) (text unchanged)

JOHN T. KUO
Administrator
Motor Vehicle Administration

Purchase of Child Care, and adopt new Regulations .01 — .12 under COMAR 13A.14.06 Child Care Subsidy Program.

Statement of Purpose

The purpose of this action is to change the title of Chapter 06 from "Purchase of Child Care" to "Child Care Subsidy"; support parental choice by increasing child care subsidy rates paid to licensed child care providers; support informal child care as an economically viable occupation; privatize child care subsidy payment processing; transfer applicable Hearings and Appeals regulations to COMAR 13A.14.06 from COMAR Title 07; and transfer regulatory authority over tiered reimbursement program participation to the Maryland Child Care Credential Program.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed regulations will: (1) increase child care subsidy rates for formal child care providers to the 50th percentile of June 2005 market rates with adjustments; (2) increase child care subsidy rates for informal child care providers by 2.86 percent; and (3) privatize payment processing. As a result, State costs during FY 2010 are expected to increase by an estimated \$1,117,314. The proposed privatization of payment processing will start in January 2010, while the formal and informal provider rate increases will take effect on January 4, 2010.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
(1) Increase formal provider subsidy rates	(E+)	\$1,983,273
(2) Increase informal provider subsidy rates	(R+)	\$196,148
(3) Privatize payment processing	(E-)	\$1,062,107
B. On other State agencies:		
Cost impact to privatize payment processing	NONE	
C. On local governments:		
	NONE	
	Benefit (+)	
	Cost (-)	
D. On regulated industries or trade groups:		
Increase formal provider subsidy rates	(+)	\$1,983,273
E. On other industries or trade groups:		
(1) Increase formal provider subsidy rates	(+)	Minimal
(2) Increase informal provider subsidy rates	(+)	\$196,148
(3) Privatize payment processing	(+)	\$1,185,814
F. Direct and indirect effects on public:		
(1) Increase formal provider subsidy rates	(+)	Indeterminate
(2) Increase informal provider subsidy rates	(+)	\$196,148
(3) Privatize payment processing	(+)	Indeterminate

Title 13A
STATE BOARD OF EDUCATION
Subtitle 14 CHILD AND FAMILY DAY CARE
13A.14.06 [Purchase of] Child Care Subsidy Program

Authority: [Human Services Article, §§4-205, 4-207, 5-205, and 5-207]
Family Law Article, §§5-550, 5-551, and 5-573,
Annotated Code of Maryland;

Agency Note: Federal Regulatory Reference — 45 CFR 98, 99

Notice of Proposed Action

[09-288-P]

The State Superintendent of Schools proposes to repeal existing Regulations .01 — .13 under **COMAR 13A.14.06**

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

- A(1). Projected children in formal care: 20,460
 Projected average annual cost per child: \$4,561
 Estimated total annual cost: \$93,322,699
 Estimated average annual per child cost with rate increase assuming increase on January 4, 2010: \$4,658
 Estimated total annual cost: \$95,305,973
 Total estimated cost increase: \$1,983,273
- A(2). Projected children in informal care: 4,491
 Projected average annual cost per child: \$2,055
 Estimated total annual cost: \$9,229,718
 Estimated average annual per child cost with rate increase, assuming increase on January 4, 2010: \$2,099
 Estimated total annual cost: \$9,425,865
 Total estimated cost increase: \$196,148
- A(3). Total estimated cost decrease: \$1,062,107

A figure for estimated annual cost to MSDE for payment processing on a contract basis (with the regulation change) was computed by estimating the annual operating costs of an average payment processing operation of roughly \$9,000,000 in annual revenues. A number of data sources were used in this estimation: industry average ratios from the most recent Risk Management Association report on the appropriate industry classification; estimations of labor costs of the current invoice processing operation by DHR; estimations of labor costs of the new contractor, assuming staffing at 40 percent of current levels because of efficiencies of automation, but with higher salary levels; and estimations of the cost of leasing, computer equipment, etc., based on information publicly available on the web. (Lease rates for Maryland real estate, for example, came from Milken Institute Cost of Doing Business studies at <http://www.milkeninstitute.org/pdf/StateData2007CostofDoingBusiness.pdf>). The estimate produced was \$1,185,814 annual expense. Because no inside information about the particular operating norms of the industry was available, this estimate is somewhat uncertain; however, it is the best estimate available at this time. Additional information about the estimate can be obtained by calling the MSDE Office of Child Care at 410-767-7845.

No estimate of the cost of invoice processing as a separate component of the \$12,000,000 cost billed to MSDE by DHR was available. The cost of that operation thus had to be estimated as well. We started with labor costs based on State salary step mid-points for the estimated grade levels of existing invoice processing DHR employees (based on a survey of Departments of Social Service). We then applied the ratio of labor to total operating costs derived for the private operations above, (eliminating profit, of course) to arrive at a figure of \$2,247,921. Subtracting the \$1,185,814 figure referenced above produced a net savings to MSDE of \$1,062,107.

B. The Department of Human Resources will lose \$2,247,921 in revenues because of the cancellation of MSDE's contract for invoice processing services; however, it is assumed that these revenues did no more than cover costs of providing those services, so there will be no net fiscal impact on DHR's operations.

D. Since essentially all of the additional State costs will be associated with children who are already in child care at State expense, the benefit will go to the providers. Income from serving subsidy families will increase, with no additional costs. The proportion of the provider's fee paid by the customer will decrease, thus decreasing the provider's exposure to collection risk. No adverse effect on child care providers is anticipated.

E(1) and E(2). The benefits will result from: (1) increasing child care subsidy formal provider rates to the 50th percentile of June 2005 market rates with adjustments to support parental choice by maintaining state child care subsidy rates at competitive levels, as specified above; and (2) increasing child care subsidy informal provider rates by 2.86 percent to support informal care as an economically viable occupation.

E(3). See Section III, A(3) above.

F(1). An increase in formal child care subsidy provider rates will benefit families by maintaining or increasing their choice of child care providers. While this is clearly an advantage for the families involved and benefits society by allowing them more easily to maintain employment, the value cannot be quantified.

F(2). Same as Section III, A(2) above.

F(3). Privatization of payment processing is expected to create jobs in the area, which will benefit families of the employees hired directly, as well as workers in other businesses in an indirect fashion. While this is a benefit to society, the value cannot be quantified at this time.

Economic Impact on Small Businesses

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

The proposed regulation will benefit Maryland's regulated child care industry, which is composed almost entirely of small businesses. Because the regulation will increase provider revenue by increasing the reimbursement rate for any Child Care Subsidy Program children currently in care, it may make it more economically feasible for them to take in Child Care Subsidy Program children, and it may decrease the risk associated with co-payment collections.

The proposed regulation may benefit Maryland small businesses through the establishment of jobs in the area. The contractor must provide payment processing functions at a centralized location near MSDE since 85 percent of the payment processing is done in the Baltimore metropolitan area. As a result, contract funds are expected to add to Maryland's economic activity through equipment and supplies purchases and the payment of salaries, some of which may benefit small businesses. In addition, contractor employees will no doubt spend a portion of their income at local small businesses to the indirect benefit of the Maryland economy. Without further data, however, it is not possible to quantify these direct and indirect benefits.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Betsy Blair, Program Manager, Child Care Subsidy Program, MSDE Division of Early Childhood Development, 200 West Baltimore St., Baltimore MD 21201, or call 410-767-7845, or email to betsy.blair@msde.state.md.us, or fax to 410-333-6622. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

.01 Purpose.

The purpose of the Child Care Subsidy Program is to provide financial assistance with child care costs to families that meet applicable State or federal eligibility requirements.

.02 Definitions.

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

B. *Terms Defined.*

(1) *"Absence" means the failure of a child to attend or appear at the child care program.*

(2) *"Administrative disqualification hearing" means a hearing held by an administrative law judge of the Office of Administrative Hearings to determine if an intentional program violation (IPV) has occurred for which disqualification is a sanction.*

(3) *"Administrative law judge" means an administrative law judge of the Office of Administrative Hearings.*

(4) *"Adult" means an individual who is 18 years old or older.*

(5) "Adult with a regular presence when the child is in care" means an adult who is frequently present in the home of the informal child care provider during the hours that child care is provided.

(6) "Adult with physical custody of a child" means an adult, other than the child's parent, who has custody of a minor child residing in the same household, as evidenced by:

(a) A court order;

(b) Written authorization from a parent, if the parent is not residing in the same household; or

(c) Other documentation acceptable to the local department.

(7) "Appellant" means an applicant, recipient, or other individual who is:

(a) Authorized by regulation to request an appeal under this chapter; or

(b) The subject of an intentional program violation proceeding.

(8) "Applicant" means the child's parent, guardian, or caretaker who applies for Child Care Subsidy (CCS) services.

(9) "Approved activity" means a pursuit in which an applicant or customer is participating that is approved by the local department for a TCA family, or by an individual who is:

(a) Enrolled in public school;

(b) Enrolled in training;

(c) Participating in a work experience activity;

(d) Participating in a job search activity;

(e) Working;

(f) Participating in a work activity; or

(g) Participating in a community service activity.

(10) "Babysitting" means care that is provided in the babysitter's home for unrelated children for less than 20 hours a month, for which State law exempts the babysitter from being licensed.

(11) "Block grant" means the Child Care and Development Block Grant established under §5082 of the Omnibus Budget Reconciliation Act of 1990, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P.L. 104-193.

(12) "Case management" means the process of determining or redetermining eligibility for applicants and customers.

(13) "Child" means an individual who is younger than 13 years old who is not disabled, or an individual younger than 19 years old who is disabled.

(14) "Child care" means care in a State-recognized setting by an individual other than the parent, stepparent, guardian, or caretaker for less than a 24-hour day and for which compensation is paid.

(15) "Child care center" means a facility providing child care that is:

(a) Licensed pursuant to COMAR 13A.16;

(b) Operated under a letter of compliance issued pursuant to COMAR 13A.17;

(c) Licensed by any branch of the military under applicable military child care regulations;

(d) Operated by a public school; or

(e) Licensed by the Department of Health and Mental Hygiene as a youth camp as defined by Health-General Article, §14-401, Annotated Code of Maryland.

(16) "Child Care Subsidy (CCS) Program" means the system of providing financial assistance for child care for an eligible family, under which the contractor pays to the provider all or part of the payment on behalf of the family.

(17) "Child Care Subsidy (CCS) Branch" means the unit of the Division of Early Childhood Development, in the Maryland State Department of Education, that regulates and administers Maryland's CCS voucher system for TCA and income-eligible families.

(18) "Child with a disability" means a child who has been diagnosed as being physically or mentally incapable of self-care appropriate to the age of the child, as verified by the State, based on a determination by a physician, a licensed or certified psychologist, or a licensed social worker.

(19) "Contractor" means the entity designated by MSDE to process payments to child care providers and to handle tasks related to provider payment processing.

(20) "Copayment" means that portion of the financial cost of child care services assigned by a local department to a family and paid on a unit basis by the family to the provider.

(21) "Credentialing Branch" means the unit in the Division of Early Childhood Development in the Maryland State Department of Education that ensures that child care providers have access to quality training opportunities and that they are recognized for achieving quality improvements.

(22) "Customer" means an individual who is eligible for and receiving services through the CCS Program.

(23) "Department of Human Resources" means the agency that determines eligibility for CCS applicants and customers and handles case management related duties.

(24) "Enrollment status" means the attendance schedule, either full-time or part-time, of the child receiving CCS services.

(25) Family.

(a) "Family" means the family unit consisting of:

(i) One or more adults and children, related by blood, marriage, adoption, or legal guardianship, and residing in the same household; or

(ii) Adults with physical custody of a child, related or unrelated, who are residing in the same household.

(b) "Family" includes unrelated adults with children in common who reside together, whether either has other children residing in the household.

(c) "Family" does not include:

(i) Unrelated adults with no children in common residing together; or

(ii) Related adults, other than spouses, residing together.

(26) "Family child care home" means a residence, other than the home of the child for whom CCS is requested, that is registered pursuant to COMAR 13A.15 or applicable military child care regulations.

(27) "Family income" means the combined monthly gross income, as defined in §B(39) of this regulation, of all family members.

(28) "Family Investment Program (FIP)" means an assistance program of the Department of Human Resources to families with children encompassing services, work experience, or temporary cash assistance (TCA).

(29) "Family Investment Program (FIP) participant" means an individual who is enrolled in TCA.

(30) "Family size" means the number of individuals residing in the same household as a family as defined in §B(25) of this regulation.

(31) "Good cause" means there are circumstances in which the applicant's cooperation may not be in the best interest of the child.

(32) "Infant" means a child younger than 24 months old.

(33) "Informal child care" means child care that:

(a) *Is self-arranged and nonregulated; and*
 (b) *Requires child care providers to submit a signed affirmation of compliance with child care health and safety standards and to agree to a Child Protective Services record check, but does not require these providers to be licensed or regulated under State law.*

(34) *“Hearing” means a contested case hearing as defined in State Government Article, §10-202(d), Annotated Code of Maryland.*

(35) *“In-home care” means care:*

(a) *Provided to the customer’s children in the customer’s home by a nonrelative; and*

(b) *Exempt from licensing if all children being cared for live in the residence in which care is provided.*

(36) *“Intentional program violation” means an intentional false or misleading statement or misrepresentation, concealment, or withholding of facts for the purposes of establishing or maintaining the applicant, recipient, or provider’s eligibility for CCS payments or for increasing or preventing a reduction of the amount of assistance.*

(37) *“Local department” means a local department of social services in a county or Baltimore City, and the Montgomery County Department of Health and Human Services.*

(38) *“Local director” means the director of the local department of social services in a county or Baltimore City, and the Montgomery County Department of Health and Human Services.*

(39) *“Maryland State Department of Education” means the agency that provides leadership, support, and accountability for effective systems of public school, including the Division of Early Childhood Education.*

(40) *Monthly Gross Income.*

(a) *“Monthly gross income” means the sum of monthly income, including pretax benefits, received by an individual.*

(b) *“Monthly gross income” includes, but is not limited to:*

(i) *Wages, salary, and net income from self-employment;*

(ii) *Commissions, tips, and bonuses;*

(iii) *Dividends and interest;*

(iv) *Social Security benefits, including disability and survivors benefits;*

(v) *Pensions and annuities;*

(vi) *Estate income;*

(vii) *Unemployment and workers’ compensation benefits; and*

(viii) *Alimony and child support.*

(c) *“Monthly gross income” does not include:*

(i) *Temporary Cash Assistance payments;*

(ii) *Supplemental Security Income payments;*

(iii) *\$5,000 of a family’s annual gross income per child for adults with physical custody of a child as defined in §B(6) of this regulation;*

(iv) *\$5,000 of a family’s annual gross income per child when the minor parent attends public school full-time;*

(v) *Money received from sales of property, such as stocks, bonds, a house, or a car, unless the individual was engaged in the business of selling the property, in which case the net proceeds would be counted as income from self-employment;*

(vi) *Withdrawals of bank deposits;*

(vii) *Money borrowed;*

(viii) *Tax refunds;*

(ix) *Gifts;*

(x) *Lump sum inheritances or insurance payments;*

(xi) *Subsidized adoption, subsidized guardianship, and foster care payments;*

(xii) *Value of food stamps or supplemental assistance under the Child Nutrition Act of 1966 and the special food service program for children under the National School Lunch Act as amended;*

(xiii) *Earnings of a child younger than 15 years old or a child younger than 18 years old who is attending a public school;*

(xiv) *Loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs;*

(xv) *A grant or loan to an undergraduate student for educational purposes made or insured under a program administered by the Commissioner of Education under the Higher Education Act;*

(xvi) *Home produce for household consumption;*

(xvii) *Any stipends, compensation, or expenses received for volunteer service from programs existing or pending under the Domestic Volunteer Service Act of 1973 sponsored by ACTION;*

(xviii) *Any payment received under the Community Service Trust Act of 1973;*

(xix) *Earnings received by a youth in a program under the Workforce Investment Act;*

(xx) *Energy grants and allowances received from P.L. 96-126 through the Maryland Energy Assistance Program;*

(xxi) *Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;*

(xxii) *Child support payments made by a noncustodial parent for a child not residing in the applicant’s household;*

(xxiii) *\$2,500 of child support state and federal tax intercepts and arrearage payments;*

(xxiv) *Veterans Administration payments to children with birth defects born to female Vietnam veterans;*

(xxv) *Educational assistance income that is used for an approved educational activity or is part of the FIP Independence Plan; and*

(xxvi) *Payments made to correct underpayments to recipients.*

(41) *“Office of Administrative Hearings (OAH)” means the unit within the Executive Branch established by State Government Article, §9-1602, Annotated Code of Maryland.*

(42) *“Overpayment” means the amount of payment received by a recipient or service provider to which the recipient or service provider was not entitled as determined by applicable CCS regulations.*

(43) *“Provider” means an individual who is 18 years old or older and who:*

(a) *Is responsible for the operation of a family child care home or child care center; or*

(b) *Provides informal child care.*

(44) *“Public assistance” means Supplemental Security Income (SSI) received pursuant to Title XVI of the Social Security Act or cash benefits received through any program administered by the Family Investment Administration or successor administration.*

(45) *“Public school” means an approved academic or vocational program carried out in an elementary school, junior high school, middle school, high school, program for special students, or General Educational Diploma tutoring program.*

(46) "Reasonable accommodation" means a modification made by a child care service provider, at no additional cost to the parent, in order to meet the physical, social, mental, and emotional needs of a child with a disability in accordance with Title III of the Americans with Disabilities Act.

(47) "Recipient" means an individual who receives or has received assistance or that individual's authorized representative.

(48) "Relative care" means care that:

(a) Is provided in the relative's or customer's home by a relative;

(b) Is exempt from licensing under Family Law Article, §§5-550 — 5-557, Annotated Code of Maryland; and

(c) Excludes as eligible for payment the parents, step-parents, legal guardians, or members of the TCA or CCS assistance unit.

(49) "Resident" means an individual who lives in Maryland and has no intention of leaving during the time in which CCS is to be provided.

(50) "Service period" means the 2-week period for which child care providers can provide service and receive payment.

(51) "Subsidy" means that portion of the financial cost of child care services paid in authorized unit rates by the contractor to providers.

(52) "Superintendent's delegation" means the Superintendent's delegation of hearing authority made pursuant to State Government Article, §10-205, Annotated Code of Maryland.

(53) "Temporary Cash Assistance (TCA)" means a form of cash assistance provided to families who are technically and financially eligible.

(54) "Tiered reimbursement" means weekly payments that:

(a) Exceed the payment rates specified in Regulation .09B — D of this chapter;

(b) Are paid to a child care center or a family child care provider that meet training and program quality requirements pursuant to COMAR 13A.14.09.09; and

(c) Vary based on the payment rate for the age of the child and the type of child care.

(55) Training.

(a) "Training" means any type of instructional program, except for post-college graduate programs, that is approved by the local department.

(b) "Training" includes an undergraduate college, a vocational program, a publicly funded training program, or volunteer activity designed to lead to employment of the participant.

(56) "Transitioning off of public assistance" means the immediate 12-month period following the loss of a customer's eligibility for FIP assistance.

(57) "Underpayment" means a payment received by a recipient or provider that is less than the allowable amount owed the recipient or provider as determined by this chapter.

(58) "Unit" means the length of time per day a child is in child care, as follows:

(a) "One unit" means 3 hours or less per day;

(b) "Two units" means more than 3 hours per day, but less than 6 hours per day; or

(c) "Three units" means 6 hours or more per day.

(59) "Voluntary closure" means the period of time a child care provider is closed that:

(a) Includes not more than 2 consecutive weeks annually; and

(b) Excludes the holidays listed in Regulation .09F(8) of this chapter.

(60) "Voucher" means a coupon given to a customer by the local department for use in purchasing child care from a provider.

(61) "Waiver" means the document signed by an individual intentionally relinquishing the right to an administrative disqualification hearing.

.03 Eligibility.

A. Except for services sought for a foster care child, a Maryland resident is eligible for CCS services when the:

(1) Resident meets need and income requirements specified in §§C and D of this regulation; and

(2) Child for whom services are sought meets the requirements of §B of this regulation.

B. Citizenship Status. A child receiving CCS services shall be a:

(1) United States (U.S.) citizen;

(2) Qualified alien:

(a) Who is lawfully admitted for permanent residence in the U.S.;

(b) Who is granted asylum;

(c) Who is granted conditional entry;

(d) Who is temporarily paroled into the U.S. for limited reasons;

(e) Whose deportation is being withheld; or

(f) Who is a refugee; or

(3) Qualified alien who has been battered or subjected to extreme cruelty by a parent or household member in the U.S. and who has:

(a) Been approved for or has petitioned for status as a child of a U.S. citizen;

(b) Been classified as the child of a lawfully admitted alien; or

(c) Had deportation suspended with an adjustment of status.

C. Need. The need requirement is met:

(1) When the child's parent, caretaker, or legal guardian is not available or capable to care for the child, no other acceptable child care plan can be arranged, and one or more of the priority situations exist according to Regulation .07A of this chapter;

(2) By an applicant or customer who meets the requirements specified in Regulation .07A(1) of this chapter:

(a) During approved activity periods;

(b) Before beginning an approved activity for a period not to exceed 1 month;

(c) During gaps in approved activities for a period not to exceed 1 month; or

(d) As necessary to accept employment or to remain employed and if the child care would otherwise be lost; or

(3) By a customer who meets the requirements specified in Regulation .07A(2) and (3) of this chapter:

(a) While employed; and

(b) During gaps in employment for a period not to exceed 1 month and if the child care would otherwise be lost, to:

(i) Seek employment;

(ii) Accept employment; or

(iii) Remain employed.

D. Income.

(1) Except when TCA is received only for a child, the income requirement is met by:

(a) A family that:

(i) Has applied for, or receives, TCA; and

(ii) Has an annual gross income not exceeding the maximum income for family size as specified in Regulation .05H of this chapter; or

(b) An individual who is a recipient of SSI.

(2) An applicant shall meet the income eligibility requirements as defined in Regulations .02B and .05H of this chapter; except for the following who are exempt:

(a) TCA applicants or customers; or

(b) Recipients of SSI.

E. For purposes of determining parental copayments and subsidies, a family's income shall be determined by the definition of monthly gross income in Regulation .02B of this chapter; and changed to an annual amount by multiplying the:

(1) Average:

(a) Weekly income by 52;

(b) Every other week income by 26;

(c) Monthly income by 12; or

(d) Twice monthly income by 24; or

(2) Monthly income by the number of months worked by an individual for less than 12 months.

F. An applicant or customer shall pursue child support services for each child receiving CCS services pursuant to Regulation .04 of this chapter.

G. Immunization.

(1) A child receiving CCS services shall be immunized appropriate to the child's age.

(2) The requirement in §E(1) of this regulation does not apply if a child's:

(a) Documented medical condition contraindicates immunization; or

(b) Parent, guardian or caretaker objects to the immunization on religious grounds.

(3) The immunization is met when a written declaration is submitted to the local department, at least annually, by the applicant affirming that the child attends a:

(a) Family child care home or a child care center where immunization records are maintained pursuant to COMAR 13A.15.03.02A(4), 13A.16.03.04G, or 13A.17.03.04G as applicable; or

(b) Full-day program at a public or nonpublic school where immunization records are maintained.

(4) Except as provided in §G(2) and (3)(b) of this regulation, evidence of immunizations for children using informal child care shall be submitted:

(a) On a form supplied by or approved by the CCS branch; and

(b) To the local department within 60 days of applying for child care services.

(5) At least annually, the local department shall, for each child, require evidence of compliance with the immunization schedule included on the form supplied or approved by the CCS Branch.

H. For continued eligibility for CCS services, a family or individual shall report to the local department within 10 days of its occurrence any change in:

(1) Income;

(2) Employment;

(3) Family composition;

(4) Marital status;

(5) Address; and

(6) Needed hours or days for child care services.

.04 Pursuit of Child Support Obligations.

A. An applicant who has the care of a child eligible for child support services pursuant to COMAR 07.07.02.02B(4) shall pursue the establishment and enforcement of support

obligations on behalf of the child as required by the local CCS case manager.

B. If the applicant is pursuing or receiving regular child support payments for the child, the applicant shall furnish documentation verifying this action to the local CCS case manager at the time of application for child care services.

C. Local Child Support Enforcement (CSE) Agency.

(1) If the applicant is not pursuing or receiving regular child support payments for the child and cannot claim good cause for refusing to pursue child support pursuant to §E of this regulation, the local CCS case manager shall refer the applicant to the local CSE agency.

(2) The local CSE agency shall provide documentation of the:

(a) Application for CSE services to the applicant; and

(b) Closing of the case by CSE to the CCS unit.

(3) The applicant shall submit documentation of CSE services to the local CCS case manager within 60 days of applying for child care services.

(4) An applicant who fails to comply with §C(3) of this regulation is not eligible for CCS services.

D. Unless excused for good cause, the applicant shall cooperate with the local CSE agency in:

(1) Identifying and locating the child's absent parent;

(2) Establishing the child's paternity if the child is born out of wedlock; and

(3) Obtaining support payments.

E. Refusal to Cooperate.

(1) Good cause circumstances are those when:

(a) Cooperation may result in serious physical or emotional harm to the child for whom the support is sought;

(b) Cooperation may result in serious physical or emotional harm to the applicant with whom the child is living, which may reduce the capacity of the applicant to care adequately for the child;

(c) The child for whom support is sought was conceived as a result of incest or forcible rape;

(d) Legal proceedings for the child's adoption are pending before a court of competent jurisdiction; or

(e) The applicant is being assisted by a public or licensed private social agency to resolve the issue of keeping or relinquishing the child for adoption, and the discussions have not extended beyond 3 months.

(2) When the local CCS case manager refers the applicant to the local CSE agency, the local CCS case manager shall inform the applicant in writing of the applicant's right to claim good cause for refusing to cooperate with the local CSE agency.

F. Determination of Good Cause.

(1) The local CCS case manager is responsible for determining the existence of good cause.

(2) The applicant shall provide the local CCS case manager with:

(a) Verified or verifiable evidence that specifies and corroborates circumstances that the applicant believes are sufficient good cause for not cooperating; and

(b) Sufficient information to permit an investigation.

(3) The applicant shall supply corroborative evidence within 30 days of making the claim for good cause.

(4) The local CCS case manager shall allow up to 30 additional days, with supervisory approval, for the applicant to make the claim when the unit determines difficulty in obtaining the corroborative evidence.

(5) Allegations by the applicant are not considered adequate information except in the case of anticipated physical harm.

(6) The local CCS case manager shall determine good cause based on:

(a) A review of the evidence submitted by the applicant; and

(b) The findings of any investigation of the claim that the local department chooses to make.

(7) The local CCS case manager may determine good cause without further investigation if the following acceptable documentation indicates that harm may result:

(a) A birth certificate or medical or law enforcement record indicating that the child was conceived as a result of incest or forcible rape;

(b) A court document or other record indicating that legal proceedings for adoption are pending before a court of competent jurisdiction;

(c) A court, medical, criminal, child protective services, psychological, social services, or law enforcement record indicating that the putative father or absent parent might inflict physical or emotional harm on the child or the applicant;

(d) A medical record indicating the emotional health history and the present emotional health status of the child or the applicant;

(e) A written statement from a mental health professional indicating a diagnosis or prognosis of the emotional health of the child or the applicant;

(f) A written statement from a public or licensed private social agency that the applicant is being assisted by the agency to resolve the issue of keeping or relinquishing the child for adoption and the discussions have not extended beyond 3 months; or

(g) Sworn statements from individuals other than the applicant with knowledge of the circumstances that provide the basis for a good cause claim.

(8) The local CCS case manager shall inform the applicant in writing of the final determination.

(9) Upon making a final determination, and if the applicant is receiving services from the CSE agency, the local CCS case manager shall promptly inform the local CSE agency whether or not there is good cause for refusal to cooperate.

(10) The local CCS case manager shall deny CCS services to the applicant if a claim of good cause cannot be substantiated as required in this section.

(11) The local CCS case manager may not deny, delay, or terminate child care subsidy services pending determination of good cause if the applicant has met the requirements of §F(2) of this regulation.

G. Review of Determination of Good Cause.

(1) The local CCS case manager shall review, at a minimum during redetermination of eligibility, all cases in which a finding of good cause was made based on a circumstance that is subject to change.

(2) If the local CCS case manager determines that the circumstance providing the basis for determination of good cause no longer exists, the case manager shall require the applicant to pursue the establishment and enforcement of child support obligations.

H. An applicant transitioning off of TCA who does not have a child support order or who is not receiving child support shall cooperate with the local CCS case manager and the local CSE agency to continue, establish, or re-establish child support services.

I. An applicant who has the care of a child eligible for child support services and refuses to cooperate with the local CSE agency and the local CCS case manager on behalf of the

child is ineligible for CCS services unless good cause for the refusal is either claimed or determined to exist.

.05 Application Process.

A. An applicant shall apply to the local department for CCS services.

B. To apply for CCS services, an applicant shall submit to the local department:

(1) A signed application; and

(2) Within 30 calendar days after receipt of the signed application, all requested documentation.

C. The local department shall decide to accept or deny the application within:

(1) 30 calendar days from the date of receipt of the signed application, if all verifications are received by the 25th day following application; or

(2) 35 calendar days from the date of receipt of the signed application, if all verifications are:

(a) Received between the 25th and 30th days following application; or

(b) Not received by the local department.

D. The applicant is eligible from the date a signed application is received if the local department determines that the customer is eligible for services.

E. Waiting List.

(1) The local department shall inform an applicant that the applicant will be placed on a waiting list and that a child care placement cannot be made immediately when the:

(a) List of available providers has been exhausted and a provider cannot be located who is either acceptable to the parent or appropriate to the child; or

(b) Funds are not available to provide the service.

(2) In accordance with Regulation .08A of this chapter, an open case on the waiting list is not subject to redetermination if its presence on the waiting list is due to insufficient program funds.

(3) The local department shall maintain a list of all eligible applicants by date of application and in accordance with the service priorities established under Regulation .07A of this chapter.

F. Denial. The local department shall deny the application if:

(1) The applicant is ineligible pursuant to Regulation .03 of this chapter;

(2) The customer is terminated from CCS services by the local department within the last 12 months for failure to pay the copayment unless a plan for payment of fees still owed is arranged to the satisfaction of the provider to whom the fee is due;

(3) The applicant fails to provide the required documentation within 30 days of initiating an application; or

(4) The applicant is disqualified for CCS payment pursuant to Regulation .12 of this chapter and the disqualification period has not ended.

G. Notice. The local department shall send a written denial notice to the applicant that includes:

(1) The decision;

(2) The basis for the decision;

(3) The regulation supporting the decision; and

(4) The explanation of the applicant's right to and method of requesting a fair hearing.

H. Income Eligibility Scale.

Family Size	Income	Copayment Level	Family Size	Income	Copayment Level
1	\$ 0 — 6,797	A	7	\$ 0 — 17,647	A
	6,797 — 8,496	B		17,647 — 22,058	B
	8,496 — 9,346	C		22,058 — 24,264	C
	9,346 — 10,195	D		24,264 — 26,469	D
	10,195 — 11,045	E		26,469 — 28,675	E
	11,045 — 11,895	F		28,675 — 30,881	F
	11,895 — 12,745	G		30,881 — 33,088	G
	12,745 — 14,656	H		33,088 — 38,050	H
	14,656 — 16,568	I		38,050 — 43,013	I
	16,568 — 18,565	J		43,013 — 48,198	J
2	\$ 0 — 8,889	A	8	\$ 0 — 18,039	A
	8,889 — 11,111	B		18,039 — 22,548	B
	11,111 — 12,222	C		22,548 — 24,803	C
	12,222 — 13,332	D		24,803 — 27,057	D
	13,332 — 14,444	E		27,057 — 29,312	E
	14,444 — 15,555	F		29,312 — 31,568	F
	15,555 — 16,666	G		31,568 — 33,823	G
	16,666 — 19,166	H		33,823 — 38,896	H
	19,166 — 21,666	I		38,896 — 43,969	I
	21,666 — 24,277	J		43,969 — 49,269	J
3	\$ 0 — 10,980	A	9	\$ 0 — 18,431	A
	10,980 — 13,725	B		18,431 — 23,038	B
	13,725 — 15,098	C		23,038 — 25,343	C
	15,098 — 16,470	D		25,343 — 27,645	D
	16,470 — 17,842	E		27,645 — 29,950	E
	17,842 — 19,215	F		29,950 — 32,254	F
	19,215 — 20,588	G		32,254 — 34,558	G
	20,588 — 23,676	H		34,558 — 39,741	H
	23,676 — 26,764	I		39,741 — 44,924	I
	26,764 — 29,990	J		44,924 — 50,340	J
4	\$ 0 — 13,072	A	10	\$ 0 — 18,823	A
	13,072 — 16,339	B		18,823 — 23,528	B
	16,339 — 17,974	C		23,528 — 25,882	C
	17,974 — 19,607	D		25,882 — 28,234	D
	19,607 — 21,241	E		28,234 — 30,587	E
	21,241 — 22,875	F		30,587 — 32,940	F
	22,875 — 24,509	G		32,940 — 35,294	G
	24,509 — 28,185	H		35,294 — 40,587	H
	28,185 — 31,861	I		40,587 — 45,880	I
	31,861 — 35,702	J		45,880 — 51,411	J
5	\$ 0 — 15,163	A	6	\$ 0 — 17,255	A
	15,163 — 18,954	B		17,255 — 21,568	B
	18,954 — 20,849	C		21,568 — 23,725	C
	20,849 — 22,744	D		23,725 — 25,881	D
	22,744 — 24,639	E		25,881 — 28,038	E
	24,639 — 26,535	F		28,038 — 30,195	F
	26,535 — 28,431	G		30,195 — 32,352	G
	28,431 — 32,695	H		32,352 — 37,205	H
	32,695 — 36,959	I		37,205 — 42,057	I
	36,959 — 41,414	J		42,057 — 47,127	J

I. The case manager shall give a voucher to the eligible applicant to present to the provider when child care is selected.

.06 Delivery of Service.

A. If possible, the local department shall offer both family child care and center child care assistance.

B. Informal Child Care.

(1) Parents may choose informal child care as:

- (a) Specified in §B(2)(a) — (c) of this regulation; and
- (b) Defined in Regulation .02B of this chapter.

(2) The contractor shall provide payment which is approved pursuant to §C of this regulation for the following informal care:

- (a) Relative care;
- (b) In-home care; and
- (c) Babysitting.

(3) Parents shall submit to the local department a signed affirmation with requested documentation specifying:

- (a) Where the care is provided; and
- (b) The relationship of the child to the provider.

(4) Each local department shall maintain a list of all informal child care providers. The list shall identify the provider as informal and shall include the following information:

- (a) Name;
- (b) Address;
- (c) Telephone number;
- (d) Social Security number; and
- (e) Relationship to children for whom the relative is providing care, if applicable.

C. Review of Child Abuse and Neglect Records.

(1) This section applies to all providers seeking payment for any type of informal child care identified in §B(2) of this regulation.

(2) A provider of informal child care services and an adult with a regular presence when the child is in care shall:

(a) Allow the local department to review and evaluate child abuse and neglect record findings, except if the local director gives an exception in writing;

(b) Allow the local department to review and evaluate child abuse and neglect records for any subsequent finding at least every 2 years if informal child care continues to be provided; and

(c) Submit the following to the local department before the contractor makes any payment:

(i) A signed affirmation of compliance with child care health and safety standards; and

(ii) A signed release of information form, which is signed in the presence of local department staff or their designee, or notarized, and which provides consent to a local department's review and evaluation of child abuse and neglect records.

D. Child Care Voucher System.

(1) The local department shall:

(a) Issue a voucher to an applicant that is:

(i) Related to the schedule and duration of the applicant's activity; and

(ii) Effective on the date a signed application is received if the requirements of Regulation .05D of this chapter are met; and

(b) Provide access to information and referral services to assist the applicant in finding appropriate child care directly or through other resources.

(2) Use of Voucher.

(a) The licensed or registered child care voucher may be used only in those programs that meet the definitions of child care center or family child care home in Regulation .02B of this chapter.

(b) The informal child care voucher may only be used for child care that meets the definition of informal child care in Regulation .02B of this chapter.

(3) Except for vouchers issued pursuant to Regulation .08A(3) of this chapter, the voucher is valid for a maximum of 12 months from the effective date if returned within 60 days of its issue date.

(4) The voucher is void if:

(a) The voucher is not signed by the provider and the customer;

(b) Placement is not made; or

(c) The voucher is not returned to the local department within 60 days of its issue date.

(5) The local department shall issue to a customer a notification of the expiration of a voucher at least 15 days before the expiration date to allow for application and review of eligibility for a new voucher by the local department.

E. A new voucher shall be issued if:

(1) A customer moves to another area served by a different local department; and

(2) The new local department finds the customer is still eligible for CCS services.

.07 Service Groups.

A. Except that primary consideration within each priority shall be given to a family requiring CCS services for a child with a disability, provision of CCS services to a family is subject to the following priorities, determined by the Office of Child Care, CCS Branch:

(1) Individuals who:

(a) Have applied for TCA and are:

(i) Job searching; or

(ii) Participating in a job readiness activity; or

(b) Are receiving TCA and are participating in an approved activity;

(2) Individuals who are working and:

(a) Who have received TCA at any time within the prior 6 months;

(b) Who are no longer eligible for TCA; and

(c) Whose family income is less than or equal to the amounts listed for copayment levels A through J in Regulation .05H of this chapter, for the applicant's family size; and

(3) Individuals who are working, enrolled in public school, or enrolled in training and:

(a) Who are not TCA applicants or recipients; and

(b) Whose family income is less than or equal to the amounts listed for copayment levels A through J in Regulation .05H of this chapter, for the applicant's family size.

B. If the Program is reduced because of insufficient funds:

(1) The order of the priorities, as established jointly by the local department and the CCS Branch, is applied in reverse for terminating services; and

(2) Service to individuals pursuant to §A(3) of this regulation shall be terminated beginning with copayment level J and, if necessary, terminating in reverse order to level A.

.08 Redetermination and Termination.

A. Except that a family with an open case on the waiting list may not be redetermined while on the waiting list if its placement on that list is due to insufficient program funds, a local department shall make a determination of child care need for a family:

(1) When there are significant changes in the family situation;

(2) At least every 12 months; or

(3) Within 10 days of the completion of the Head Start Program year if the child:

(a) Is enrolled in Head Start; and

(b) Receives CCS services.

B. The local department shall terminate CCS payments if the:

(1) Family is no longer eligible on the basis of need;

(2) Family is no longer eligible on the basis of income;

(3) Local department determines that the parent regularly violates the requirements of the provider;

(4) Family fails to pay the copayment, recorded on the voucher, when it is due;

(5) Program is reduced because of insufficient funds or is oversubscribed, and services for the child are terminated according to Regulation .07B of this chapter;

(6) Family commits welfare fraud as defined in Criminal Law Article, §§8-501 — 8-504, Annotated Code of Maryland, and cited in the terms of agreement of the child care subsidy voucher;

(7) Family fails to provide documentation required by the local department to redetermine eligibility;

(8) Family who has the care of a child eligible for child support services refuses to cooperate with the State in pursuing child support obligations, unless good cause for the refusal is either claimed or determined to exist pursuant to Regulation .04 of this chapter;

(9) Family fails to report any change, as specified in Regulation .03H of this chapter, that results in the receipt of benefits for which the applicant is not eligible;

(10) Family fails to provide a signed affirmation, including required documentation, pursuant to Regulation .06C(2)(c) of this chapter;

(11) Family fails to verify immunizations appropriate to the child's age pursuant to Regulation .03G of this chapter for each child receiving services; or

(12) Family or the provider has been disqualified pursuant to Regulation .12 of this chapter and the disqualification period has not ended.

C. Notification of Termination.

(1) The local department shall notify the parent and provider in writing at least 5 working days before termination of child care services or reduction of child care benefits or services pursuant to Regulation .09G(7) of this chapter. The notice shall include:

- (a) The action to be taken;
- (b) The reason for the action;
- (c) The regulation supporting the action; and
- (d) An explanation of the parent's right to request a fair hearing and the method of obtaining a fair hearing.

(2) If a voucher is written for less than 5 working days, the notification period does not apply and the local department shall provide notification as soon as practicable.

.09 Payments for Child Care Services.

A. Basis of Payment.

(1) The contractor shall provide to a provider sufficient invoice forms to cover the service period of a voucher after the voucher is returned to the local department.

(2) A child care provider is paid:

- (a) According to the weekly service unit rates as set out in §§B — D of this regulation for subsidies and Regulation .10B of this chapter for copayments;
- (b) Based on 21.69 days in each month; and
- (c) For authorized service units only.

(3) A separate payment rate is established for each of the following seven CCS service regions within the State for family homes and child care centers:

- (a) Region U, which comprises Cecil, Queen Anne's, St. Mary's, Talbot, and Washington counties;
- (b) Region V, which comprises Caroline, Dorchester, Kent, Somerset, and Wicomico counties;
- (c) Region W, which comprises Anne Arundel, Calvert, Carroll, Charles, and Prince George's counties;
- (d) Region X, which comprises Howard and Montgomery counties;
- (e) Region Y, which comprises Baltimore, Frederick, and Harford counties;
- (f) Region Z, which comprises Allegany, Garrett, and Worcester counties; and
- (g) Region BC, which is Baltimore City.

B. Rate of Payment and Cost Guidelines — Family Child Care Home.

(1) The amount paid to a family child care provider who cares for a child in the provider's home is the lowest of the:

(a) Regional weekly service unit rates established by this regulation;

(b) Weekly rate charged to the general public by the provider if that rate is comparable and competitive with the going rate in the community; or

(c) Actual cost of care.

(2) The regional weekly service unit rates specified in this subsection are based on three units of service per day. For two-unit and one-unit regional weekly rates, multiply by $\frac{2}{3}$ and $\frac{1}{3}$, respectively, the following regional weekly rates:

(a) Rate for a child 24 months old or older:

- (i) Region U — \$91.35;
- (ii) Region V — \$81.08;
- (iii) Region W — \$113.14;
- (iv) Region X — \$143.83;
- (v) Region Y — \$113.09;
- (vi) Region Z — \$83.38; and
- (vii) Region BC — \$103.76; or

(b) Rate for a child younger than 24 months old:

- (i) Region U — \$120;
- (ii) Region V — \$97.89;
- (iii) Region W — \$152.89;
- (iv) Region X — \$180;
- (v) Region Y — \$145;
- (vi) Region Z — \$95; and
- (vii) Region BC — \$137.64.

C. Rate of Payment and Cost Guidelines — Child Care Center.

(1) The amount paid to a child care center is the lowest of the:

(a) Regional weekly service unit rates established by this regulation;

(b) Weekly rate charged to the general public by the child care center if that rate is comparable and competitive with the going rate in the community; or

(c) Actual cost of care.

(2) The regional weekly service unit rates specified in this subsection are based on three units of service per day. For two-unit and one-unit regional weekly rates, multiply by $\frac{2}{3}$ and $\frac{1}{3}$, respectively, the following regional weekly rates:

(a) Rate for a child 24 months old or older:

- (i) Region U — \$105.60;
- (ii) Region V — \$89.02;
- (iii) Region W — \$122.92;
- (iv) Region X — \$162.87;
- (v) Region Y — \$125.06;
- (vi) Region Z — \$85.65; and
- (vii) Region BC — \$109.42; or

(b) Rate for a child younger than 24 months old:

- (i) Region U — \$168.21;
- (ii) Region V — \$143.21;
- (iii) Region W — \$195;
- (iv) Region X — \$255;
- (v) Region Y — \$203.21;
- (vi) Region Z — \$110; and
- (vii) Region BC — \$183.21.

D. The informal child care weekly service unit rates specified in this section are based on three units of service per day. For two-unit and one-unit regional weekly rates, multiply by $\frac{2}{3}$ and $\frac{1}{3}$, respectively, the following jurisdictional weekly rates:

(1) Rate for a child 24 months old or older:

- (a) Allegany County — \$52.44;
- (b) Anne Arundel County — \$55.43;
- (c) Baltimore County — \$58.91;
- (d) Calvert County — \$55.43;

- (e) *Caroline County* — \$40.51;
 - (f) *Carroll County* — \$55.43;
 - (g) *Cecil County* — \$52.44;
 - (h) *Charles County* — \$55.43;
 - (i) *Dorchester County* — \$40.51;
 - (j) *Frederick County* — \$58.91;
 - (k) *Garrett County* — \$52.69;
 - (l) *Harford County* — \$58.91;
 - (m) *Howard County* — \$74.07;
 - (n) *Kent County* — \$40.51;
 - (o) *Montgomery County* — \$74.07;
 - (p) *Prince George's County* — \$55.43;
 - (q) *Queen Anne's County* — \$45.73;
 - (r) *St. Mary's County* — \$52.44;
 - (s) *Somerset County* — \$40.51;
 - (t) *Talbot County* — \$45.73;
 - (u) *Washington County* — \$52.69;
 - (v) *Wicomico County* — \$40.51;
 - (w) *Worcester County* — \$43; and
 - (x) *Baltimore City* — \$53.44;
- (b) *Rate for a child younger than 24 months old:*
- (a) *Allegany County* — \$61.39;
 - (b) *Anne Arundel County* — \$70.09;
 - (c) *Baltimore County* — \$70.09;
 - (d) *Calvert County* — \$70.09;
 - (e) *Caroline County* — \$45.73;
 - (f) *Carroll County* — \$71.33;
 - (g) *Cecil County* — \$53.94;
 - (h) *Charles County* — \$70.09;
 - (i) *Dorchester County* — \$45.73;
 - (j) *Frederick County* — \$70.09;
 - (k) *Garrett County* — \$61.39;
 - (l) *Harford County* — \$70.09;
 - (m) *Howard County* — \$88.73;
 - (n) *Kent County* — \$45.73;
 - (o) *Montgomery County* — \$88.73;
 - (p) *Prince George's County* — \$70.09;
 - (q) *Queen Anne's County* — \$53.94;
 - (r) *St. Mary's County* — \$61.39;
 - (s) *Somerset County* — \$45.73;
 - (t) *Talbot County* — \$53.94;
 - (u) *Washington County* — \$53.94;
 - (v) *Wicomico County* — \$45.73;
 - (w) *Worcester County* — \$45.73; and
 - (x) *Baltimore City* — \$67.36.

E. Unless permission is given by the local director for more than six children, local departments may approve payment for informal child care when the total number of children in the provider's care is six or less:

(1) *Including not more than two children younger than 24 months old; and*

(2) *Counting the provider's own children younger than 6 years old among the six children.*

F. Additional Costs.

(1) *A payment rate schedule is established for children attending public or nonpublic elementary or middle schools for the full school day who receive child care services. The payment rate schedule is:*

(a) *Paid pursuant to the maximum payment rates listed in §§B—D of this regulation;*

(b) *Valid when authorized child care services are provided:*

(i) *On a regular basis beyond school hours; and*

(ii) *When schools are closed during the school year;*

(c) *Based on a 42-week payment schedule that is calculated by averaging the child's rate for:*

(i) *36 weeks of one or two authorized service units per day when school is scheduled to be in session; and*

(ii) *6 weeks of three authorized service units per day when school is scheduled to be closed; and*

(d) *Applied to an uninterrupted 10-week school vacation when:*

(i) *The vacation period is not included in §E(1)(b)(ii) of this regulation; and*

(ii) *The care is authorized by the local department for three units of service a day.*

(2) *The 52-week payment schedule is established for children attending public or nonpublic elementary or middle schools for the full school day that are open year-round and is calculated by averaging the child's rate for:*

(a) *36 weeks of one or two authorized service units per day when school is scheduled to be in session;*

(b) *6 weeks of three authorized service units per day when school is scheduled to be closed; and*

(c) *10 designated school vacation weeks of three authorized service units per day.*

(3) *The local department shall approve additional costs that exceed the payment rates specified in §§B—D of this regulation when child care is provided during nontraditional hours. Nontraditional hours are:*

(a) *1 hour or more between 7 p.m. and 6 a.m. on Monday through Friday; and*

(b) *Any period of 1 hour or more on Saturday or Sunday.*

(4) *Additional costs above the rates shall be authorized for care provided weekly during nontraditional hours up to:*

(a) *5 percent for one unit of care;*

(b) *10 percent for two units of care; or*

(c) *15 percent for three units of care.*

(5) *For a child with a disability, the payment rates specified in §§B and C of this regulation apply, except if the service provider offers documentation to the local department that the cost of caring for the child with a disability exceeds the reasonable accommodation definition, in which case:*

(a) *The local department shall approve the additional cost not to exceed the annual allocated amount up to 15 percent above the rates set out in §§C and D of this regulation; or*

(b) *If the requested cost exceeds 15 percent, the local department shall submit a recommendation to the CCS Branch for approval of a higher payment not to exceed the annual allocated amount.*

(6) *Tiered Reimbursement.*

(a) *The local department shall approve a payment amount, in addition to the child's subsidy, to a family child care provider or child care center that:*

(i) *Submits an application to the Office of Child Care, Credentialing Branch; and*

(ii) *Is certified by the Office of Child Care as meeting the requirements for receiving tiered reimbursement.*

(b) *A family child care provider or a child care center meeting the credentialing requirements in COMAR 13A.14.09.04 shall be paid a weekly differential payment amount for each CCS child in care that is:*

(i) *Effective the first service period following approval;*

(ii) *In addition to a child's subsidy payment; and*

(iii) *In accordance with the following percentages, which are multiplied by the child's subsidy amount at each level:*

	Level 2	Level 3	Level 4
<i>Family Child Care</i>			
<i>Child younger than 24 months old</i>	11 percent	22 percent	29 percent
<i>Child 24 months old or older</i>	10 percent	21 percent	28 percent
<i>Center Child Care</i>			
<i>Child younger than 24 months old</i>	22 percent	37 percent	44 percent
<i>Child 24 months old or older</i>	10 percent	19 percent	26 percent

G. Payment Policy.

(1) The contractor shall process payment for the provider for CCS services through a completed invoice or other means approved by the CCS Branch.

(2) The rate paid to the provider is based on the region in which the:

(a) Child care is given if the provider is a:

(i) Family child care provider; or

(ii) Center child care provider; or

(b) Child resides, if the provider is an informal child care provider.

(3) The subsidy to be paid to a provider by the contractor is computed by subtracting the applicable weekly copayment for each child in the family receiving child care subsidy services, as set forth in Regulation .10B — C of this chapter, from the lowest of the:

(a) Weekly actual cost of care;

(b) Weekly local market rate; or

(c) Weekly applicable maximum provider payment rate set forth in Regulation .09B — D of this chapter.

(4) A provider is paid only for the time authorized by the voucher and may not be paid in excess of that time.

(5) Payment is rounded to the nearest dollar.

(6) A provider may not be paid for more than:

(a) The maximum full-time equivalent slots authorized for care by the Office of Child Care, Licensing Branch for care that is licensed or registered; or

(b) In accordance with Regulation .06B — C of this chapter, the amount allowed for informal child care.

(7) Except for vouchers written for less than 5 working days in accordance with Regulation .08C(2) of this chapter, and subject to §G(13)(f) of this regulation, the contractor shall pay for a 5 working day termination notification period to a provider of:

(a) Family child care; or

(b) Center child care.

(8) Except that holidays are included in the payment schedule pursuant to §F(1) and (2) of this regulation and not paid separately, family child care providers and center child care providers are paid for six holidays including Christmas, New Year's Day, Memorial Day, Independence Day, Labor Day, and Thanksgiving Day, according to the:

(a) Number of children enrolled in care the day before the holiday; and

(b) Enrollment status of the child during the period in which the holiday falls.

(9) Family child care and center child care providers shall be paid for those days when the services are closed for:

(a) An official emergency that is declared by the State or local government; and

(b) Voluntary closure days under Regulation .02B of this chapter when:

(i) Child care services are not provided;

(ii) The period of voluntary closure does not include more than 2 consecutive weeks annually; and

(iii) Except in cases of provider or family illness or death, the provider gives 2 weeks written notice of closure to the parent and the contractor.

(10) Family child care and center child care providers are paid for the time a child is absent up to 60 days per calendar year, except that in the case of illness or injury of the child, documented by a health practitioner, the contractor may authorize additional absences.

(11) Payment may not be made to an informal child care provider for any holiday or for any child absence, except that for eligible customers, payments shall be made for:

(a) Absences during the periods set forth in Regulation .03C(2)(b) — (d) and (3)(b) of this chapter; and

(b) Voluntary closure days under Regulation .02B of this chapter and §F(9)(b) of this regulation.

(12) The local department shall deny payment to an informal provider if:

(a) The local department has documented information indicating a risk to the health and safety of the child in that placement;

(b) An evaluation of child abuse and neglect records indicates behavior harmful to children by an:

(i) Informal child care provider; or

(ii) Adult with a regular presence when the child is in care as defined in Regulation .02B of this chapter;

(c) The local department has not received a signed release of information form consenting to a review of child abuse and neglect records, pursuant to Regulation .06C(2) of this chapter; or

(d) The informal provider has been disqualified pursuant to Regulation .12 of this chapter and the disqualification period has not ended.

(13) Payment, including that for the termination notification period, may not be made to a formal or an informal provider who:

(a) Denies parental access to the child;

(b) Has been identified as responsible for child abuse or neglect, as defined in COMAR 13A.15.01.02B;

(c) Is the child's parent, stepparent, or legal guardian, or is a member of the child's CCS or TCA assistance unit;

(d) Fails to give 5 days written notice of service termination to the parent;

(e) Has been disqualified pursuant to Regulation .12 of this chapter and the disqualification period has not ended; or

(f) Has committed an intentional program violation.

(14) Payment, including that for a termination notification period, may not be made to a formal provider who:

(a) If required to be licensed or registered, is not licensed or registered; or

(b) Has had a child care license or registration suspended or revoked.

(15) Payment, including that for a termination notification period, may not be made to an informal provider who is

required to submit an affirmation of compliance with health and safety standards and has not submitted the affirmation.

(16) Stoppage of payment to a provider whose child care license or registration has been suspended or revoked is based on the date of the suspension or revocation notice.

H. Method of Payment.

(1) Payment to a provider is made jointly by the contractor and the family of the child.

(2) *State Payment.*

(a) The contractor shall pay a provider upon approval of an invoice submitted within 60 days of the end date of the last service period.

(b) The amount of the invoice shall match the authorized service units listed on the voucher. Payment may not be made for any units in excess of those authorized by the voucher.

(3) *Parental Payment.*

(a) Parental payment for child care services shall be made directly to the provider at times set by the provider and shall follow the payment policy of the provider.

(b) The parent shall pay the provider the copayment listed on the voucher.

(c) The provider shall give the parent a receipt for the full amount of the parent's payment.

(4) An invoice adjustment may be made within 60 days after the end of the month in which services were provided.

I. Payment Irregularities.

(1) The local department or the contractor shall attempt to recover any overpayment to recipients or service providers.

(2) Recovery shall be made by repayment or by reduction of continuing child care benefits.

(3) If an overpayment is recovered incrementally, it shall be recovered at a monthly rate of:

(a) 10 percent of the overpayment for cases not involving fraud; or

(b) 20 percent of the overpayment for cases involving fraud.

(4) The local department or the contractor shall promptly correct any underpayment to recipients and service providers.

.10 Copayments.

A. Parental Copayments.

(1) An individual or family who uses CCS services shall contribute financially to the cost of those services, except for the following, who are exempt:

(a) TCA applicants or recipients pursuant to Regulation .07A(1) of this chapter;

(b) SSI recipients; or

(c) A CCS customer for a voucher issued for a voluntary closure period as defined in Regulation .02B of this chapter.

(2) Except for additional vouchers issued for voluntary closure days, parental copayments are paid to a provider based on the provider's payment schedule and shall include a minimum copayment, as listed on the child care voucher and in accordance with Regulation .09G(2) of this chapter.

(3) Except as exempted under §A of this regulation, parental copayments are assessed for three or fewer children who are receiving child care subsidy services. Copayments are assessed for services provided to an eligible child as follows:

(a) The youngest child in care is assessed the highest copayment;

(b) The second child in care, who is the next oldest, is assessed a lower copayment;

(c) The third child in care, who is the next oldest in age to the second child, is assessed the same copayment amount as the second child; and

(d) No copayment is assessed for the fourth child and subsequent children.

(4) Parental copayments are determined on the basis of family size and income as set forth in Regulation .05H of this chapter.

B. Regional Weekly Copayment Tables.

(1) These regional weekly copayment tables are based on three units of service per day. For the two-unit and one-unit regional weekly copayments, multiply the figures in §B(2) and (3) of this regulation by 2/3 and 1/3 respectively.

(2) Copayments for a Child 24 Months Old and Older in Family Child Care or Center Care.

(a) *Copayments Amounts for First (Youngest) Child in Care.*

Copayment Level	Region U	Region V	Region W	Region X	Region Y	Region Z	Region BC
A	\$4.56	\$4.03	\$5.60	\$7.22	\$5.54	\$4.12	\$5.15
B	7.29	6.45	8.95	11.55	8.77	6.59	8.24
C	11.85	10.49	14.55	18.77	14.31	10.71	13.40
D	17.32	15.33	21.26	27.44	21.00	15.65	19.58
E	22.79	20.17	27.98	36.10	27.69	20.59	25.76
F	29.18	25.82	35.81	46.21	35.31	26.36	32.98
G	35.56	31.47	43.64	56.32	43.15	32.12	40.19
H	41.03	36.31	50.36	64.99	49.85	37.06	46.37
I	43.77	38.73	53.54	69.32	53.08	39.54	49.46
J	45.59	40.34	55.61	72.21	55.38	41.18	51.52

(b) *Copayments Amounts for Second and Third Children in Care.*

Copayment Level	Region U	Region V	Region W	Region X	Region Y	Region Z	Region BC
A	\$2.74	\$2.42	\$3.36	\$4.33	\$3.23	\$2.47	\$3.09
B	5.47	4.84	6.71	8.66	6.69	4.94	6.18
C	9.12	8.07	11.19	14.44	11.08	8.24	10.30
D	12.76	11.30	15.67	20.22	15.46	11.53	14.43
E	18.24	16.14	22.38	28.88	22.15	16.47	20.61
F	22.79	20.17	27.98	36.10	27.69	20.59	25.79
G	28.27	25.01	34.69	44.77	34.15	25.53	31.94

Copayment Level	Region U	Region V	Region W	Region X	Region Y	Region Z	Region BC
H	31.91	28.24	39.17	50.54	38.77	28.83	36.07
I	34.65	30.66	42.52	54.88	42.00	31.30	39.16
J	36.47	32.27	44.76	57.76	44.31	32.95	41.22

- (c) A copayment is not assessed for subsequent children in a family who are:
 (i) The oldest children in the family pursuant to §A(3) of this regulation; and
 (ii) Receiving POC services.

(3) Copayments for a Child Younger than 24 Months Old in Family Child Care or Center Care.

(a) Copayments Amounts for First (Youngest) Child in Care.

Copayment Level	Region U	Region V	Region W	Region X	Region Y	Region Z	Region BC
A	\$5.82	\$4.88	\$7.62	\$9.05	\$7.17	\$4.53	\$6.84
B	9.31	7.81	12.20	14.48	11.47	7.25	10.95
C	15.13	12.70	19.82	23.53	18.63	11.79	17.80
D	22.12	18.56	28.97	34.39	27.23	17.23	26.01
E	29.10	24.42	38.12	45.25	35.83	22.67	33.69
F	37.25	31.25	48.79	57.92	45.86	29.01	42.46
G	45.40	38.09	59.46	70.59	55.89	35.36	51.46
H	52.38	43.95	68.61	81.45	64.49	40.80	59.08
I	55.87	46.88	73.18	86.88	68.79	43.52	62.77
J	58.20	48.83	76.23	90.46	71.66	45.34	65.31

(b) Copayments Amounts for Second and Third Children in Care.

Copayment Level	Region U	Region V	Region W	Region X	Region Y	Region Z	Region BC
A	\$3.49	\$2.93	\$4.57	\$5.43	\$4.30	\$2.72	\$4.11
B	6.98	5.86	9.15	10.86	8.60	5.44	8.21
C	11.64	9.77	15.25	18.10	14.33	9.07	13.69
D	16.30	13.67	21.35	25.34	20.06	12.69	19.17
E	23.28	19.53	30.49	36.20	28.66	18.13	27.38
F	29.10	24.42	38.12	45.25	35.83	22.67	33.69
G	36.09	30.28	47.26	56.11	44.43	28.11	41.31
H	40.74	34.18	53.36	63.35	50.16	31.73	46.38
I	44.23	37.11	57.94	68.78	54.46	34.46	50.08
J	46.56	39.07	60.99	72.40	57.33	36.27	52.62

(c) A copayment is not assessed for subsequent children in a family who are:

- (i) The oldest children in the family pursuant to §A(3) of this regulation; and
 (ii) Receiving POC services.

C. A family using informal care shall pay a copayment amount which is equal to the amount produced by multiplying the appropriate percentage from the following table by the informal care weekly rate in the jurisdiction where the child resides:

(1) Copayments Amounts for First (Youngest) Child in Care.

Copayment Level	Copayment Percentage
A	5%
B	8%
C	13%
D	19%
E	25%
F	32%
G	39%
H	45%
I	48%
J	50%

(2) Copayments Amounts for Second and Third Children in Care.

Copayment Level	Copayment Percentage
A	3%
B	6%
C	10%
D	14%
E	20%
F	25%
G	31%
H	35%
I	38%
J	40%

(3) A copayment is not assessed for subsequent children in a family who are:

- (a) The oldest children in the family pursuant to §A(3) of this regulation; and
 (b) Receiving POC services.

D. Determination of Weekly Copayments.

(1) In Regulation .05H of this chapter, the local department shall find the family size and income to identify the corresponding copayment level letter; and:

- (a) Refer to the weekly copayment tables for regulated care listed under §B of this regulation to locate the appropriate regional weekly copayment for the:

- (i) Youngest child in the family in care; and
- (ii) Second and third oldest children in the family in care; and

(b) Determine the weekly copayment for informal child care by multiplying the appropriate regional weekly copayment percentage by the appropriate weekly informal rate, which may not exceed the rates listed in §C of this regulation by the appropriate weekly informal rate, which may not exceed the rates listed in Regulation .09D of this chapter.

(2) For any family size greater than ten, the weekly copayment is the same as for a family of ten.

.11 Hearings and Appeals.

A. *Appeal by Applicant or Recipient.* An applicant or recipient may request a hearing if the local department:

- (1) Denies, suspends, reduces, or terminates assistance;
- (2) Fails to act with reasonable promptness on an application for, or a request for adjustment of assistance; or
- (3) Imposes sanctions on a recipient; or
- (4) Recovers an overpayment in assistance.

B. Notice.

(1) The local department or contractor shall send written notice of any adverse action in writing:

- (a) To each applicant for, and each recipient of, child care services;
- (b) To each individual selected by the applicant or customer as an informal provider who is denied payment pursuant to Regulation .09F(12) of this chapter; and
- (c) To a family child care provider, a child care center, or informal provider who is denied payment for committing an intentional program violation pursuant to Regulation .09F(13)(f) of this chapter.

(2) Notice of any adverse action shall include the:

- (a) Decision;
 - (b) Basis for the decision;
 - (c) Specific regulation supporting the decision;
 - (d) Right to request an appeal;
 - (e) Method by which an appeal may be requested;
 - (f) Right to be represented in an appeal by a lawyer, relative, friend, or other individual; and
 - (g) Availability of any free legal services.
- (3) Applicants or recipients may appeal within 90 calendar days of the local department action or mailing.
- (4) An appeal request:
- (a) Is made by expressing a desire to appeal;
 - (b) May be received by any employee of the local department whose assignment requires contact with the public; and

(c) Whether communicated formally or informally, shall be reported immediately to the designated hearing coordinator.

(5) The filing date of the appeal request is the date the local department received the request in writing.

(6) *Local Department Assistance in the Appeal Request.* The local department shall assist the appellant in completing an appropriate appeal request form to ensure that it contains all the information required to process the request and, if necessary, shall provide an interpreter.

C. Processing of Appeal Requests.

(1) Within 5 business days of the filing date of a written appeal request, the local department shall:

- (a) Forward the following information to OAH:
 - (i) Date of the request;
 - (ii) Name and address of the appellant;
 - (iii) Name and address of the local department representative;
 - (iv) Action being appealed;

- (v) Date of the action being appealed; and
- (vi) Date notice of the action was mailed to the appellant; and

(b) Acknowledge to the appellant receipt of the appeal request.

(2) *Conference.*

(a) When the local department acknowledges receipt of an appeal request, the local department shall promptly offer the appellant a conference.

(b) A local department supervisor shall attend the conference.

(c) The case manager responsible for the action may also attend.

(d) Although a conference may lead to an informal resolution of the dispute, a hearing shall be held unless the appellant withdraws the appeal request in writing.

D. Continuation of Assistance Pending Appeal.

(1) Assistance shall be automatically continued or reinstated if the filing date of the appeal request is within 10 calendar days of the intended action.

(2) Assistance may not be continued or reinstated pending appeal if:

- (a) An appellant specifically requests that assistance not be continued or reinstated pending appeal;
- (b) The eligibility or certification period for the assistance has expired;
- (c) Assistance has been reduced or terminated due to a change in federal or State law or regulation and the appeal does not appear to concern misapplication of the change;
- (d) Continuation or reinstatement of the service at issue would threaten the health or safety of other individuals; or

(e) The service is terminated because of nonpayment by the family of the copayment stated on the voucher that was assigned by the local department.

(3) An appeal request form shall contain:

- (a) An opportunity for the appellant to request that assistance not be continued or reinstated pending appeal; and
- (b) A statement that the appellant is responsible for repaying any assistance paid during the appeal process if the local department's position is upheld.

E. Denial or Dismissal of Request for Appeal. OAH may deny or dismiss an appeal if:

- (1) The appeal request is not complete;
- (2) The appellant withdraws the request in writing;
- (3) The appellant fails to appear at the scheduled hearing;
- (4) Assistance has been reduced or terminated due to a change in federal or State law or regulation and the appeal does not concern misapplication of the change; or
- (5) The appellant has failed to pay any filing fees required by OAH.

F. Scheduling and Notice.

(1) Except as provided in §§B and D of this regulation, upon receiving an appeal request, OAH shall:

- (a) Promptly schedule a hearing; and
- (b) Send the parties a hearing notice at least 15 calendar days before the scheduled hearing.

(2) *Intentional Program Violation Appeal.* When the local department or contractor makes a referral to OAH concerning an intentional program violation, OAH shall:

- (a) Promptly schedule a hearing; and
- (b) Send the parties a hearing notice at least 30 calendar days before the scheduled hearing.

(3) *Hearing Notice.* The hearing notice shall:

- (a) Summarize the hearing procedures;
- (b) Advise the appellant of:
 - (i) The date, time, and place of the hearing;
 - (ii) The right to be represented at the hearing by a lawyer, relative, friend, or other individual;
 - (iii) The availability of any free legal services;
 - (iv) The right to present documents and witnesses, including local department employees or contractors, at the hearing;
 - (v) The right to examine the case record in preparation for the hearing;
 - (vi) The procedure to follow if the appellant cannot attend the hearing; and
 - (vii) Except in an appeal concerning an intentional program violation, the authority of an administrative law judge to dismiss the appeal if the appellant fails, without good cause, to attend the hearing; and
- (c) In an appeal concerning an intentional program violation, include:
 - (i) The charge;
 - (ii) A warning that the decision shall be based solely on information provided at the hearing if the appellant fails to appear at the hearing;
 - (iii) A statement that, to have a hearing rescheduled, the appellant has 10 calendar days from the date of the hearing to present to the administrative law judge good cause for not appearing and for not asking for a postponement before the hearing;
 - (iv) A description of the disqualification penalties and a statement of the applicable penalty;
 - (v) A statement of the appellant's rights during the hearing; and
 - (vi) A warning that the hearing does not preclude the State or federal government from prosecuting the appellant or pursuing collection of the overpayment.

G. Prehearing Procedures.

(1) Rescheduling.

- (a) A party may request a change in a hearing time, date, or location by:
 - (i) Submitting a written request, with copies served on all parties, to the OAH clerk's office at least 5 business days before a scheduled hearing; or
 - (ii) In the case of an unforeseen event requiring postponement and occurring less than 5 business days before a scheduled hearing, calling the OAH clerk's office as soon as possible.
- (b) If OAH finds that good cause exists, OAH shall set another time or place for the hearing and notify the parties of the change.
- (c) In an appeal concerning an intentional Program violation, the appellant is entitled to one postponement of the scheduled hearing of up to 30 calendar days without the need to demonstrate good cause.
- (d) Any time limits applicable to the issuance of a final administrative decision are extended by the length of the delay caused by a postponement:
 - (i) Requested by the appellant; or
 - (ii) Granted by the administrative law judge due to the appellant's introduction of new evidence.

(2) Summaries. The local department shall:

- (a) Prepare a summary of the facts pertinent to the case and of the basis for its action; and
- (b) Send the summary and copies of all documents that it intends to present at the hearing to the appellant and to OAH at least 6 calendar days before the date of the hearing.

H. Administrative Law Judge's Decision.

- (1) The administrative law judge shall render a final decision.
- (2) The decision shall contain:
 - (a) Separate statements of findings of fact and conclusions of law;
 - (b) Citation to pertinent State and federal law; and
 - (c) An order.

I. Final Decision.

- (1) Within 90 calendar days of the filing of the appeal request:
 - (a) The administrative law judge shall issue a final decision to all parties; and
 - (b) The local department shall complete all administrative or corrective action necessary to implement the decision.
- (2) If the decision is favorable to the local department, the local department may:
 - (a) Take immediate steps to implement the decision; and
 - (b) Reduce or terminate assistance that has been continued while the appeal was pending:
 - (i) Effective with the next scheduled issuance after the local department's receipt of the decision; or
 - (ii) Immediately upon receipt of the decision, in the case of assistance for which there is no scheduled issuance.
- (3) If the decision is favorable to the appellant, the local department shall, within 10 calendar days of the date of the decision:
 - (a) Comply with the decision;
 - (b) Take corrective action retroactive to the date the incorrect action was taken;
 - (c) Restore the benefits; and
 - (d) Notify OAH that it has completed all required action.
- (4) **The Record.** After issuing a final administrative decision, OAH shall promptly forward to the CCS Branch the complete record, including all:
 - (a) Papers filed;
 - (b) Evidence submitted; and
 - (c) Orders and decisions issued.

.12 Disqualification Penalties.

A. An applicant, recipient, or provider who has waived the right to an administrative disqualification hearing or was found by a reviewing tribunal to have committed an intentional program violation concerning CCS is ineligible to participate in the CCS Program as follows:

- (1) For the first violation, the applicant, recipient, or provider may not receive any CCS payments for 6 months from the date payment was denied or until the individual makes full restitution to the local department, whichever is earlier;
- (2) For the second violation, the applicant, recipient, or provider may not receive any CCS payments for 12 months from the date the payment was denied or until the individual makes full restitution to the local department, whichever is earlier;
- (3) For the third violation, the applicant, recipient, or provider shall be permanently barred from receiving CCS payments and shall pay restitution to the local department; and
- (4) For a determination of an intentional program violation based on an individual's conviction in a federal or state court on charges that the person misrepresented the location of his or her residence in order to obtain benefits from

two or more states, the applicant, recipient, or provider is not eligible to receive CCS payments for 10 years from the finding.

B. Unless a request for administrative disqualification hearing is filed, the disqualification period begins with the first month following the month in which the household or provider receives written notification of the disqualification.

C. Once a disqualification penalty has been imposed under §A(1) and (2) of this regulation, the period of disqualification continues uninterrupted until the earlier of:

- (1) Full repayment of the benefit; or
- (2) Completion of the time period.

D. Before imposing the sanction, the local department or contractor shall provide written notice to the applicant, recipient, or provider of the:

- (1) Effective disqualification date;
- (2) Reason for imposing the sanction;
- (3) Payment that the individual was receiving;
- (4) Date on which the individual may reapply because the disqualification period has expired; and
- (5) Individual's right to appeal the disqualification.

E. If a provider or recipient has been disqualified pursuant to this regulation, the local department, Maryland State Department of Education, or the contractor shall send the individual a demand letter for restitution, which shall include:

- (1) The amount owed;
- (2) The reason for the claim;
- (3) The period of time covered by the claim;
- (4) The procedure for paying the claim;
- (5) The right to request renegotiation of any repayment schedule if the individual's economic circumstances change; and
- (6) The requirement to:
 - (a) Sign the repayment notice to indicate agreement to make restitution;
 - (b) Select the method of payment; and
 - (c) Return the repayment notice within 30 days of the date of the notice.

NANCY S. GRASMICK
State Superintendent of Schools

Subtitle 14 CHILD AND FAMILY DAY CARE

13A.14.09 Maryland Child Care Credential Program

Authority: Family Law Article, §5-573,
Annotated Code of Maryland

Notice of Proposed Action

[09-289-P]

The State Superintendent of Schools proposes to amend Regulations .02 and .03, adopt new Regulation .09, and amend and recodify existing Regulation .09 to Regulation .10 under COMAR 13A.14.09 Maryland Child Care Credential Program.

Statement of Purpose

The purpose of this action is to transfer regulations governing application to and participation in Maryland's Tiered Reimbursement Program from COMAR 13A.14.06 Purchase of Child Care to COMAR 13A.14.09 Maryland Child Care Credential Program (MCCCP). Since inception of the Tiered Reimbursement Program in 2001, all operational activities

related to provider participation have been conducted under the MCCCP. The proposed amendments will provide the MCCCP with direct regulatory authority over those activities. Another proposal will address changes to COMAR 13A.14.06.

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 Angeline Bishop-Oshoko, Program Manager, Maryland Child Care Credential Program, Maryland State Department of Education (MSDE) Division of Early Childhood Development, 200 West Baltimore St., Baltimore, Maryland 21201, or call 410-767-6916, or email to angeline.bishop-osho@msde.state.md.us, or fax to 410-333-6622. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (8) (text unchanged)

(9) "Benefits" means one or more employer incentives available to child care program staff that include, but are not limited to, health coverage, 401K plan, profit sharing, paid vacation leave, sick leave, holiday leave, and release time for training.

[(9)] (10) — [(23)] (24) (text unchanged)

(25) "Lead staff" means the director of a child care facility or a facility staff member designated to be in charge of the facility or a classroom of children at a given time during the facility's approved hours of operation.

[(24)] (26) — [(34)] (36) (text unchanged)

(37) "Tiered reimbursement" means a system of graduated child care subsidy payments made to an eligible child care provider or a child care facility operator pursuant to COMAR 13A.14.06 that is based on achievement by the provider or operator of successive levels of child care program quality and staff professionalism.

[(35)] (38) — [(37)] (40) (text unchanged)

.03 General Requirements.

A. (text unchanged)

B. Eligibility for Participation.

(1) (text unchanged)

(2) The following individuals are not eligible to participate in the credential program:

(a) — (b) (text unchanged)

(c) A family day care provider [or], child care center operator, or letter of compliance facility operator whose registration certificate [or], center license, or letter of compliance is [or has been] the subject of suspension or revocation action; and

(d) (text unchanged)

C. — D. (text unchanged)

.09 Tiered Reimbursement.

A. Application for Participation.

(1) *The Office shall accept an application to participate in the tiered reimbursement program only from:*

(a) *A registered family day care provider who is currently providing child care for at least one unrelated child; or*

(b) *An operator of a licensed child care center or letter of compliance facility.*

(2) *An applicant for tiered program participation shall make application in a form and format approved by the Office.*

(3) *The Office may not consider an application for approval until the applicant has met all requirements set forth in §§B — E of this regulation as applicable.*

B. Applicant Requirements — General. An applicant shall:

(1) *Be currently registered or licensed by the Office of Child Care, Division of Early Childhood Development;*

(2) *Hold a family child care registration, child care center license, or letter of compliance that is not the subject of suspension or revocation action;*

(3) *Possess the appropriate level of credential for:*

(a) *A family child care provider; or*

(b) *A minimum of 60 percent of lead staff, if the applicant is the operator of a child care center or a letter of compliance facility;*

(4) *Certify that at least 15 minutes are spent daily on reading time with the children in care; and*

(5) *If applicable, certify that a policy is in place that bases child care staff salaries on training, experience, and staff evaluation.*

C. Applicants for Tiered Reimbursement, Level 2 — Special Requirements. An applicant shall:

(1) *Comply with the requirements in §A(2) of this regulation;*

(2) *Initiate a program of accreditation self-study through the Maryland State Department of Education or a nationally recognized child care accreditation organization approved by the Office of Child Care, Division of Early Childhood Development;*

(3) *Be approved at Credential Level 2;*

(4) *Certify that parents are involved in the program in at least two ways; and*

(5) *Certify that a nationally recognized rating scale approved by the Office of Child Care, Division of Early Childhood Development, that is appropriate to the setting and age of the children in care has been self-administered.*

D. Applicants for Tiered Reimbursement, Level 3 — Special Requirements. An applicant shall:

(1) *Comply with requirements in §A(2) of this regulation;*

(2) *Complete a program of accreditation self-study through the Maryland State Department of Education or a nationally recognized child care accreditation organization approved by the Office of Child Care, Division of Early Childhood Development;*

(3) *Be approved at Credential Level 3;*

(4) *Certify that parents are involved in the program in at least four ways; and*

(5) *As administered by an Office of Child Care, Division of Early Childhood Development, approved evaluator, achieve a rating of four on a nationally recognized rating scale that is appropriate to the setting and age of the children in care.*

E. Applicants for Tiered Reimbursement, Level 4 — Special Requirements. An applicant shall:

(1) *Comply with requirements in §A(2) of this regulation;*

(2) *Achieve program accreditation through the Maryland State Department of Education or a nationally recognized child care accreditation organization approved by the Office of Child Care, Division of Early Childhood Development;*

(3) *Be approved at Credential Level 4;*

(4) *Certify that parents are involved in the program in at least six ways;*

(5) *Except if the program received accreditation during the previous 12-month period, and as administered by an Office of Child Care, Division of Early Childhood Development, approved evaluator, achieve a rating of five on a nationally recognized rating scale that is appropriate to the setting and age of the children in care; and*

(6) *If applicable, certify that a policy is in place that offers child care staff benefits based on training, experience, and staff evaluation.*

F. A family child care provider or the operator of a child care center or letter of compliance facility may reapply annually under §A(1) of this regulation.

G. Denial of Application for Participation.

(1) *The Office may deny an application for participation in the tiered reimbursement program. Notice of the denial shall include the:*

(a) *Reason for the denial;*

(b) *Regulatory basis for the denial; and*

(c) *Procedures for appealing the decision.*

(2) *A family child care provider or the operator of a child care center or letter of compliance facility who is denied participation in the tiered reimbursement program by the Office may request an appeal of the decision to the Office's Training Review Committee.*

(3) *An applicant may appeal a denial of program participation by submitting to the Office a written appeal, on a form supplied by the Office, within 30 days of the date of application denial.*

(4) *The Office's Training Review Committee shall:*

(a) *Reach a decision regarding the appeal within 30 days of receiving the appeal; and*

(b) *Notify the appellant in writing within 30 days after the appeal decision has been reached.*

(5) *If a denial of an application for tiered reimbursement program participation is overturned on appeal to the Training Review Committee, the Office shall approve the application retroactively to the initial application date.*

[.09].10 Prohibitions and Penalties.

A. (text unchanged)

B. Violation of §A of this regulation shall result in:

(1) Forfeiture of any claim to a:

(a) (text unchanged)

(b) Bonus award; [or]

(c) Tiered reimbursement payment eligibility pursuant to COMAR 13A.14.06; or

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

(2) Denial of initial or continued participation in the credential program or tiered reimbursement program, as applicable.

C. — D. (text unchanged)

NANCY S. GRASMICK
State Superintendent of Schools

Title 14 INDEPENDENT AGENCIES

Subtitle 09 WORKERS' COMPENSATION COMMISSION

14.09.01 Procedural Regulations

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

Notice of Proposed Action

[09-340-P]

The Workers' Compensation Commission proposes to amend Regulation .25 under **COMAR 14.09.01 Procedural Regulations**. This action was considered by the Commission at an open meeting held on September 10, 2009, notice of which was given by publication in 36:18 Md. R. 1412 (August 28, 2009), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to codify the calculations utilized by the Commission in determining allowable attorney's fees in workers' compensation claims that are resolved by a settlement agreement.

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 Michael L. Galey, Commission Secretary, Workers' Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5315, or email to mgaley@wcc.state.md.us, or fax to 410-864-5301. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on December 10, 2009 at 9 a.m., at 10 E. Baltimore Street, Baltimore, Maryland 21202.

.25 Schedule of Attorneys' Fees.

A. (text unchanged)

B. Schedule of Fees.

(1) [Final Award — Definition. For the purpose of this section, "final award" means the award of compensation determined by the Commission after exhaustion of all applicable appeals, regardless of whether the award is increased or decreased as a result of any appeal.]

Definitions.

(a) In this section, the following terms have the meanings indicated:

(b) Terms Defined.

(i) "Final award" means the award of compensation determined by the Commission after exhaustion of all applicable appeals, regardless of whether the award is increased or decreased as a result of any appeal.

(ii) "Medicare set-aside" means an agreement by which funds are allocated for future medical services and future prescription drug treatment related to a workers' compensation injury, illness, or disease that would otherwise be reimbursable by Medicare.

(iii) "State average weekly wage" means the State average weekly wage in effect on the date of the accident or date of disablement.

(2) — (6) (text unchanged)

(7) Settlement Agreements. [Notwithstanding a case of a structured settlement of a claim, in a case in which an agreement for final compromise and settlement is approved, the Commission may approve an attorney's fee in a total amount not exceeding \$7,500 and computed as follows:

(a) Up to 20 percent of the first \$10,000 of compensation awarded;

(b) Up to 15 percent of the next \$15,000 of compensation awarded;

(c) Up to 10 percent of the compensation awarded in excess of \$25,000.]

(a) Notwithstanding a case of a structured settlement of a claim, in a case in which an agreement of final compromise and settlement is approved, the Commission may approve an attorney's fee in accordance with this regulation.

(b) For a settlement amount that is less than or equal to 14 times the State average weekly wage, the attorney's fee shall be 20 percent of the amount of the settlement.

(c) For a settlement amount that is greater than 14 times the State average weekly wage but less than or equal to 35 times the State average weekly wage, the attorney's fee shall be:

(i) 20 percent of 14 times the State average weekly wage; plus

(ii) 15 percent of the difference between the settlement amount, and 14 times the State average weekly wage.

(d) For a settlement amount that is greater than 35 times the State average weekly wage, the attorney's fee shall be:

(i) 20 percent of 14 times the State average weekly wage; plus

(ii) 15 percent of 21 times the State average weekly wage; plus

(iii) 10 percent of the difference between the settlement amount and 35 times the State average weekly wage.

(e) The total amount of an attorney's fee in a case in which an agreement of final compromise and settlement is approved may not exceed 20 times the State average weekly wage.

(f) Any sums placed in a Medicare set-aside may not be included as part of the settlement for calculation of the attorney's fee.

(g) The Commission may not regulate the attorney's fees charged for the administration of the Medicare set-aside once a case is resolved by an agreement of final compromise and settlement.

(8) (text unchanged)

(9) Additional Fees for Appeals of Compensation Awards.

(a) — (d) (text unchanged)
 [(10)] C. Attorney's Fee Not Allowed.
 [(a)] (1) — [(b)] (2) (text unchanged)

R. KARL AUMANN
 Chairman
 Workers' Compensation Commission

Title 15
DEPARTMENT OF
AGRICULTURE

Subtitle 01 OFFICE OF THE SECRETARY

15.01.08 Conflicts of Interest Policy for Employees Who Own or Operate a Farm

*Authority: Agriculture Article, §2-102(e),
 Annotated Code of Maryland*

Notice of Proposed Action
 [09-352-P]

The Secretary of Agriculture, after consulting the State Ethics Commission, proposes to adopt new Regulations **.01 — .08** under a new chapter, **COMAR 15.01.08 Conflicts of Interest Policy for Employees Who Own or Operate a Farm**.

Statement of Purpose

The purpose of this action is to establish the Department's policy governing conflicts of interest relating to financial interest and secondary employment for employees who work for the Department, and at the same time own or operate a farm that is subject to the Department's regulatory authority.

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 Earl F. Hance, Secretary, Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, MD 21409, or call 410-841-5880, or email to HanceEF@mda.state.md.us, or fax to 410-841-5914. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

.01 Scope.

The Department of Agriculture's State agriculture programs benefit from the specialized knowledge of employees who own or operate a farm. This chapter explains the Department's policy governing conflicts of interest relating to

financial interest and secondary employment for employees who work for the Department and at the same time own or operate a farm that is subject to the Department's regulatory authority.

.02 Required Employee Disclosure.

An individual who applies for employment, or who is employed by the Department, shall disclose whether that individual or employee owns, has an ownership interest in, or operates a farm.

.03 Employment Participation Restrictions.

A Department employee may not participate, as a part of that employee's duties, in any of the following matters if that participation in any way affects the employee's farm, or a farm that directly competes for business with the employee's farm operation:

- A. *Any contract with the Department;*
- B. *Any regulatory or enforcement action;*
- C. *Any Department program that controls, or in any way regulates the employee's farm operation; or*
- D. *Any matter that will have a direct and predictable effect on the employee's financial interest in the employee's farm operation, including such a matter involving:*
 - (1) *The employees' spouse, or immediate family;*
 - (2) *An outside employer or prospective employer of the employee;*
 - (3) *An organization in which the employee serves as an officer, director, or general partner; or*
 - (4) *Any person with whom the employee has or seeks a business, contractual, or other financial relationship.*

.04 Ethics Law Restrictions.

- A. *Any Department employee who owns or operates a farm is subject to all applicable provisions of the Ethics Law.*
- B. *For example, the Ethics Law, in part, prohibits employees from participating in matters in which the employee or a relative has a financial or other interest under State Government Article, §15-501, Annotated Code of Maryland.*
- C. *The Ethics Law contains restrictions on:*
 - (1) *Post-employment, under State Government Article, §15-504, Annotated Code of Maryland;*
 - (2) *Gifts, under State Government Article, §15-505, Annotated Code of Maryland; and*
 - (3) *Procurement, under State Government Article, §15-508, Annotated Code of Maryland.*
- D. *The Ethics Law precludes employees from intentionally using the prestige of their position to benefit themselves or others, under State Government Article, §15-606, Annotated Code of Maryland, and State Government Article, §2-307, Annotated Code of Maryland.*
- E. *The Ethics Law precludes disclosure or use of confidential information acquired by reason of the employee's public position and not yet available to the public:*
 - (1) *For personal economic benefit; or*
 - (2) *For the economic benefit of another, unless the confidential information is released in the discharge of an official duty, under State Government Article, §15-507, Annotated Code of Maryland.*
- F. *In accordance with State Government Article, §15-601, Annotated Code of Maryland, employees may be subject to financial disclosure provisions and may be required to file annual statements if identified as being required to file under that section.*

.05 Department Responsibilities.

The Department is responsible for:

- A. *Making each employee aware of the requirements of this chapter;*

B. Ensuring that each employee who has an outside farm business acknowledges that the employee has read and agrees to be bound by the requirements of this chapter;

C. Ensuring that each employee subject to this chapter has executed a nonparticipation agreement with the Department that requires the employee to designate a representative to interact with the Department on matters involving the employee's farming business, and directs the employee to acknowledge that the employee may not participate in any way in any decision regarding any complaint or question regarding their farming business;

D. Keeping records for each employee who is subject to the requirements of this chapter; and

E. Monitoring and enforcing employee compliance with the requirements of this chapter.

.06 Noncompliance.

An employee who violates this chapter is subject to disciplinary action, including termination from State service.

.07 Reports to the Ethics Commission.

The Department shall provide copies of applicable nonparticipating agreements, and provide annual reports to the State Ethics Commission on the number of employees hired by the Department during any year who own or operate a farm that is subject to the Department's regulatory authority.

.08 Report to the General Assembly.

On or before December 31, 2010, the Department of Agriculture and the State Ethics Commission shall jointly prepare and submit a report to the General Assembly, in accordance with State Government Article, §2-1246, Annotated Code of Maryland that includes:

A. The number of employees hired by the Department, on or after October 1, 2007, who own or operate a farm;

B. The positions for which the employees identified in this regulation were hired; and

C. Information on how the Department addressed any conflict of interest or potential conflict of interest in hiring the employees identified in this regulation.

EARL F. HANCE
Secretary of Agriculture

Statement of Purpose

The purpose of this action is to exempt renovations of historic structures by the Department of General Services from State Procurement Laws pursuant to Ch. 198, Acts of 2009.

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 Mary Jo Childs, Procurement Advisor, Board of Public Works, 80 Calvert Street, Room 117, Annapolis, MD 21401, or call 410-260-7335, or email to mchilds@comp.state.md.us, or fax to 410-974-5240. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

.01 Exemptions.

A. The following are exempt from applicability of this title:

(1) — (33) (text unchanged)

(34) A contract or grant awarded by a unit of State government to the Chesapeake Bay Trust for a project involving the restoration or protection of the Chesapeake Bay and other aquatic and land resources of the State; [and]

(35) *The Department of General Services for renovation of a structure that:*

(a) Was built during the 18th or 19th century; and

(b) Is listed in or eligible for listing in the National Register of Historic Places; and

[(35)] (36) (text unchanged)

B. — D. (text unchanged)

SHEILA McDONALD
Executive Secretary

Title 21 STATE PROCUREMENT REGULATIONS

Subtitle 01 GENERAL PROVISIONS

21.01.03 Applicability

Authority: State Finance and Procurement Article, §§11-203 and 12-101, Annotated Code of Maryland;
Ch. 198, Acts of 2009

Notice of Proposed Action

[09-353-P]

The Board of Public Works proposes to amend Regulation .01 under **COMAR 21.01.03 Applicability**. This action was considered at a public meeting on September 16, 2009, notice of which was published pursuant to State Government Article, §10-506, Annotated Code of Maryland.

Subtitle 05 PROCUREMENT METHODS

21.05.01 General Provisions

Authority: State Finance and Procurement Article, §§11-201 and 12-101, Annotated Code of Maryland;
Ch. 216, Acts of 2009

Notice of Proposed Action

[09-354-P]

The Board of Public Works proposes to adopt new Regulation .08 under **COMAR 21.05.01 General Provisions**. This action was considered at a public meeting on September 16, 2009, notice of which was published pursuant to State Government Article, §10-506, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to prohibit bundling a procurement to limit participation by small businesses and mi-

nority business enterprises. The prohibition does not apply to Small Business Reserve procurements.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action may expand opportunities for small and minority businesses to participate in State procurements.

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

III. Assumptions. (Identified by Impact Letter and Number from Section II.)
 D. and E. By prohibiting bundling of contracts, the proposed action may expand opportunities for small and minority businesses to participate in State procurement.

Economic Impact on Small Businesses

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

The proposed action, which prohibits bundling contracts in conjunction with the Small Business Reserve Program, should increase opportunities for 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 Mary Jo Childs, Procurement Advisor, Board of Public Works, 80 Calvert St., Room 117, Annapolis, MD 21401, or call 410-260-7335, or email to mchilds@comp.state.md.us, or fax to 410-974-5240. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

.08 Procurement Bundling.

A. In this chapter, "bundle" means the consolidation of two or more procurement requirements for supplies or services previously provided or performed under separate contracts into a single solicitation seeking offers for a single contract that is unlikely to be accessible for award to a small business or minority business enterprise.

B. For the purpose of precluding or limiting participation by a minority business enterprise or a small business, a unit may not:

- (1) Bundle a procurement;
- (2) Limit the number of competitive bidders or offerors;

or

- (3) Limit participation to a predetermined group of bidders or offerors.

C. Application. This regulation does not apply if a unit bundles a procurement to conduct a small business reserve procurement under COMAR 21.11.01.06.

SHEILA McDONALD
 Executive Secretary

Subtitle 11 SOCIOECONOMIC POLICIES

21.11.03 Minority Business Enterprise Policies

Authority: State Finance and Procurement Article, §§12-101, 14-301, and 14-304 — 14-305, Annotated Code of Maryland; Ch. 268, 283, and 328, Acts of 2009

Notice of Proposed Action
 [09-355-P]

The Board of Public Works proposes to amend Regulations .03, .04, .06, .09, and .17 under COMAR 21.11.03 Minority Business Enterprise Policies. This action was considered at a public meeting on September 16, 2009, notice of which was published pursuant to State Government Article, §10-506, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to propose amendments to the State Procurement Regulations implementing 2009 Minority Business Enterprise Legislation. The amendments require: 1) each unit of the State to submit a specified report regarding the Minority Business Enterprise (MBE) Program to the Joint Committee on Fair Practices within 90 days after the end of the fiscal year; 2) the Maryland Department of Transportation's (MDOT) certification agency to include in its directory certain MBEs that have become ineligible for the MBE Program; and 3) the amount of the cap on the personal net worth for certification as an MBE to be adjusted annually in accordance with the Consumer Price Index.

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 Mary Jo Childs, Procurement Advisor, Board of Public Works, 80 Calvert Street, Rm. 117, Annapolis, MD 21401, or call 410-260-7335, or email to mchilds@comp.state.md.us, or fax to 410-974-5240. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

.03 Definitions.

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

(5) Economically Disadvantaged Individual.

(a) (text unchanged)

(b) "Economically disadvantaged individual" does not include an individual whose personal net worth[, as defined under State Finance and Procurement Article, §14-301(g), Annotated Code of Maryland,] exceeds \$1,500,000, as adjusted annually for inflation by the certification agency according to State Finance and Procurement Article, §14-301, Annotated Code of Maryland.

(6) — (10) (text unchanged)

(11) Personal Net Worth.

(a) — (b) (text unchanged)

(c) "Personal net worth" does not include:

(i) [an] An individual's ownership interest in a business applying for certification by the certification agency[.];

(ii) [the] The individual's interest in a certified MBE[.]; [or]

(iii) [equity] Equity in the individual's primary place of residence[.]; or

(iv) Up to \$500,000 of the cash value of any qualified retirement savings plans or individual retirement accounts.

(12) — (14) (text unchanged)

(15) Socially and Economically Disadvantaged Individual.

(a) (text unchanged)

(b) "Socially and economically disadvantaged individual" is rebuttably presumed to include a member of any of the following groups:

(i) — (v) (text unchanged)

(vi) Women, which includes an individual woman, regardless of race or ethnicity[, unless she is also a member of an ethnic or racial minority group and elects that category instead of the gender category]; or

(vii) (text unchanged)

(c) "Socially and economically disadvantaged individual" does not include an individual whose personal net worth exceeds \$1,500,000, as adjusted annually for inflation by the certification agency according to State Finance and Procurement Article, §14-301, Annotated Code of Maryland.

(16) (text unchanged)

.04 Procurement Agency Responsibility.

A. — B. (text unchanged)

C. The Department of [Budget and Management] *Information Technology*, in executing its responsibility under [the] State Finance and Procurement Article, Title [3] 3A, Subtitle 4, Annotated Code of Maryland, over procurement of information technology equipment and related services, shall require procurement agencies to make those procurements in compliance with this chapter.

D. — E. (text unchanged)

.06 Central Directory.

A. The certification agency shall publish and maintain in an electronic format available to the general public through the internet a Central Directory of MBEs it has certified under this chapter. The Central Directory shall specify the type of supplies, services, maintenance, construction, construction-related services, architectural services, or engineering services primarily provided by the MBE, and the date of certification. It shall include the address, phone number, and contact person for the MBE, and MBE [classification] *classifications* of each certified business.

B. — C. (text unchanged)

D. The Central Directory shall:

(1) Be updated at least monthly; [and]

(2) Identify the date of certification for each MBE that has obtained certification during the calendar year[.]; and

(3) Include a list of all MBEs that have become ineligible to participate in the MBE Program because:

(a) One or more of its owners has a personal net worth exceeding the amount defined under Regulation .03B(11) of this chapter; or

(b) The MBE no longer meets the small business size standards, as defined under Regulation .15 of this chapter.

E. The certification agency may include in the Central Directory a listing of ["certified sheltered workshops"] "community service providers", as that term is defined under COMAR 21.11.05.01B(2).

.09 Procurement Solicitations.

A. — B. (text unchanged)

C. MBE Subcontracting Provisions.

(1) — (2) (text unchanged)

(3) On forms provided by the procurement agency, a bidder or offeror shall submit with its bid or proposal:

(a) A completed MBE utilization and fair solicitation affidavit including either an agreement to meet the certified MBE participation goal or a request for a full or partial waiver; and

(b) A completed MBE participation schedule that identifies the certified minority businesses that the bidder or offeror agrees to utilize in the performance of the contract and the [dollar amount or] percentage of contract value attributed to each MBE.

(4) The MBE participation schedule shall:

(a) (text unchanged)

(b) Include the [items of work to be performed or furnished and the committed price or the] percentage of the contract to be paid to each MBE for the work or supply.

(5) — (8) (text unchanged)

D. — G. (text unchanged)

.17 Reporting.

A. Each procurement agency shall make a report annually within 90 days following the close of the fiscal year to the Office of Minority Affairs, [and] the Department of Transportation, and, subject to State Government Article, §2-1246, Annotated Code of Maryland, to the Joint Committee on Fair Practices that includes:

(1) — (4) (text unchanged)

C. — D. (text unchanged)

SHEILA McDONALD
Executive Secretary

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 04 Regulation of Water Supply, Sewage Disposal, and Solid Waste

26.04.04 Well Construction

Authority: Environment Article §§9-510, 9-1305, and 10-301,
Annotated Code of Maryland

Notice of Proposed Action [09-334-P]

The Secretary of the Environment proposes to repeal Regulations .01 — .13 and adopt new Regulations .01 — .39 under **COMAR 26.04.04 Well Construction**.

Statement of Purpose

The purpose of this action is to repeal existing Regulations .01 — .13 and replace them with new Regulations .01 — .39. The proposed regulations include provisions not addressed in previous regulations, including to allow treatment for naturally occurring radionuclides and for fecal coliform bacteria in carbonate rock areas, to regulate the hydrofracturing of wells and the construction of geothermal wells, and to eliminate telescoped casing in new wells where aquifer drawdown could render such wells unusable for domestic water supplies. Proposed new regulations include provisions for notification prior to certain construction activities and language to clarify requirements or to provide a more technically correct regulation standard and variance provisions.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed regulatory changes to the well construction regulations have six specific areas where an economic impact can be determined. The proposed changes will require water wells to be constructed to allow for changes in the water levels in aquifers, require certain wells to be tested for yield, modify the abandonment sealing requirements, and require buried well heads to be eliminated. The proposed changes allow for certain water treatment systems for constituents that exceed the allowable standards, where no alternative potable water supply is readily available. An economic impact can be determined for the estimated cost of compliance with the proposed regulations, which is offset by requiring specific well construction standards that benefit the environment and public health.

II. Types of Economic Impact.

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

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$929,903
E. On other industries or trade groups:	(+)	Not measurable
F. Direct and indirect effects on public:	(-)	\$929,903

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

A., B., and C. No economic impact on State and local agencies is assumed because no additional workforce is needed to implement proposed regulations. Revenue from permit fees collected by local agencies for permitting installation of water treatment devices was not determined.

D. Assumes positive revenue to industry trade groups based on the additional services that would be performed for compliance with the proposed regulations. Assumes magnitude is equal to cost that public would incur in complying with proposed regulations.

E. Assumes a positive revenue on other trade groups based on: 1) other trade groups supplying services required by regulations; and 2) other trade groups, such as housing construction, would benefit because regulations would allow for development of individual water systems in areas with naturally occurring contamination exceeding potability standards by providing treatment systems. The magnitude is not measurable because it is unknown how many additional services and benefits that nonregulated industrial trade groups, such as plumbing trade, would provide.

F. Assumes that the public will ultimately bear the costs related to directly complying with the proposed regulatory changes. The total benefit to the public is not measurable, only the anticipated cost of compliance is measurable. The public will benefit by the increased well construction specifications through the reduction in bacteriological contamination, reduction in the potential for ground water contamination by abandoned wells, reduction in the number of wells that have to be replaced due to declining water levels, and increase in the allowable water treatment options for individual potable supplies.

The six proposed provisions of the regulations that were determined to have a potential economic impact are: requiring steel casing to meet certain quality specifications; increasing casing lengths by 4 inches in diameter; extension of buried well terminals; yield testing of replacement wells; allowing for treatment for certain water contaminants; and increasing yield in the sealing material requirements for abandoned wells in Central and Western Maryland. Each of these provisions is reviewed in detail below.

The magnitude of the cost of complying with the proposed regulatory provision to require steel well casing to meet certain manufacturing quality standards can be determined by multiplying the anticipated increase in casing cost per foot to the typical lengths of steel casing set, multiplied by the typical number of wells constructed with steel casing. The anticipated increase in casing cost per foot is 25 cents. Water wells constructed in Central and Western Maryland typically use an average of 60 feet of casing. Approximately 75 percent of all water wells constructed, which is approximately 3,450 wells, in Central and Western Maryland are constructed with steel casing. The other 25 percent are constructed with plastic casing. Multiplying these values together, a cost magnitude of \$51,750 is obtained, which corresponds to approximately \$15 per well. This is a conservative cost magnitude because an unknown number of wells are currently constructed with steel casing that meets the proposed regulatory standard. The benefit to the public of requiring steel well casing that is specifically manufactured for well construction is not measurable.

The magnitude of the cost of complying with the proposed regulatory provision to require greater casing diameter lengths in the Coastal Plain of Maryland can be determined by multiplying the estimated additional cost to construct the well with 4-inch diameter casing as compared to 2-inch diameter casing to the number of potential wells that would be affected. To determine the number of wells that would potentially be affected, the current well construction practices were reviewed. On the western shore of the Coastal

Plain and in Kent, Wicomico, and Worcester counties, water wells that meet the proposed regulatory requirement are currently being constructed. In the remaining Coastal Plain counties, water wells using 2-inch and 4-inch diameter well casings are constructed. The cost to construct a 4-inch diameter well versus a 2-inch diameter well is approximately \$3 per foot. The additional costs per well constructed in the primarily affected counties are: \$382 in Caroline County; \$450 in Dorchester County; \$275 in Queen Anne's County; \$300 in Somerset County; and \$441 in Talbot County. Multiplying this by the potential number of wells that would be affected equals \$372,333. This cost can be offset by the proposed regulatory provision that allows a variance to the 4-inch diameter casing depth requirements based on anticipated aquifer usage and water level declines. The benefit to the public can only be estimated by determining the number of wells that would not have to be replaced due to a decline in the aquifer water levels. This number is estimated as 105 wells per year based on the increase in the number of replacement permits issued as compared to the 15-year average, then halved. The cost to construct a new well is estimated at \$6,000; therefore a cost benefit of \$630,000 is estimated. Other benefits, such as reduced well sealing costs and limiting aquifer exposure to potential contamination due to reducing the number of wells constructed into the aquifer, is not measurable.

The magnitude of the cost of complying with the proposed regulatory provision to require the extension of buried well terminals when other well work is completed cannot be determined. Currently many buried well terminals are extended above grade at the time of property transference and at the suggestion of a contractor during pump replacement. The number of well terminals currently buried and the number of well terminals that would be extended solely based on the proposed regulatory provision cannot be determined. The benefit to the public also cannot be measured. The public would benefit by reduced ground water exposure to contamination to leaky buried well terminals.

The magnitude of the cost of complying with the proposed regulatory provision to require the yield testing of replacement wells only in Hydrogeologic Area 3 can be determined by estimating the cost of a yield test as \$400 and estimating the number of replacement wells that would be completed in the Piedmont of Maryland, which is, on a 15 year average, 9 percent of 4,889 permits issued, or 440 replacement wells per year. Multiplying these two values together provides an estimated cost magnitude of \$176,000. The benefit to the public is that yield testing provides a yield value determined by a prescribed test procedure to assure a constructed well will supply the quantity of water needed.

The magnitude of the cost of complying with the proposed regulatory provision to allow water treatment for fecal coliform only in Hydrogeologic Area 5, the carbonate rock areas of the State, can be determined by estimating the cost of a treatment unit system at \$2,000 each, and multiplying by 165, the number of wells in the carbonate rock areas of the State that would be expected to have fecal coliform contamination, based on 30 percent of the well construction permits issued in Washington County. The cost magnitude would then be \$330,000. The benefit to the public would be that individual water supply wells could be constructed and approved in the carbonate rock areas. If treatment for fecal coliform is not allowed, then those 150 dwelling could not be constructed and approved for occupancy. Assuming the average cost of dwelling units in the carbonate rock areas as \$200,000, the benefit would be \$33,000,000.

The magnitude of the cost of complying with the proposed regulatory provision to require sealing material the full length of the well bore in Central and Western Maryland can be determined by estimating the number of wells abandoned and estimate the increased cost of sealing the entire bore over current sealing practices. Approximately 9 percent of the total number of well construction permits issued in Central and Western Maryland is for replacement wells. Assuming the number of all replacement well construction permits is the same as the number of wells that are to be abandoned and sealed, then 440 wells would be sealed per year. The estimated additional cost of sealing well bores full length is estimated as \$200 per well. The total magnitude of the cost would then be \$88,000. Many wells are currently sealed following the proposed

regulatory requirement. Additionally, there are different sealing procedures that cost less than the estimated cost; therefore the magnitude of the cost may actually be less. The benefit to the public cannot be determined. The benefit to the public includes better protection of ground water quality by eliminating ground water movement through abandoned wells.

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 Barry Glotfelty, Sanitarian, MD Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230, or call 410-537-4156, or email to rmatthews@mde.state.md.us, or fax to 410-537-3874. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

.01 Purpose and Administrative Responsibilities.

A. Purpose. This chapter establishes the standards and procedures applicable to the construction of wells in Maryland.

B. Pre-emption of Local Authority. In accordance with Environment Article, §9-1304, Annotated Code of Maryland, the regulations of this chapter are the only procedures and standards applicable to construction of wells.

.02 Definitions.

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

B. Terms Defined.

(1) "Abandon" means to discontinue the use of a well permanently.

(2) "Annular space" means the space between casings or between the casing and borehole.

(3) "Approving Authority" means the Secretary of the Environment or the Secretary's designee.

(4) "Aquifer" means a formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to a well.

(5) *Bedrock.*

(a) "Bedrock" means solid rock that underlies gravel, soil, or other superficial material.

(b) "Bedrock" means in absolute terms material that a 6-inch auger, equipped with carbide cutting teeth, penetrates at a rate of less than 1 inch in 3 minutes.

(6) "Bentonite" means a colloidal clay, composed of at least 85 percent sodium montmorillonite.

(7) "Bored or augered well" means any excavation made using power driven equipment where the drill consists of a continuous spiral of metal or hollow cylinder or bucket attached to a shaft and where the excavated material is brought to the ground surface by upward movement along the surface of the spiral or removed by lifting the spiral or bucket.

(8) "Borehole" means a hole drilled or bored into the earth, into which casing, screen, etc., may be installed to construct a well. The generalized term includes the excavations for dug, driven, and jetted wells.

(9) "Casing" means any metal, plastic, or other pipe used to line the well borehole.

(10) "Cluster" means a group of ten or fewer wells, with each well separated by 50 feet or less, and constructed for the same use.

(11) "Confined aquifer" means an aquifer that is bounded above and below by beds of distinctly lower permeability than that of the aquifer itself and contains ground water under pressure greater than that of the atmosphere. This term is synonymous with the term "artesian aquifer".

(12) "Confining layer" means a body of impermeable or of distinctly less permeable material stratigraphically adjacent to one or more aquifers.

(13) "Department" means the Department of the Environment.

(14) "Disinfection" means the inactivation or removal of those agents that may cause infection.

(15) "Domestic well" means a well used to supply potable water to one or more dwellings.

(16) "Driven well" means any well in which the pipe is manually or mechanically driven into the ground with little or no material excavated during well construction.

(17) "Dug well" means any well made using only hand tools.

(18) "Emergency condition" means:

(a) The lack of water poses an immediate and significant danger to the health and welfare of persons, livestock, domestic fowl, or crops; or

(b) The Approving Authority has determined that other exceptional circumstances exist.

(19) "Geothermal well" means a well used to transfer heat to or from the ground or ground water.

(20) "Grout" or "grouting material" means a stable, impervious bonding material that is reasonably free of shrinkage and is capable of providing a watertight seal in the annular space throughout the depth required.

(21) "Horizontal well" means any well that is intentionally drilled so as not to be plumb.

(22) "Hydrofracturing" means a method of reworking an existing well whereby water is pumped down the borehole under pressure in an attempt to increase the well's yield.

(23) "Industrial well" means a well used to supply water to an industrial or commercial facility for use in the production of goods and services.

(24) "Injection well" means any hole made in the ground to inject water into any underground formation from which ground water may be produced.

(25) "Jetted well" means any well made using water under pressure as a means of drilling or penetrating the ground.

(26) "Jetted-driven well" means a jetted well where the diameter of the excavation is less than the diameter of the well casing used and the well casing is driven into the excavation.

(27) "Monitoring well" means a well used for the purpose of determining the potentiometric surface of an aquifer; for obtaining a ground water sample, or for ground water withdrawal for remediation purposes.

(28) "Person" means the federal government, the State, any county, municipal corporation, or other political subdivision of the State, or any of their units, an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity.

(29) "Pitless adapter or pitless unit" means a device designed to replace a section of casing or for attachment to the exterior of a well casing and equipped with lateral connections designed for the attachment of pipes leading from the

well for purposes of conducting water to a distribution system and allowing extension of well casing above grade.

(30) "Pollution" means any contamination or other alteration of the physical, chemical, or biological properties of any waters of the State, including a change in temperature, taste, color, turbidity, or odor of the waters, or the discharge or deposit of any organic matter, harmful organism, or liquid, gaseous, solid, radioactive, or other substance into any waters of this State that will render the waters harmful or detrimental to:

(a) Public health, safety, or welfare;

(b) Domestic commercial, industrial, agricultural, recreational, or other legitimate beneficial uses;

(c) Livestock, wild animals, or birds; or

(d) Fish or other aquatic life.

(31) "Potable water" means water that is free from impurities in amounts sufficient to cause disease or harmful physiological effects and that conforms with the maximum contaminant levels as adopted by the United States Environmental Protection Agency and listed in 40 CFR §141, Subpart G.

(32) "Public well" means a well that is used to supply water to a public water supply system as defined in COMAR 26.04.01.

(33) "Replacement well" means a well that is to replace any existing water supply.

(34) Reworking.

(a) "Reworking" means the rehabilitation or modification of a well.

(b) "Reworking" includes but is not limited to:

(i) Removing and replacing well screen;

(ii) Placing a new screen in a well;

(iii) Placing liner pipe in a well; and

(iv) Redevelopment of a well.

(c) "Reworking" does not include:

(i) Increasing the diameter of a well; or

(ii) Deepening of a well.

(35) "Standby well" means a water supply well that is a backup to the primarily used water supply well.

(36) "Test well" means a well used for the purpose of exploring for ground water for a water supply and used to determine aquifer properties.

(37) "Unconfined aquifer" means an aquifer that is not bounded above by a bed of distinctly lower permeability than that of the aquifer itself and contains ground water under pressure approximately equal to that of the atmosphere. This term is synonymous with the term "water table aquifer".

(38) "Water supply well" means every type of well, except monitoring and geothermal wells.

(39) "Well" means a hole made in the ground:

(a) To explore for ground water;

(b) To obtain or monitor ground water;

(c) To inject water into any underground formation from which ground water may be produced; or

(d) To transfer heat to or from the ground or ground water, if the hole:

(i) Extends more than 20 feet below the surface of the ground; and

(ii) Is not a well for obtaining geothermal resources under Environment Article, §5-601, Annotated Code of Maryland.

.03 Application for a Well Construction Permit.

A. An application for a well construction permit shall be made on the forms provided by the Approving Authority.

B. A separate application shall be made for each well, except that a single application may be made for a cluster of wells.

C. An application shall be legible and complete. An illegible or incomplete application shall be returned to the applicant with a statement of the reason for rejection.

D. An application for a well construction permit shall be submitted to the Approving Authority for review, except for:

(1) An application for a test well for a public water supply system or a public well, which shall be submitted to the Approving Authority through the Department; and

(2) An application for a water supply well for use on a dairy farm, which shall be submitted to the Approving Authority through the Department of Health and Mental Hygiene.

E. An application for a cluster of wells shall include a drawing indicating the location of each proposed well on the property.

F. The Approving Authority may request any additional information deemed necessary to consider the application.

.04 Review and Approval of an Application for a Well Construction Permit.

A. Application Review and Approval.

(1) The Approving Authority shall review the application for completeness and shall notify the applicant, in writing, of any additional information needed.

(2) The Approving Authority shall approve the application if:

(a) The application is complete;

(b) The proposed well meets the criteria of §B of this regulation;

(c) The proposed source or sources of drilling water meets the requirements of this chapter;

(d) The Approving Authority has received the required well permit fee, if applicable; and

(e) One of the following conditions regarding water appropriation or use permitting is met:

(i) An application for an appropriation or use permit has been submitted, if required, in accordance with applicable State law and regulation; or

(ii) A notice of exemption, if required under Environment Article, §5-502, Annotated Code of Maryland, has been made with the Department.

(3) If it approves the application, the Approving Authority shall sign the application and issue a well construction permit.

(4) An application that has been disapproved by the Approving Authority shall be returned to the applicant with a statement of the reasons for disapproval.

B. Criteria for Approval.

(1) A proposed well construction shall be in accordance with the applicable Master Water and Sewer Plan, promulgated in accordance with Environment Article, Title 9, Subtitle 5, Annotated Code of Maryland.

(2) A proposed well location for a water supply well shall satisfy the following minimum horizontal distance requirements:

(a) 10 feet from a property line;

(b) 15 feet from a road or dedicated right-of-way;

(c) 30 feet from a building foundation;

(d) 100 feet from identifiable sources of contamination and designated subsurface sewage disposal areas if the proposed well will utilize an unconfined aquifer as a water supply source;

(e) 50 feet from identifiable sources of contamination and designated subsurface sewage disposal areas if the proposed well will utilize a confined aquifer as a water supply source; and

(f) Except as provided in §B(3) of this regulation, 50 feet from any sewage gravity or force main.

(3) If a force main is constructed of materials approved by the Department and has passed a leakage test in accordance with the recommended standards for sewage works, and, if required by the Approving Authority, concrete encasement of sewage force main joints have been emplaced within a 50-foot radius of the proposed well, then the distance from any sewage gravity or force main may be 10 feet.

(4) In Hydrogeologic Areas 3, 4, and 5, domestic water supply wells shall be separated by a minimum of 50 feet.

(5) A proposed well location for monitoring or geothermal well shall satisfy the following minimum distance requirements:

(a) 10 feet from a property line;

(b) 15 feet from a road or dedicated right-of-way; and

(c) 50 feet from designated subsurface sewage disposal areas.

(6) A water supply well may not be located within or under any building other than a separate structure constructed specifically for the housing of pumping equipment.

(7) The Approving Authority may approve a monitoring or geothermal well location within a building, if unobstructed access to the well is provided.

(8) All wells shall be located so as to be accessible for cleaning, treatment, repair, testing, inspection, and other requirements that may be necessary.

(9) The location of a water supply well shall be in accordance with any conditions on well spacing that may be imposed by the Department through an appropriation or use permit.

C. Notwithstanding satisfaction of the criteria of this regulation, the Approving Authority shall determine the acceptability of a proposed well location with regard to all identifiable sources of contamination, topography, surface drainage, easements, and ground water conditions.

.05 Issuance of Well Construction Permits.

A. A well may not be constructed until the Approving Authority has issued a permit to drill the well, except as provided in Regulation .06 of this chapter.

B. The Approving Authority shall issue a well construction permit only to a person licensed by the State Board of Well Drillers as a master well driller.

C. Except as provided in Regulation .06 of this chapter, the Approving Authority shall issue a well construction permit after receipt and review of a completed application submitted in accordance with this chapter.

D. The Approving Authority may impose special conditions on the permit that are necessary to protect the public health and environment.

E. The Approving Authority shall issue a separate permit for each well, except that the Approving Authority may permit a well cluster under one permit.

F. The permit, if necessary, authorizes the construction of a temporary well to supply drilling water for construction of the permitted well. The temporary well shall be abandoned and sealed within 48 hours of completion of construction of the permitted well, in accordance with this chapter.

G. Written Permit and Well Identification Tag.

(1) Issuance of a well construction permit shall consist of a written permit and a durable well identification tag.

(2) Written Permit.

(a) The permit shall state pertinent information and requirements applicable to the approved well.

(b) A permit shall be valid for a period of 12 months from the date of issuance by the Approving Authority.

(3) **Well Identification Tag.**

(a) The well driller, immediately after completion of the well, shall attach to the well the identification tag furnished by the Approving Authority.

(b) The identification tag shall be permanently fastened to the well casing above the finished grade by means of a stainless steel band.

(c) For wells where a pitless adapter or pitless unit is not used, the identification tag shall be permanently attached or fastened to a concrete base where this base completely surrounds the casing.

(d) For closed loop geothermal wells, the well identification tag shall be supplied to the owner.

(e) If the identification tag is removed from the well during later work on the well, it shall be replaced in the proper position and manner by the person who removes it.

.06 Emergency Procedure to Obtain a Well Construction Permit.

A. The Approving Authority may permit emergency construction of a well only for the following types of wells:

(1) A water supply well that replaces an existing production well;

(2) A well that will supply water solely for purposes of farming;

(3) Monitoring wells at pollution spill sites to control the spread of the pollution as required by the Department; or

(4) Geothermal wells if a loss of heating or cooling poses a health threat or significant loss of goods or livestock.

B. If an emergency condition occurs during normal business hours, the Approving Authority may grant an emergency permit in accordance with the following procedures:

(1) The existence of an emergency condition shall be verified by the Approving Authority;

(2) If the emergency is verified to the satisfaction of the Approving Authority, the Approving Authority may issue a verbal emergency permit number to a master well driller;

(3) The permit number shall be in the possession of the permittee during construction of the well, and shall constitute authorization to construct the well;

(4) The emergency permit shall become null and void if well construction is not started within 48 hours after issuance of the emergency permit number; and

(5) Within 72 hours after the start of construction of the well, the master well driller shall submit to the Approving Authority a completed, written application, including the emergency permit number.

C. If an emergency condition occurs during nonbusiness hours:

(1) The master well driller shall attempt to contact the Approving Authority through the Approving Authority's nonbusiness-hours emergency telephone number;

(2) If the Approving Authority cannot be contacted, then the well may be constructed without receiving a verbal permit number provided that not later than the first business day following the start of well construction activity, an application is submitted to the Approving Authority; and

(3) The Approving Authority shall verify the emergency condition before the issuance of a permit.

D. Any well constructed under an emergency condition shall be constructed in conformance with all applicable laws and regulations of the Approving Authority.

E. If the new well location is found to be unacceptable by the Approving Authority, the well shall be abandoned and sealed in accordance with this chapter.

.07 Verbal Authorization to Construct a Well.

A. The Approving Authority may grant verbal authorization to a master well driller to construct a well when:

(1) The application has been submitted and approved by the Approving Authority; or

(2) The authorization is for an emergency well.

B. Verbal Authorization and Permit Number.

(1) Verbal authorization shall be accompanied by the issuance of a well construction permit number.

(2) Upon request by Approving Authority personnel, the well driller shall supply the well construction permit number for the well being drilled.

C. Verbal authorization may not be granted if the well is to provide water for a use requiring a permit to appropriate or use water, and this permit has not been obtained or is not valid.

D. Any well constructed with verbal authorization shall be constructed in conformance with all applicable laws and the regulations of this chapter.

.08 Transfer of Permit.

A. A well construction permit may be transferred from the permittee to another master well driller provided:

(1) The well has not been completed;

(2) The permit has not expired;

(3) The permittee obtains the Approving Authority's approval to transfer the permit; and

(4) The transferee notifies the Approving Authority in writing of their intention to accept the permit.

B. The transferee shall be responsible for complying with all laws and regulations applicable to the construction of the well.

C. The transferee may not begin well construction before obtaining the permit and well tag from the permittee and receiving the approval of the transfer from the Approving Authority.

.09 Permit Invalidation.

A. A permit shall become invalid if, prior to well completion, the Maryland Board of Well Drillers suspends or revokes the license of the master well driller permit holder.

B. The Approving Authority may invalidate a permit after a finding that information submitted to support the application was inaccurate.

C. The Approving Authority may invalidate a permit after a finding that information submitted to support the application is no longer applicable to the site.

D. The Approving Authority shall notify the permittee that a permit has been invalidated.

.10 Permittee's Responsibilities.

A. The master well driller to whom a well construction permit is issued is responsible for construction of the well in accordance with the permit and applicable laws and regulations.

B. All other persons working on a well or potable water supply system, including but not limited to a pump installer, a water-conditioner installer, an electrician, or a master plumber, also shall be responsible for their phase of the work and its conformance to applicable laws and regulations.

C. Only the permittee, or his licensed employee or licensed agent, is authorized to construct the well.

D. The permittee, or his licensed employee or licensed agent, shall be present on-site to supervise the work of constructing a well.

E. Permit information shall be available on-site during construction of the well and made available upon request to the Approving Authority.

F. The permittee, upon completion of the well, shall prepare, sign, and submit to the Approving Authority a legible well completion report. The requirements for well completion reports are set forth in Regulation .29 of this chapter.

.11 Permits for Reworked and Deepened Wells.

A. A well construction permit is not required if an existing well requires only reworking or repairing, and not deepening.

B. If reworking the well includes hydrofracturing, the well driller shall submit a hydrofracture report within 45 days after completion of the work.

C. If an existing well requires deepening, and the well identification number is verifiable by means of the well identification tag or prior permit, a well construction permit is not required; however, upon completion, the well driller shall submit to the Approving Authority the well identification number and an updated completion report in accordance with the regulations of this chapter.

D. If a well requires deepening and the well driller cannot provide the well identification number, the well driller shall apply for a well construction permit.

.12 Procedure for Authorizing Conversions of Test Wells.

A. A permitted test well that is found to produce the required amount of water may be converted to a water supply well if:

(1) It has been constructed in conformance with this chapter and COMAR 26.17.06;

(2) Upon written request, the conversion is approved by the Approving Authority;

(3) For wells that are to supply water for a public water supply system, the request is approved by the Department; and

(4) For wells that are to supply water for use on a dairy farm, the request is approved by the Department of Health and Mental Hygiene.

B. A test well may be converted to a monitoring well when requested in writing and approved by the Approving Authority.

C. A test well may be converted to a standby well when requested in writing and approved by the Approving Authority.

D. A test well shall be abandoned and sealed in accordance with this chapter within 60 days after completion unless a longer period of time is approved by the Approving Authority or the Approving Authority has approved its conversion to a water supply well, a monitoring well, or a geothermal well.

.13 Relocation During Construction.

A. If it is necessary to relocate a well under construction in order to obtain sufficient yield or potable water or because of a well construction problem, the well driller may relocate the well construction site under authority of the original permit if:

(1) The new site meets the requirements of this chapter and requirements of the Approving Authority;

(2) The distance between the unsuccessful well and the new well site is at least 10 feet; and

(3) The permittee provides a drawing of the new well location on the well completion report.

B. If the new well location is found to be unacceptable by the Approving Authority, the well shall be abandoned and sealed in accordance with this chapter.

.14 Notification of Well Construction Activities.

A. Water Supply Wells.

(1) The permittee shall notify the Approving Authority at least 24 hours in advance of commencing well grouting activities to allow the Approving Authority the opportunity to observe.

(2) The Approving Authority may require that the permittee provide at least 24 hours advance notice before commencing a yield test in Hydrogeologic Area 3.

(3) The Approving Authority may require that the permittee provide at least 24 hours advance notice before the installation of the pitless adapter or pitless unit.

B. Monitoring and Geothermal Wells. The permittee shall notify the Approving Authority at least 24 hours in advance of commencing well construction activities on monitoring and geothermal wells.

.15 Construction Standards — Hydrogeologic Areas.

A. Geologic and hydrologic conditions in Maryland require varying well construction standards. For the purposes of this chapter, the State has been divided into five hydrogeologic areas. A map of the approximate hydrogeologic area boundaries is in Regulation .39 of this chapter.

B. The five hydrogeologic areas are:

(1) Hydrogeologic Area 1 - The area where the unconfined Quaternary aquifer of the Maryland Coastal Plain is of major importance; the area described in "United States Geological Survey (USGS) Professional Paper 822, Water Resources of the Delmarva Peninsula, 1973" and "Maryland Geological Survey (MGS), Open File Report 72-02-1, A User's Guide for the Artesian Aquifers of the Maryland Coastal Plain, 1972";

(2) Hydrogeologic Area 2 - The area where the confined aquifers of the Maryland Coastal Plain are of major importance as described in "MGS, Open File Report 72-02-1, A User's Guide for the Artesian Aquifers of the Maryland Coastal Plain, 1972";

(3) Hydrogeologic Area 3 - The rocks of the Maryland Piedmont and Blue Ridge as described in "MGS, Report of Investigation 10, Ground Water Occurrence in the Maryland Piedmont, 1969", and "MGS, Open File Report 69-02-1, Ground Water Aquifers and Mineral Commodities of Maryland, 1969", exclusive of the carbonate rocks;

(4) Hydrogeologic Area 4 - The sedimentary rocks of the Maryland Appalachian Highlands and Valley and Ridge Provinces, exclusive of carbonate rocks, as described in the references listed in Hydrogeologic Area 3; and

(5) Hydrogeologic Area 5 - The carbonate rocks as defined by the "Maryland Geological Survey, Geologic Map of Maryland", Scale: 1:250,000 dated 1968.

.16 Construction Standards — General.

A. Sanitary Protection During Well Construction.

(1) During well construction, the permittee shall protect against pollution of the well and any water-bearing geologic formations by any cause, including surface water drainage.

(2) Whenever construction ceases before the well is grouted, the open annular space shall be covered and the well shall be capped.

B. Water for Well Construction.

(1) Only water from a source approved by the Approving Authority in accordance with this section may be used in the construction and development of a well.

(2) Water used for construction of a well shall be taken from the best source available to the well driller.

(3) The best source, in order of preference, shall be:

(a) A public water supply system meeting the requirements of COMAR 26.04.01 for water quality;

(b) Any other potable water supply;

(c) A nonpotable well;

(d) A temporary well, constructed specifically for the purposes of obtaining water for the construction of the well; or

(e) A surface water source.

(4) Water used for the construction or development of a well shall:

(a) Have a turbidity of not more than 25 standard units, except when the turbidity is due to the oxidation of dissolved iron or manganese;

(b) Be transported, when necessary, in tank trucks used only for the purpose of transporting drilling or potable water;

(c) Have a pH of 8.0 or less;

(d) Be treated with chlorine in amounts indicated in §B(5) of this regulation;

(e) Have a color of not more than 25 standard units; and

(f) Contain no objectionable odor.

(5) Chlorine treatment required in §B(4)(d) of this regulation, shall be as follows:

(a) For water from a public supply approved under COMAR 26.04.01, a chlorine compound shall be added to the water to produce a free chlorine of 1.0 mg/l when delivered at the drilling site;

(b) For water from any other potable water supply, the free residual chlorine shall be 3.0 mg/l in the water delivered at the drilling site;

(c) Water from a nonpotable well shall be dosed with chlorine to produce a minimum chlorine concentration of 50 mg/l; and

(d) For water from a surface water source, the water shall be dosed with chlorine to produce a minimum chlorine concentration of 100 mg/l.

C. Screening in More Than One Aquifer Prohibited. A well may not be screened in more than one aquifer.

D. Sealing-Off Strata. In order to preserve the quality of ground water, the Approving Authority may include a special condition in a well construction permit requiring that aquifers and other strata be sealed off.

E. Well Development. All wells shall be developed according to the following requirements:

(1) Well development shall consist of cyclic or intermittent pumping or surging, or both, either mechanically or by using water or air under pressure;

(2) Development shall continue until all formation cuttings, drilling fluids, and additives are removed from the well;

(3) For wells in Hydrogeologic Areas 1 and 2, well development shall remove the fine sand, silt, and clay from the water-bearing zone surrounding the well screen;

(4) Any hydrofracturing shall be performed in accordance with Regulation .28 of this chapter; and

(5) Every well shall be developed in order to obtain the full yield of the well and a water quality that meets all of the following requirements:

(a) Contains less than 5 milligrams sand or larger sized particles per liter of water; where particles with a diameter between 0.0625 and 2.0 mm are considered to be sand; and

(b) Has a turbidity of less than 10 as determined by methods designated in 40 CFR §141.74(a)(1), except if the turbidity is due to the oxidation of dissolved iron or manganese naturally occurring in the water.

.17 Construction Standards — Casing.

A. Well Casing.

(1) Markings.

(a) Except as provided in §A(1)(b) of this regulation, all casing shall be marked by the manufacturer sufficiently to allow identification of the casing.

(b) Well casing for monitoring wells is exempt from displaying markings.

(c) The well driller shall provide, upon request, sufficient information to allow identification of casing used for monitoring wells.

(2) Plastic Well Casing.

(a) Plastic well casing shall be polyvinyl chloride, PVC, manufactured to meet the standards of the American Society of Testing and Materials (ASTM) Standard F-480.

(b) Plastic well casing shall be installed in accordance with the maximum depth limits specified:

Diameter (inches)	SDR	SDR	SDR	SDR	SCH	SCH
	26	21	17	13.5	40	80
2	136	265	517	1085	708	2185
3	"	"	"	"	604	1730
4	"	"	"	"	400	1139
4.5	"	"	"	"	310	—
5	"	"	"	"	242	807
6	"	"	"	"	180	724
8	"	"	"	"	125	498
10	"	"	"	"	92	424
12	"	"	"	"	76	387
16	"	"	"	"	72	—

(c) In Hydrogeologic Areas 3, 4 and 5, plastic well casing may not be used for the main casing where caving conditions occur before casing placement.

(d) Plastic well casing 4 inches or less in diameter shall be a minimum of schedule 40.

(e) All plastic well casing greater than 4 inches in diameter shall be a minimum of SDR 26.

(3) Metal Well Casing.

(a) Metal well casing shall meet one of the following standards:

(i) ASTM standard A-53 or A-589;

(ii) American Petroleum Institute standard 5A or 5L; or

(iii) ASTM standard A312, type 304 minimum, for stainless steel.

(b) Metal well casing of 4 inches or less, nominal size, shall be schedule 40 or better.

(c) Metal well casing greater than 4 inches, nominal size, shall have a minimum nominal wall thickness of 0.188 inches.

(d) Metal casing shall be new, prime pipe, being free of pits or breaks.

(e) *The Approving Authority may require that Schedule 40 or Standard Schedule metal well casing be used where there is corrosive water.*

(4) *Casing material is not permitted which will cause the delivered water to be toxic or violate State or federal primary drinking water standards in effect at the time the well is constructed.*

(5) *Other types and sizes of well casing may be approved by the Approving Authority for special applications, upon written request by the well driller.*

B. Minimum Casing Length.

(1) *In Hydrogeologic Areas 1 and 2, the casing shall extend to the top of or into the aquifer used.*

(2) *In Hydrogeologic Areas 3, 4, and 5, the casing shall extend through the weathered zone and be seated at least 2 feet into bedrock.*

(3) *Less than 20 feet of casing may not be used in any area except as provided in Regulation .23 of this chapter.*

(4) *In Hydrogeologic Area 4, the minimum casing length is 40 feet.*

C. Minimum Casing Diameter.

(1) *Potable water supply wells shall have a minimum main casing diameter of 4 inches in all hydrogeologic areas of the State.*

(2) *In Hydrogeologic Areas 1 and 2, for potable water supply wells, the 4-inch minimum main casing diameter shall extend to, whichever comes first:*

(a) *A minimum of 250 feet; or*

(b) *The top of the aquifer used.*

(3) *Criteria for Variance for Telescoping Casing.*

(a) *The Approving Authority shall submit a report to the Department for approval prior to granting variances to §C(2) of this regulation for increasing or decreasing the minimum depth of the 4-inch minimum main casing diameter.*

(b) *The report shall contain at a minimum the following information:*

(i) *Area of county where variance is being considered;*

(ii) *Aquifer for which variance is being considered;*

(iii) *Discussion of current aquifer usage and predicted aquifer usage; and*

(iv) *Proposed variance wording.*

(c) *The report shall be incorporated in the county Master Water and Sewer Plan prior to implementation.*

D. Well Casing Joints.

(1) *Joints shall be watertight.*

(2) *Joints for metal casing may be either electrically welded or threaded.*

(3) *Joints for plastic well casing may be either threaded, solvent welded, or o-ring.*

(4) *Screws or other mechanical devices may not be used on solvent welded plastic water well casing.*

E. Other Installation Requirements.

(1) *Linners or sleeves shall meet the standards for well casing under §§A and D of this regulation.*

(2) *Well casing may not be cut off or cut into below ground except to install a pitless adapter or pitless unit.*

(3) *Well casing shall extend at least 8 inches above the finished grade.*

.18 Construction Standards — Screen.

A. Well Screens.

(1) *All wells that obtain water from aquifers in Hydrogeologic Areas 1 and 2 shall be equipped with a screen that will adequately prevent the entrance of formation material into the well during use.*

(2) *Well screens shall have sufficient structural strength to accomplish the purpose for which they are installed.*

(3) *Well screen openings shall provide, so far as is practical, the maximum amount of open area, consistent with strength of screen material and sediment grain size of the water-bearing formation to permit maximum transmission without clogging.*

(4) *Well screens, other than those made commercially, constructed by creating openings or slots in the casing, or both, by any mechanical contrivance are prohibited unless approved by the Approving Authority in a special permit condition.*

(5) *The well screen shall be provided with fittings necessary to seal the screen to the casing. If the screen diameter is smaller than the casing diameter, then extension of the screen blank section to at least 20 feet above the base of the main casing is required, or a packer or a reducer fitting shall be used.*

(6) *A fitting shall be provided to close the bottom of the screen.*

B. Gravel-Packed Wells.

(1) *Gravel, which is packed in the annular space, shall be water-washed, disinfected, and free from clay, silt, and organic material.*

(2) *Gravel pack may not connect aquifers.*

.19 Construction Standards — Grouting.

A. All wells shall be grouted in accordance with this regulation.

B. Time Limits.

(1) *All wells shall be grouted as soon as possible but not later than 24 hours after the well casing has been set in place.*

(2) *After grouting is completed, there shall be a minimum curing time before drilling may be resumed of:*

(a) *18 hours for Type I and Type II Portland cement; and*

(b) *12 hours for Type III Portland cement.*

C. Grouting Materials.

(1) Cement.

(a) *The annular space may be filled with neat Portland or quick-setting cement in a ratio of not over 6 gallons of water per 94-pound sack of cement.*

(b) *The Approving Authority may authorize a mix ratio of up to 8 gallons per sack upon request and justification.*

(c) *Bentonite may be added to the neat cement grout in an amount not to exceed 5 pounds per 94-pound sack of cement. If bentonite is added to the neat cement grout, then additional water may be added at the ratio of 1 gallon of water per 2 pounds of bentonite.*

(2) Bentonite.

(a) *Bentonite may be used to fill the annular space in accordance with the following:*

(i) *When mixed as a slurry, at 2 pounds bentonite per gallon of water; or*

(ii) *In chip or pellet form, when the annular space is less than 20 feet in depth.*

(b) *Bentonite may not be used for grouting where it will come into contact with ground water having a pH below 4.0 or a total dissolved solids content greater than 1,000 mg/l.*

(3) Thermal Enhanced Bentonite Grout.

(a) *Bentonite slurry shall be at least 2 pounds of bentonite to 1 gallon of water.*

(b) *The sand-bentonite ratio may not be greater than 300 pounds of sand per 50 pounds of bentonite.*

(c) Sand shall be "000" well gravel that meets the following:

- (i) 95 percent silica sand;
- (ii) Have a uniformity coefficient not greater than 1.7; and
- (iii) Have a particle size range of 0.60 mm to 0.15 mm.

(4) Cement alone or bentonite alone may be required as a special condition in a well construction permit for any well.

(5) If rapid loss of grout material occurs during grout emplacement, coarse fill material may be used in the zone or zones in which the loss is occurring.

(6) Other grouting materials or mixtures may be authorized as a special condition in a well construction permit for any well after review and approval by the Department.

D. Standards for Grouting Unconfined Aquifer Wells in Hydrogeologic Areas 1 and 2. For wells screened in an unconfined aquifer under this section, the annular space shall be grouted to a depth of at least 20 feet.

E. Standards for Grouting Confined Aquifer Wells in Hydrogeologic Area 2. Under this section:

- (1) The depth of grouting may not be less than 30 feet;
- (2) The annular space above the screen and below the grout shall be completely filled with clay, drill cuttings, or sand before grouting operations begin;
- (3) For two part (lapped) wells, the drilling fluid may be used as fill material in the annular space if the drill fluid has a weight greater than 11 pounds per gallon;
- (4) Drilling fluid less than 11 pounds per gallon may not be used as an acceptable fill material;
- (5) For wells intended to have a yield greater than 5,000 gallons per day, the grout shall extend from at least 5 feet into the confining bed, immediately above the aquifer being used, to the land surface; and
- (6) For wells intended to have a yield of less than 5,000 gallons per day, the grout shall extend from at least 5 feet into the first confining bed, which is at least 5 feet thick, to the land surface.

F. Standards for Grouting Wells in Hydrogeologic Areas 3, 4, and 5.

- (1) The annular space shall be grouted completely from the bottom of the casing to the land surface.
- (2) The minimum depth of grout may not be less than 18 feet in Hydrogeologic Areas 3 and 5, and may not be less than 38 feet in Hydrogeologic Area 4.
- (3) If caving conditions are experienced on wells with greater than 30 feet of casing, the annular space shall be grouted from the point where caving occurred or from a depth of 30 feet, whichever is greater, to the land surface.

G. If the annular space cannot be grouted in accordance with these regulations, the well shall be abandoned and sealed in accordance with this chapter.

H. Deviation from Grouting Standards.

(1) Deviation from the grouting standards given in §§D, E, and F of this regulation may be approved by the Approving Authority for unusual conditions that prevent conformance with those standards.

(2) The deviation from the grouting standard shall be requested on a form provided by the Approving Authority. The request shall be submitted to the Approving Authority within 5 days after the well is completed. The Approving Authority shall reject or approve the request within 5 business days.

I. Grout Height.

(1) For wells where a pump is not to be installed, the final grout height shall be at ground grade.

(2) For wells where a pump is to be installed, the final grout height shall be immediately below the pitless adapter or pitless unit.

.20 Construction Standards — Methods of Grouting.

A. All grout shall be emplaced in one continuous operation upward from the bottom of the casing or depth specified in these regulations.

B. Pouring, dumping, or shoveling of grout slurries into the annular space or well bore are prohibited.

C. The drilling fluids in the annular space shall be thinned before grouting to a density less than that of the intended grout density.

D. Grout shall be emplaced so that it completely displaces the fluid in the annular space from the bottom of the interval being grouted to the ground surface.

E. The following are approved methods of grouting when performed in accordance with the conditions specified:

- (1) Grout Pipe Outside of Casing (Tremie Pipe).
 - (a) The annular space shall be a minimum of 1½ inches.
 - (b) All grout shall be placed by pumping through the grout pipe.
 - (c) The entire interval to be grouted shall be open and without obstructions; washing or jetting with water is recommended for cleaning the borehole and may serve to remove obstructions caused by caving which otherwise would prevent a proper grout.
 - (d) The grout pipe shall extend from the surface to the bottom of the interval to be grouted.
 - (e) The grout pipe may remain extended to the bottom of the interval during and after grouting, or it may be raised slowly as the grout is placed provided that the discharge end of the grout pipe remains submerged in the emplaced grout at all times until grouting is completed.
 - (f) In the event of interruption in the grouting operations, the bottom of the grout pipe shall be raised above the grout level and should not be resubmerged until the air and water have been displaced from the grout pipe.
 - (g) Grouting Depths of 20 feet or Less. Grout may be placed by a grout pipe inserted only 10 feet into the annular space, provided that:
 - (i) The entire interval to be grouted is clearly visible from the surface and is dry.
 - (ii) An annular space larger than the minimum 1½ inches may be required to assure visibility from the surface.

(2) Grout Pipe — Inside Casing.

(a) The bottom of the casing is fitted with a cementing shoe or float shoe and the casing is placed in the borehole a short distance off the bottom;

(b) The grout pipe is placed in the casing a short distance from the float shoe or is mechanically attached to the float shoe; and

(c) Grout is pumped through the grout pipe until grout appears at the land surface.

(3) Grouting with Bentonite Chips or Pellets. A well may be grouted using bentonite chips or pellets under the following conditions:

- (a) The grouting depth is 20 feet or less;
- (b) The annular space is open and free of obstruction;
- (c) The annular space is at least 1½ inches;
- (d) The drilling fluid, if present, is thinned to a viscosity of less than 30 seconds and the weight is less than 9 pounds per gallon;

(e) The bentonite chips or pellets may be poured down the annular space; and

(f) The annular space is continuously measured to assure proper filling without bridging.

(g) If bridging occurs and the annular space cannot be completely filled then:

(i) The annular space shall be jetted to remove the bentonite, or

(ii) The well shall be abandoned and sealed in accordance with this chapter.

(4) The Approving Authority may approve other grouting methods not specifically identified by this regulation.

.21 Construction Standards — Upper Terminal of Well.

A. Except as provided for in this regulation, the following construction techniques for upper terminals for potable water supply wells are prohibited:

(1) Use of buried well seals, or other devices, including a buried "sanitary well seal" to cap wells below ground surface and provide access for electrical cable or water pipes; and

(2) Frost pits, which are holes or depressions in the ground surrounding casings, in which all pumping and other equipment subject to freezing is emplaced.

B. All wells shall be extended at least 8 inches above final grade.

C. In areas where flooding is likely to occur, including 100-year flood plains and coastal areas, the casing shall terminate at least 24 inches above finished ground surface or pump house floor.

D. Pitless Adapters or Pitless Units Required.

(1) Pitless adapters or pitless units shall be installed on all water supply wells except:

(a) Wells enclosed in an above-grade pump house;

(b) Wells for a public water supply if enclosed in a below-grade pump house or water treatment facility that conforms to regulations of the Department concerning public water supply system design; or

(c) Irrigation wells where the pumping equipment is installed and removed each irrigation season.

(2) All pitless adapters and pitless units shall:

(a) Be of a type approved by the National Sanitation Foundation International;

(b) Meet the standards of the Water Systems Council; or

(c) Be approved by the Approving Authority.

(3) Exemptions. Irrigation wells with a terminal 2 feet above grade and fitted with a ventless sanitary well cap are not required to have a pitless adapter or pitless unit installed.

E. Proper Installation of Pitless Adapters or Pitless Units.

(1) The well casing or pitless adaptor or pitless unit shall be located at least 8 inches above the finished ground surface or pump house floor.

(2) Connections of the Pitless Adapter or Pitless Unit.

(a) Connections of the pitless adaptor or pitless unit to the well casing and the lateral connections from it shall be watertight.

(b) A metal-cutting hole saw shall be used to construct the pitless adapter hole in the casing.

(c) Cutting the pitless adapter hole in the casing by using an acetylene torch is not permitted.

(d) All burrs resulting from the cutting operation shall be removed.

(e) Both outside and inside surfaces of that portion of casing surrounding the pitless adapter hole shall be made smooth.

(3) A pitless adapter or pitless unit shall be installed in conformance with the depth of water service pipe requirements of the applicable State or county plumbing code.

F. Well Caps.

(1) All wells shall be capped with one of the following:

(a) A watertight, screen vented cap;

(b) A watertight cap; or

(c) The base of a pump motor, provided that, to prevent the entrance of vermin and debris:

(i) The motor mount provides a watertight seal; and

(ii) If venting is required, the vent is screened.

(2) All well caps shall:

(a) Meet one of the following requirements:

(i) Comply with the standards of the National Sanitation Foundation International or the Water Systems Council; or

(ii) Be a type approved by the Approving Authority; and

(b) Be stainless steel if screws, nuts, and bolts are used in them.

(3) The electrical conduit access shall be plugged if the pump is not installed.

G. In areas where flooding is likely to occur, including 100-year flood plains and coastal areas, wells shall be fitted with flood resistant caps.

H. Flowing Artesian Wells.

(1) All wells, including a flowing artesian well, may not be allowed to run water to waste.

(2) A flowing artesian well shall be fitted with a watertight cap or be fitted with a valve to stop the flow of water.

(3) The permittee shall install valves or watertight caps on flowing wells constructed on or after November 28, 1980.

I. Access Port for Water Level Measurement. The Department, through a special condition in a Water Appropriation and Use Permit, may require that any well be equipped with an access port for water level measurements.

J. For irrigation wells where the pumping equipment is installed and removed every season the well shall be capped as follows:

(1) A sanitary well seal may be used when the pumping equipment is installed; and

(2) A watertight or screen-vented cap shall be used when the pumping equipment is not installed.

.22 Construction Standards — Pumping Equipment.

A. The selection and installation of the pumping equipment shall conform to COMAR 09.20, or the local plumbing code, whichever is more stringent.

B. Electrical connections for pumping equipment shall conform to the National Electrical Code, or to the local electrical code, whichever is more stringent.

C. If a safety rope is used it:

(1) Shall be secured in the interior of the well; and

(2) May not penetrate the well casing or cap.

D. If an electrical conduit is present at the well terminal, it shall:

(1) Be secured to the well cap so as to prevent the entrance of vermin and debris;

(2) Be plugged at the interior opening with caulk or other suitable material to provide a water-resistant and insect-resistant seal; and

(3) *Extend at least 18 inches below the finished grade.*

E. Upon completion of pump installation, the person installing the pumping equipment shall disinfect the well, pump, and water supply system in accordance with this chapter.

F. In areas of the State where the plumbing code does not specify pump installation requirements, then the pumping equipment shall be installed in accordance with the manufacturer's recommendations.

.23 Construction Standards and Special Requirements for Specific Types of Wells.

A. The following special requirements for specific types of wells based on the intended use of the well are as follows:

(1) Irrigation Wells.

(a) Wells in unconfined aquifers in Hydrogeologic Areas 1 and 2 used solely for irrigation shall have an annular space grouted to a minimum depth of 25 feet below land surface.

(b) All other irrigation wells shall meet the grouting requirements of Regulation .19 of this chapter.

(2) Monitoring Wells.

(a) The well driller shall submit to the Approving Authority the construction specifications that are proposed for a monitoring well as an attachment to the permit application.

(b) The Approving Authority may approve, as a special condition of a permit, special construction standards for wells installed for the purpose of monitoring ground water.

(c) If the Approving Authority does not approve special construction standards, then well construction shall comply with the provisions of this chapter.

(d) For an at-grade or below-grade well terminal, the well terminal shall be enclosed in a watertight well vault.

(3) Injection Wells.

(a) The well driller for an injection well shall submit to the Approving Authority the construction specifications that are proposed as an attachment to the permit application.

(b) The Approving Authority may not issue a permit to construct an injection well unless a State Discharge Permit has been issued by the Department.

(4) Geothermal Wells — Closed Loop.

(a) The pipe material, jointing, pressure testing and anti-freeze solutions for a closed loop geothermal well shall conform to the standards of COMAR 09.15.05.

(b) The borehole of a closed-loop geothermal well shall be grouted from the bottom of the borehole to the ground surface.

(c) The upper terminal of a closed-loop geothermal well may terminate below grade if:

(i) The well location is marked by a metal plate so that the location can be found by a metal detector; or

(ii) The manifold and horizontal lines are marked with detection tape.

(d) When the closed-loop geothermal well is terminated below grade, the well tag shall be supplied to the owner.

B. The following specific construction standards for specific wells, based on construction method, are as follows:

(1) Driven Wells.

(a) Driven wells may not be used for a potable water supply.

(b) In a driven well an oversize hole for grout, at least 4 inches greater in diameter than the casing, shall be constructed to a depth of at least 10 feet, and the annular space between this hole and the casing shall be grouted to land surface.

(c) The upper terminal of a driven well and pitless adapter or pitless unit installation shall be in accordance with this chapter.

(2) Bored, Augered, and Dug Wells Cased with Concrete Pipe.

(a) Bored, augered, and dug wells shall have a borehole with a minimum diameter of 6 inches larger than the outside diameter of the casing.

(b) The annular space shall be filled with grout to a depth of at least 20 feet below land surface, unless otherwise approved by the Approving Authority.

(c) The annular space below the grout shall be filled with a sand or gravel pack.

(d) Joints in the concrete casing shall be sealed with an impervious seal, such as cement and o-rings, to a depth of at least 20 feet.

(e) The casing shall extend to a depth of at least 2 feet below the lowest seasonal water table.

(f) The minimum depth of the casing shall be 20 feet.

(g) The well shall be protected with either:

(i) A precast, overlapping, steel-reinforced concrete cover; or

(ii) A metal cover at least 3/16 of an inch thick and fitted with a watertight gasket.

(3) Jetted and Jetted-Driven Wells.

(a) Jetted and jetted-driven wells shall be grouted to a minimum depth of 20 feet. This will necessitate construction of an oversize hole for grout to this depth.

(b) Jetted and jetted-driven wells may not be used for public water supplies.

(4) Horizontal Wells. The well driller shall submit plans with the Application for a Permit to Drill that provide details on how the horizontal well is to be constructed and identify the materials to be used.

.24 Disinfection of Wells and Water Supply Systems.

A. Upon completion of well construction activities, the permittee shall disinfect a water supply well in accordance with this regulation.

B. Whenever any work is done on the well after disinfection of the well by the well driller, the person doing the work shall be responsible for disinfection of the well and water supply system in accordance with this regulation.

C. Material. Tablets or dry granular material may not be used as the only chlorination material. The materials, which may be used for disinfection, are:

(1) Calcium hypochlorite; or

(2) Sodium hypochlorite.

D. Standard Disinfection Procedure.

(1) The chlorine shall be placed in the well in quantities that will produce a concentration of at least 100 mg/l chlorine. The amount required to obtain this concentration will depend on the casing diameter and the amount of water in the casing.

(2) The well shall be chlorinated using all of the following sequential steps:

(a) Chlorine tablets or granular chlorine shall be dropped in the top of the well and allowed to settle to the bottom, or a prepared 10 gallon chlorine solution, with a chlorine concentration of at least 100 mg/l, shall be placed in the bottom of the well by pumping or gravity through a tremie pipe, drill rod, hose, or other approved method.

(b) A chlorine solution of at least 10 gallons and producing a concentration of at least 100 mg/l in the well shall be introduced (poured) into the top of the well. All surfaces above the static level shall be washed with this solution.

(c) After the solution has been placed in the well, the water shall be agitated to thoroughly disperse the solution. Agitation may be accomplished by turning the pump on and off, or if no pump is available, by using a bailer, a swab, a plunger, air, or other approved method.

(d) If the well has been connected to the pressure tank and distribution system, a small amount of the chlorinated water shall then be pumped through the system to thoroughly disinfect the system.

(e) The well shall be allowed to stand without further agitation for at least 12 hours.

(f) If a residual of at least 5 mg/l chlorine remains in the water after 12 hours, the well shall then be pumped to waste until the odor and taste of chlorine is no longer detectable. If less than 5 mg/l free residual chlorine is found in the water after 12 hours, the disinfection procedure shall be repeated.

(3) Chlorinated water and water pumped during the flushing of the well during the disinfection procedure may not be discharged:

(a) To an on-site sewage disposal system; or

(b) Directly to surface waters of the State.

E. Disinfection Procedure for Wells That Do Not Respond to the Standard Procedure.

(1) If, after testing, the well cannot meet the bacteriological standard of this chapter, it shall be chlorinated as in §D of this regulation.

(2) A volume of water chlorinated to a concentration of 100 mg/l and at least two times the volume of chlorinated, standing water in the well, but not less than 50 gallons, shall be introduced into the well in order to completely displace the volume of chlorinated, standing water and force it out into the water bearing formation.

F. If bacteriological contamination persists after repeated disinfection, the Approving Authority may require the well to be abandoned and sealed in accordance with this chapter.

.25 Maintenance and Repair.

A. All material used in the maintenance, replacement, or repair of any well shall meet the requirements for new installation.

B. Broken, punctured, or otherwise defective or unserviceable casing, screens, fixtures, seals, or any part of the wellhead shall be repaired and replaced, or the well shall be properly abandoned and sealed.

C. Any work performed on a water supply well with a wellhead terminating below grade shall also include:

(1) Extension of the wellhead above grade;

(2) Installation of a pitless adapter or pitless unit; and

(3) Installation of a well cap meeting the standards of this chapter.

D. Any work performed on a water supply well with a well cap not meeting the standards of this chapter, shall also include the installation of a well cap meeting the standards of this chapter.

E. Extension of the well casing for an above-grade terminal shall be completed in the following manner:

(1) Install a pitless unit;

(2) If plastic casing is existing, then solvent weld additional plastic casing;

(3) If metal casing is existing, then thread or weld additional metal casing; or

(4) Install a pipe coupling that is approved by the Approving Authority.

.26 Minimum Yield and Yield Testing for Domestic Water Supply Wells.

A. A domestic well or double well combination shall produce a minimum yield of 1 gallon per minute for 6 hours.

B. Replacement wells servicing an existing dwelling are exempt from the minimum yield requirement of 1 gallon per minute.

C. The Approving Authority may require a mandatory yield test in any hydrogeologic area of the State for any well, if it is determined that a yield test is necessary to assure an adequate water supply.

D. The County Water and Sewer Plan shall delineate those areas where a mandatory yield test is required for water supply wells in Hydrogeologic Areas 1, 2, 4, and 5.

E. Each domestic well in Hydrogeologic Area 3 shall be tested for yield in accordance with §G of this regulation unless the requirement has been waived pursuant to §F of this regulation.

F. The County Water and Sewer Plan shall delineate those areas in Hydrogeologic Area 3 where the mandatory yield test is waived.

G. Yield Test Procedures.

(1) Except as provided in §F of this regulation, all domestic wells drilled in Hydrogeologic Area 3 shall be yield tested as provided below:

(a) On the yield test report form, the permittee shall note pertinent data related to the yield test, including but not limited to:

(i) Static water level;

(ii) Measured depth of well;

(iii) Whether the well has been hydrofractured;

(iv) Estimated well yield prior to hydrofracturing;

(v) Depth of test pump in well;

(vi) Name of the person performing the test;

(vii) License number of person performing test; and

(viii) Well construction permit number;

(b) The pump and related equipment shall be placed in the well;

(c) Pumping shall begin at a rate of withdrawal greater than 8 gallons per minute until the water level drops to a point close to the pump;

(d) If the water level drops to near the pump, the pumping rate shall be adjusted so that the water level remains constant;

(e) Measure and record the flow rate of water discharged and water level at 15 minute intervals throughout the test; and

(f) Discharge water at least 50 feet from the well and any on-site sewage disposal system.

(2) A single interruption of pumping of up to 15 minutes due to equipment failure or other unusual circumstances is permitted, but the amount of down time shall be made up by additional pumping at the end of the test.

(3) The pump test may be terminated early and the well yield shall be considered adequate if a well:

(a) Cannot be pumped out after 3 hours pumping as provided in §G(1)(c) of this regulation; or

(b) Yields an average of 4 gallons per minute or greater for 3 hours continuous pumping, after the well has been pumped out as provided in §G(1)(c) of this regulation.

H. The Approving Authority may permit two wells to be connected to meet the minimum yield requirement if:

(1) A written request is submitted to the Approving Authority for each installation;

(2) The wells to be connected are tested in accordance with the yield test procedures of this chapter;

(3) Each well demonstrates a yield of at least 0.5 gallons per minute during the yield test; and

(4) Both wells are tested for yield at the same time.

I. The yield test data shall be submitted to the Approving Authority for review.

J. Domestic Water Supply System Standard.

(1) The water supply system shall produce not less than 500 gallons of water in a 2-hour period, at least once each day.

(2) If the sustained yield of the well is not capable of meeting the total water supply standard, sufficient storage shall be provided.

(3) If well storage is selected, the amount of storage required is calculated by subtracting the well's yield over a 2-hour period from 500 gallons.

.27 Yield Test for Nondomestic Wells.

The Department may require a yield test for a nondomestic well as part of the data collection requirements associated with an application for a Water Appropriation and Use Permit.

.28 Hydrofracture of Wells.

A. The Approving Authority shall be notified at least 2 business days in advance of commencing hydrofracturing work on any well.

B. Hydrofracturing may not be conducted on any well not constructed according to the requirements of this chapter without written approval from the Approving Authority.

C. Hydrofracturing may be conducted only on wells in Hydrogeologic Areas 3 and 4.

D. Hydrofracturing may be performed only by qualified professionals who possess a Maryland well driller's license or who are working as a subcontractor and under the direct supervision of a licensed Maryland well driller.

E. The well driller is responsible for conducting a survey of water supply wells and unsuccessful wells or dry holes in the immediate vicinity of the water supply well to be hydrofractured before pressurizing the well.

F. Hydrofracturing a well within 100 feet of another water supply well requires written approval of the Approving Authority.

G. The well to be hydrofractured shall be at least 50 feet from any other potable water supply well.

H. Unsuccessful wells or dry holes shall be sealed with grout per the requirements of this chapter at least 72 hours prior to conducting hydrofracturing.

I. Packers shall be set at the deeper of the following:

(1) At least 60 feet below ground grade; or

(2) At least 20 feet below the bottom of the casing.

J. Hydrofracturing a water supply well within 500 feet of a landfill or area of known ground water contamination requires the Approving Authority's written approval.

K. The well to be hydrofractured shall be at least 100 feet from any potential source of contamination.

L. Water used for hydrofracturing shall:

(1) Meet the requirements of Regulation .16B(3)(a) and (b) of this chapter; or

(2) Be from a source approved by the Approving Authority.

M. The use of approved water shall be pursuant to the requirements of Regulation .16B of this chapter.

N. Maximum downhole pressures may not exceed 3,000 pounds per square inch.

O. New well construction may require deepening to meet the minimum system yield requirements of Regulation .26J

of this chapter if there is a drop in static water level as a result of hydrofracturing.

P. After hydrofracture, the well shall be tested for yield in accordance with the procedures outlined in Regulation .26G of this chapter.

Q. The static water level in the well shall be allowed to stabilize to the prehydrofractured condition prior to conducting the yield test.

R. Hydrofracture of Well Report.

(1) The well driller shall file a Hydrofracture of Well Report to the Approving Authority within 45 days after hydrofracturing the well.

(2) Yield test data shall be submitted with the hydrofracture report for both new wells and existing wells.

.29 Well Completion Reports.

A. The permittee is responsible for submitting, on a form provided by the Approving Authority, a well completion report.

B. Submission.

(1) The well completion report shall be submitted not later than 45 days after construction or deepening of the well has been completed or after construction activity on an unsuccessful well, or dry hole, has been terminated.

(2) Well construction activity shall be considered complete when the permittee:

(a) Does not install the pump and the well construction activities are terminated; or

(b) Installs the pump before expiration of the permit and the well is ready for use.

C. Information Required.

(1) The permittee shall provide all information required by the well completion report form.

(2) For a well cluster, a drawing of the well locations shall be submitted with the well completion report.

(3) If geophysical logs were generated, then the driller shall submit two copies of the log.

.30 Approval of Well for Use as Potable Water Supply.

A. When Certificate of Potability Required.

(1) A person may not put into service a well or water supply system that may be used for human consumption unless the Approving Authority has first issued a Certificate of Potability for the well.

(2) This section does not apply to any well that is not used as a potable water supply.

(3) If a well is later converted from a nonpotable water supply well to a potable water supply well, the well shall:

(a) Meet the requirements of §B of this regulation; and

(b) Be approved by the Approving Authority.

(4) Before a standby well can be used as a potable water source, a Certificate of Potability shall be issued for the well.

B. Certificate of Potability. The Approving Authority may issue a Certificate of Potability if a well meets the following criteria:

(1) The well has been constructed in accordance with this chapter;

(2) The well has been constructed in accordance with any permit special condition;

(3) The well meets the yield requirements of this chapter;

(4) The well completion report has been submitted;

(5) The well identification tag is affixed to the well; and

(6) *The well meets the requirements, as applicable, for a public water supply system under §C of this regulation or a nonpublic potable water supply system under §D of this regulation.*

C. *A well for a public water supply system shall:*

- (1) *Be approved by the Approving Authority; and*
- (2) *Meet the requirements of COMAR 26.04.01.*

D. *A well for a nonpublic potable water supply system, upon sampling and testing by the Approving Authority, shall meet the following limits:*

(1) *Bacteriological, which means that:*

(a) *The well water has tested negative for the presence of coliform bacteria for two consecutive samples collected at least 7 days apart; and*

(b) *The water samples were analyzed following procedures approved for use in accordance with COMAR 26.08.05; and*

(2) *Chemical and physical, which means that.*

(a) *A well water sample meets the maximum contaminant limits of COMAR 26.04.01 for Nitrate-nitrogen; and*

(b) *A well water sample meets the turbidity standards as specified under Regulation .16E of this chapter.*

E. *Additional analyses of the water may be required by the Approving Authority if it has reason to believe that constituents may be present in amounts that may be adverse to human health.*

F. *Potable water contaminant standards for nonpublic potable water supply systems shall be the maximum contaminant levels for potable water adopted by the US EPA and listed in 40 CFR §141 Subpart G (2008).*

G. *Issuance of Interim Certificate of Potability.*

(1) *The Approving Authority may issue an Interim Certificate of Potability if the well meets the following:*

(a) *The most recent bacteriological sample from the well has tested negative for the presence of coliform bacteria; and*

(b) *The water sample from the well meets the chemical and physical water quality standards of §D(1) and (2) of this regulation.*

(2) *A water system may be put into service with an Interim Certificate of Potability.*

(3) *The subsequent water sample shall be collected within 6 months of the date of the first water sample and if this water sample is negative for coliform bacteria, a Certificate of Potability may be issued for the water system.*

(4) *The Approving Authority may impose special conditions on an Interim Certificate of Potability.*

H. *Wells Failing to Meet Requirements for Certificate of Potability.*

(1) *The Approving Authority may grant additional time for a well failing Certificate of Potability requirements to be brought into compliance with this chapter.*

(2) *Except for those wells granted a permanent deviation in accordance with §J of this regulation, wells that cannot be brought into compliance with this chapter shall be abandoned and sealed.*

(3) *If, in the opinion of the Approving Authority, the results of the analysis required in this regulation indicate that constituents are present in amounts that may be adverse to human health or safety, a Certificate of Potability may not be issued.*

I. *Special Conditions. The Approving Authority may impose special conditions on a Certificate of Potability.*

J. *Granting of Permanent Deviation.*

(1) *The Approving Authority, as a special condition, may grant a permanent deviation to the Certificate of Potability to install a:*

- (a) *Water disinfection device;*
- (b) *Nitrate removal device;*
- (c) *Naturally occurring radionuclide removal device;*

or

(d) *Water treatment device for any naturally occurring inorganic contaminant that exceeds the standards set in §D of this regulation.*

(2) *All water treatment devices approved as a special condition in a Certificate of Potability shall be approved only under the following conditions:*

(a) *The well has been carefully evaluated to determine that there are no physical defects and the well was constructed in accordance with this chapter; and*

(b) *A public water supply is not available.*

(3) *A water treatment device approved as a special condition in a Certificate of Potability for water disinfection shall be approved only if:*

(a) *The well has not responded to the disinfection procedures described in Regulation .24 of this chapter; and*

(b) *In Hydrogeologic Areas 1, 2, 3, and 4, fecal coliform contamination is not present.*

(4) *In Hydrogeologic Area 5, the Approving Authority may grant a permanent deviation for fecal coliform provided the following treatment is provided:*

(a) *1 micron absolute filtration;*

(b) *Chlorination; and*

(c) *Ultraviolet radiation.*

(5) *In Hydrogeologic Area 5, if a permanent deviation is granted for fecal coliform treatment, an attachment to the property deed shall be made that reflects the need for fecal coliform bacteria treatment, prior to the issuance of the Certificate of Potability.*

(6) *A water treatment device approved as a special condition in a Certificate of Potability for nitrate removal shall be approved only if a nitrate-free water source is not economically available to the property.*

(7) *A water treatment device approved as a special condition in a Certificate of Potability for naturally occurring radionuclide removal shall be approved only if a radionuclide free aquifer less than 600 feet beneath the surface of the ground is not available to the property.*

(8) *Any water treatment device approved as a special condition in a Certificate of Potability shall be capable of removing the targeted contaminant to levels below the standards set in §D of this regulation.*

(9) *The Approving Authority may require submittal of a continuing service contract for the water treatment device prior to granting the permanent deviation.*

.31 Tests by a Maryland Certified Water Laboratory.

A. *At the option of the Approving Authority, the results of water quality tests performed by a Maryland certified water laboratory may be substituted for results obtained by the Approving Authority from a State-operated laboratory.*

B. *The Maryland certified water laboratory shall certify that the sample was obtained and transported in accordance with COMAR 26.08.05.*

.32 Release of Information on Test Results.

A. *The Approving Authority shall maintain files of test results and shall release copies of these results, upon request, to the person who requested the tests and to persons for whose benefit the tests were performed.*

B. Copies of the Certificate of Potability shall be released to all subsequent owners of the property or their agents upon request.

C. The Approving Authority shall provide, with each well sample result, the address and telephone number of the office where an interpretation of the test results may be obtained.

D. When the Approving Authority believes the sample, due to the collection and analysis date, is no longer representative of the condition of the well, the Approving Authority shall include this information along with the sample results.

.33 Well Owners' Responsibilities.

A. Every well shall be maintained in a condition to conserve and protect the ground water resource.

B. After the well is completed, the well owner is responsible for maintaining the upper terminal of the well as specified in this chapter.

C. The owner of a flowing artesian well shall maintain the upper terminal of the well to prevent the wasting of water as provided in this chapter.

D. After the well is completed, the well owner shall maintain the access port in a manner that prevents the entrance of water, dust, insects, or other foreign material and permits ready access for water level measurements.

E. After the well is completed, the well owner is responsible for maintaining the identification tag attached to the well.

F. Whenever work is done on the well, the work shall include the extension of the casing above grade, installation of a pitless adapter or pitless unit, and installation of a watertight cap, vented, if needed.

G. The well owner shall disclose all special conditions written into an Interim Certificate of Potability or Certificate of Potability to any purchaser of the property served by a well before entering into a contract of sale or lease.

.34 Well Abandonment and Sealing Standards — General.

A. Any well shall be considered abandoned when:

(1) The well is in such a state of disrepair that continued use for its intended purpose is impracticable;

(2) The well has been permanently disconnected from any water supply system or irrigation system; or

(3) The well is unsuccessful, that is, it does not meet the requirements of this chapter.

B. An abandoned well shall be filled and sealed in accordance with this regulation.

C. The Approving Authority may require a well owner to abandon and seal a well if it:

(1) Is causing or is a potential source of pollution of waters of the State;

(2) Is producing water that is polluted;

(3) Does not have an Interim Certificate of Potability, if required; or

(4) Is no longer needed for its intended purpose.

D. Well abandonment and sealing shall restore as nearly as possible those subsurface conditions that existed before the well was constructed, taking into account changes, if any, that have occurred since the time of construction.

E. An abandoned well shall be sealed in such a way that:

(1) If it is a cased well:

(a) The annular space is sealed so that it will not act as a channel for the interchange of waters; and

(b) The interior of the well casing is sealed so that it will not act as a channel for the interchange of waters;

(2) If it is an uncased well bore, it will not act as a channel for the interchange of waters; and

(3) It will not present a hazard to the safety and well-being of humans or animals.

F. Any abandoned well shall be sealed only:

(1) By a well driller licensed by the Maryland State Board of Well Drillers; or

(2) Under the supervision of a representative of the Approving Authority.

G. Abandonment and Sealing Notification. For wells designed to be used at a rate of more than 10,000 gallons per day, a licensed well driller shall:

(1) Provide written notification to the Approving Authority that identifies the well to be sealed and an outline of the work to be done;

(2) Identify whether the well casing is to be perforated or ripped; and

(3) Provide 24-hour notification to the Approving Authority before the commencement of sealing operations.

H. Abandonment and Sealing Approval.

(1) When the Approving Authority has reason to believe that abandonment of a well necessitates close supervision, it may require:

(a) The submission of sealing plans and specifications for approval before abandonment operations are initiated; and

(b) 24 hours notice before the commencement of sealing operations.

(2) The Approving Authority may approve of a well sealing procedure not identified in Regulation .36 of this chapter, provided that the sealing procedure complies with §D of this regulation.

I. Reports on the Abandonment and Sealing of Wells.

(1) When a well is abandoned and sealed, the person sealing it shall submit a completed Water Well Abandonment Sealing Report on the form provided by the Approving Authority.

(2) This report shall be submitted not later than 30 days after abandonment and sealing of the well or test hole.

.35 Well Sealing Materials.

A. The following sealing materials are acceptable to seal a well:

(1) Concrete when mixed at five 94-pound sacks of Portland cement per yard of concrete;

(2) Neat Portland cement grout when mixed in accordance with Regulation .19 of this chapter;

(3) A mixture of five 94-pound sacks of Portland cement and 1 cubic yard sand;

(4) Bentonite, if used:

(a) As a slurry mixed at 2 pounds per gallon water; or

(b) In chip or pellet form; and

(5) Combinations of these materials.

B. Drilling fluid may not be used to seal a well.

C. Fill Materials.

(1) Clay, silt, sand, gravel, crushed stone, mixtures of these materials, and sealing materials may be used as a filler in sealing a well.

(2) In the sealing of an unsuccessful well in Hydrogeologic Areas 3, 4, and 5, the drill cuttings may be used as fill material.

(3) Material containing organic matter may not be used.

(4) The Approving Authority may require that fill material be disinfected.

.36 Well Sealing Procedures.**A. Preliminary Work Before Sealing a Well.**

- (1) *The well shall be investigated to determine:*
 - (a) *Its present condition;*
 - (b) *The details of its construction; and*
 - (c) *Whether there are any obstructions that will interfere with the process of filling and sealing.*
- (2) *If there are any obstructions, they shall be removed, if possible, by cleaning the hole or redrilling.*
- (3) *Liners shall be removed prior to sealing or an alternate sealing plan must be approved by the Approving Authority.*

B. Filling and Sealing Wells.

- (1) *In all hydrogeologic areas of the State, the annular space of cased wells shall be sealed.*
- (2) *Wells in an unconfined aquifer in Hydrogeologic Areas 1 and 2 shall be sealed by either of the following procedures:*
 - (a) *If the well casing is not removed, fill the well with sealing material; or*
 - (b) *If the well casing is removed, fill the entire length of the borehole with sealing material.*
- (3) *Wells in a confined aquifer in Hydrogeologic Area 2 shall be filled and sealed by either of the following procedures:*
 - (a) *If the casing has been removed, the well shall be filled the entire depth with sealing material; or*
 - (b) *If the casing has not been removed:*
 - (i) *Consideration shall be given to perforating or ripping the casing opposite the confining layers; and*
 - (ii) *The well shall be filled with sealing material.*
- (4) *Wells 2-inch diameter and less shall be sealed only with neat Portland cement.*
- (5) *Wells in Hydrogeologic Areas 3, 4, and 5 Filling and Sealing Procedures.*

(a) *Sealing material shall extend from the bottom of the well to the ground surface, except for filling materials used in unsuccessful wells under Regulation .35C(2) of this chapter.*

(b) *If rapid loss of sealing material into the rock occurs during emplacement, coarse fill material may be used to fill voids.*

C. Placement of Material. *The following standards shall be met in placing filling or sealing materials:*

- (1) *The well shall be sealed with the appropriate material emplaced from the bottom of the well upward;*
- (2) *When neat Portland cement, concrete, or bentonite slurry is used, it shall be placed in one continuous operation utilizing a pipe extended to the bottom of the interval to be sealed;*
- (3) *Bentonite chips or pellets:*
 - (a) *Shall be used in such a way as to prevent bridging, but if bridging occurs, the well shall be drilled out;*
 - (b) *May not be used for casing diameters smaller than 4 inches; and*
 - (c) *May not be used where water column depths are greater than 20 feet.*

D. Special Procedures for Filling and Sealing Certain Wells.

- (1) *A dug well shall be filled and sealed by the following procedure:*
 - (a) *Placing fill material in the well to a level approximately 5 feet below the land surface;*
 - (b) *Placing a 2-foot thick layer of concrete above the fill; and*

(c) *Filling the remainder of the well to the ground surface.*

(2) *A monitoring well shall be sealed by the following procedure:*

- (a) *For monitoring wells less than 50 feet in depth:*
 - (i) *Ripping or removing the casing; and*
 - (ii) *Filling the well with sealing material; or*
- (b) *For monitoring wells greater than 50 feet in depth follow the procedures specified in §B of this regulation.*

.37 Variances.

Except where Departmental approval is required, the Department of the Environment may grant variances to the provisions of the regulations of this chapter upon the recommendation of the Approving Authority, provided that the public health and the environment are protected.

.38 Enforcement and Appeal.

A. *If the Approving Authority determines that there has been a violation of this chapter or of any permit or permit special condition, the Approving Authority shall:*

- (1) *Serve upon the alleged violator a written complaint specifying the nature and extent of the violation, items to be corrected, and time limits for correction; and*
- (2) *Notify the well owner of the violation.*

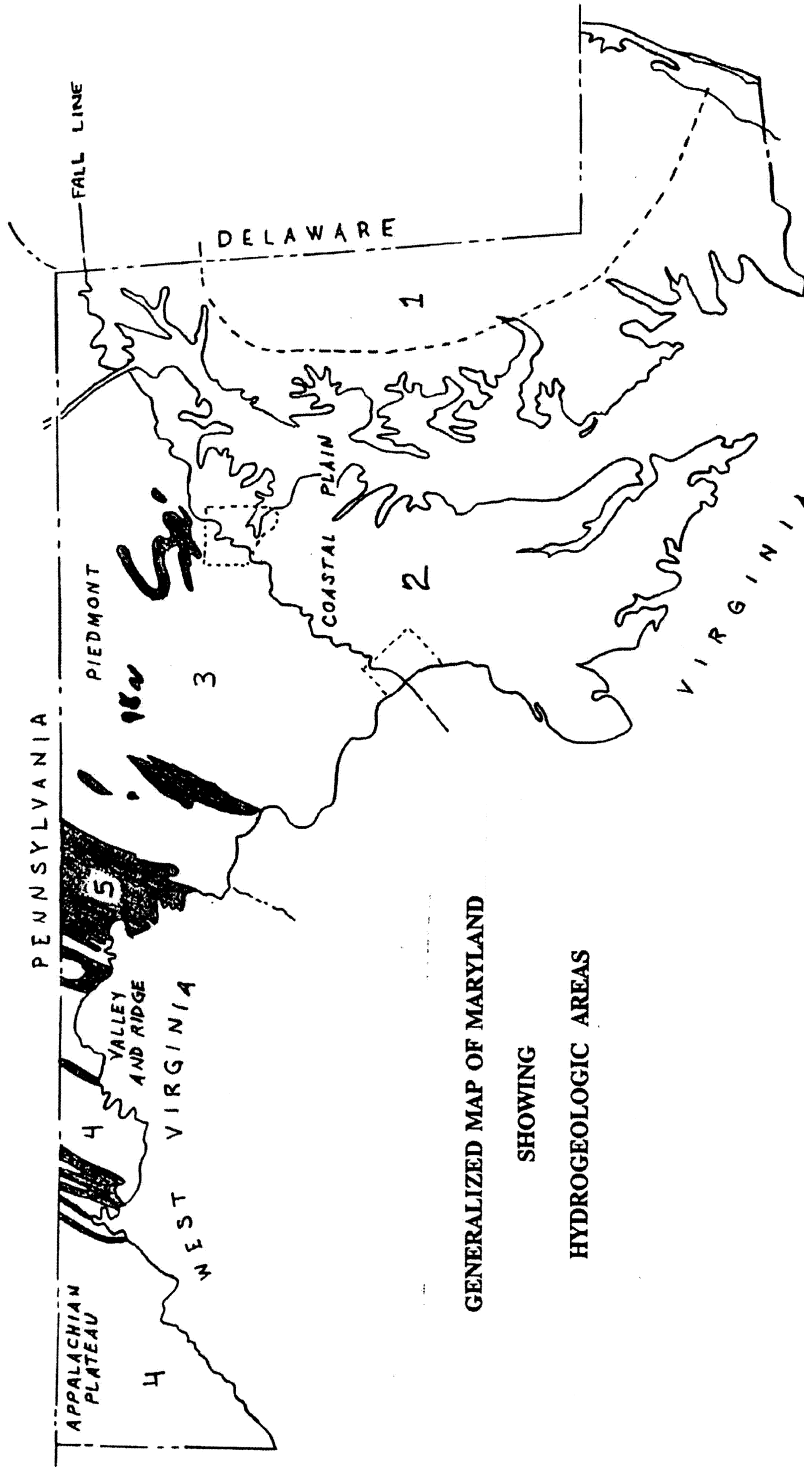
B. *If a person violating a requirement of this chapter cannot correct the violation, the Approving Authority may require abandonment and sealing of the well.*

C. *A person aggrieved by a final decision of the Approving Authority in a contested case has the right to have the decision reviewed in accordance with the provisions of the Administrative Procedure Act and other applicable statutes and regulations. All appeals shall be filed with the Director, Water Management Administration, within 30 days after notification of the final decision by the Approving Authority.*

D. *A person who violates any provision of this chapter is guilty of a misdemeanor and upon conviction is subject to the provisions under Environment Article, §9-1311, Annotated Code of Maryland.*

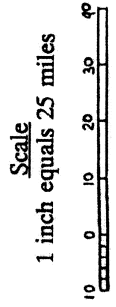
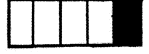
E. *A person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter is guilty of a misdemeanor and upon conviction is subject to the provisions under Environment Article, §9-1311, Annotated Code of Maryland.*

.39 Map of Maryland Showing Hydrogeologic Areas.



HYDROGEOLOGIC AREAS

- Area 1 - Unconfined Quaternary Aquifer of Coastal Plain
- Area 2 - Confined Aquifers of Coastal Plain
- Area 3 - Crystalline Rock Aquifers of Piedmont
- Area 4 - Sedimentary Rock Aquifers of Appalachian Region
- Area 5 - Carbonate Rock Aquifers



**GENERALIZED MAP OF MARYLAND
SHOWING
HYDROGEOLOGIC AREAS**

SHARI T. WILSON
Secretary of the Environment

**Subtitle 14 HAZARDOUS SUBSTANCES
RESPONSE PLAN**

26.14.02 Investigating, Evaluating, and Responding to Hazardous Substance Releases

Authority: Environment Article, §7-222,
Annotated Code of Maryland

Notice of Proposed Action

[09-350-P]

The Secretary of the Environment proposes to repeal existing Regulation .02 and adopt new Regulations .02 — .02-3 under **COMAR 26.14.02 Investigating, Evaluating, and Responding to Hazardous Substance Releases**.

Statement of Purpose

The purpose of this action is to require that a responsible person who is in possession of a sample result or other environmental assessment that indicates the presence of a release of a hazardous substance into the environment at or above a threshold established by the Department by regulation to report the finding immediately to the Department.

The major provisions of this action establish threshold reporting standards that require any responsible person to report to the Department the presence of a hazardous substance in the environment that is unrelated to any known release or discharge, but nonetheless discovered, also called “historical” contamination. The purpose of the action is to identify the locations of potential hazardous substance sites in the State and ensure that appropriate safeguards are in place and adequate cleanup is conducted to protect public health and the environment when historical contamination is discovered.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Although the proposal will have some economic impact, it is not expected to be significant. The proposal requires that responsible persons comply with the release reporting requirements. In those instances where a release or threat of a release of a hazardous substance into the environment has been determined to occur, the responsible person will incur an unknown fiscal burden to investigate and potentially remediate a release of a hazardous substance. The extent of this fiscal burden would be dependent upon the nature and extent of contamination.

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

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

A(1). The action will increase the workload of the Controlled Hazardous Substance (CHS) Enforcement Division for evaluating new cases reported under the mandatory notification of hazardous substance releases or threat of releases to determine whether further action is required and to oversee cleanup activities.

A(2). The action will increase the workload of the CHS Enforcement Division for evaluating new cases reported under the mandatory notification of hazardous substance releases or threat of releases to determine whether further action is required and to oversee cleanup activities.

B. and C. If a State agency (other than the issuing agency) or local government is responsible for a release, the State agency or local government could incur costs to investigate and potentially remediate the contamination. The range of costs associated with such activities depends on the nature and extent of contamination. Although this liability exists under current law, the impact of requiring an immediate notification to MDE could result in affected entities incurring costs sooner or mitigating future costs by earlier notification and remediation. Under current law, the definition of “responsible person” does not include a State or local government except in the case of gross negligence or willful misconduct. Accordingly, the action is not anticipated to have a significant impact on local operations or finances.

D. If regulated industries are responsible for a release, the regulated industries could incur costs to investigate and potentially remediate the contamination. The range of costs associated with such activities depends on the nature and extent of contamination. Although this liability exists under current law, the impact of requiring an immediate notification to MDE could result in affected entities incurring costs sooner or mitigating future costs by earlier notification and remediation. It is important to note, however, that under current law, the definition of “responsible person” provides specific exceptions to the definition of “responsible person”. This action is not anticipated to have a significant impact on regulated industries local operations or finances.

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 Gail Castleman, Regulations Coordinator, Department of Environment, 1800 Washington Blvd., Baltimore, MD 21230-1719, or call 410-537-3310, or email to gcastleman@mde.state.md.us, or fax to 410-537-3156. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

.02 Definitions.

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

B. *Terms Defined.*

(1) *“Department” means the Department of the Environment.*

(2) *“Hazardous substance” has the meaning stated in Environment Article, §7-201, Annotated Code of Maryland.*

(3) *“Release” has the meaning stated in Environment Article, §7-201, Annotated Code of Maryland.*

(4) *“Responsible person” has the meaning stated in Environment Article, §7-201, Annotated Code of Maryland.*

.02-1 Site Discovery and Reporting.

A. The Department may use any of the following methods to discover that a site has had a release of a hazardous substance or has the potential for a release of a hazardous substance:

(1) Reference to a report made by a site owner, a person working at a site, or a user of a site;

(2) Reference to a report, a complaint, or other information submitted by a citizen or by a State, county, or other governmental agency of:

(a) An observed or suspected release or discharge of a hazardous substance; or

(b) Health-related effects known or suspected to be associated with a site; or

(3) An investigation or inspection by the Department of the site.

B. Required Reporting.

(1) Except for releases identified in §C of this regulation, a responsible person shall report the release of a hazardous substance at the responsible person's property in accordance with the reporting procedure described in Regulation .02-2 of this chapter if:

(a) A contaminant in excess of a level identified in Regulation .02-3 of this chapter is identified in:

(i) Surface or subsurface soils;

(ii) A public or private water supply well;

(iii) Site groundwater; or

(iv) Surface water, a seep, or sediment;

(b) Any of the following is detected:

(i) A layer of free-product of a hazardous substance in groundwater, either as a light nonaqueous phase or a dense nonaqueous phase;

(ii) An amount of hazardous substance in the environment in excess of a reportable quantity under 40 CFR §302.4;

(iii) Waste material that was disposed without a permit and that would be classified as a hazardous waste under federal or State law if removed; or

(iv) An abandoned container, tank, or engineered structure that contains more than trace residuals of a hazardous substance; or

(c) The site is one where:

(i) Unpermitted disposal of industrial waste occurred; or

(ii) Hazardous substances have been released to the environment in excess of a reportable quantity under 40 CFR §302.4.

(2) A person required to report the release of a hazardous substance under §B(1) of this regulation shall report the release by the following deadlines:

(a) Within 48 hours after discovery by the responsible person that the criteria requiring reporting have been met for a release discovered on or after October 1, 2009; or

(b) October 1, 2009, if the responsible person possesses a sample result or other environmental activity in excess of a level identified in Regulation .02-3 of this chapter before October 1, 2009.

C. Exemptions.

(1) The following releases are exempt from the reporting requirement of §B of this regulation:

(a) Application of pesticides and fertilizers used for their intended purposes and applied in accordance with label instructions;

(b) Lawful and non-negligent use of a hazardous substance by an individual for personal or domestic purposes;

(c) A release previously reported to the Department in fulfillment of reporting requirements in this title or in another law or regulation;

(d) A release previously reported to the United States Environmental Protection Agency (EPA) in accordance with requirements of Section 103(c) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9603(c);

(e) A release of oil that is subject to regulation under COMAR 26.10;

(f) A release that is being addressed under State or federal response authorities in compliance with instructions given by the Department, the EPA, or the on-scene coordinator or remedial project manager acting on behalf of the Department or EPA;

(g) A release in a public water system regulated by the Department of the Environment; and

(h) A release into a publicly owned treatment works.

(2) The Department may exempt a responsible person from the reporting requirement of §B(1)(a) of this regulation for a metallic constituent if the Department determines that the observed concentration of the constituent is a naturally occurring background concentration in the environment at the site.

(3) The granting of an exemption from the release reporting requirement by §C(1) or (2) of this regulation does not imply a release from liability under this chapter.

D. Voluntary Reporting. A person who is not a responsible person and who has information of a release of a hazardous substance at a property may voluntarily report the release following the procedures of Regulation .02-2 of this chapter.

E. Other Reporting Obligations. This regulation does not absolve a person of any reporting obligations that may exist in a permit or that may be required under other statutory or regulatory requirements.

.02-2 Release Reporting Procedures.

A. A person required to report the release of a hazardous substance by Regulation .02-1B of this chapter shall:

(1) Provide the Department with the information listed in §B of this regulation;

(2) Report the information listed in §B of this regulation on a form made available by the Department for that purpose, amending the form as necessary by appending to the form any required information that cannot be accommodated on the form; and

(3) Submit the report to the Department by the deadline specified in Regulation .02-1B(2) of this chapter.

B. In reporting a release of a hazardous substance under Regulation .02-1B of this chapter, a person shall provide:

(1) Property information for the site where the release occurred, including:

(a) Address;

(b) Latitude and longitude;

(c) A United States Geological Survey (USGS) topographic map or other map of equivalent detail acceptable to the Department, with the location of the site marked on the map;

(d) Property tax account identification number;

(e) Mailing address and telephone number of the property owner, site operator, or a representative of the responsible person; and

(f) Zoning designation and the local zoning authority;

(2) A list of hazardous substances released that triggered the reporting requirement;

(3) A summary of historic and current operational activities at the property;

(4) Information on the proximity of human receptors to the release;

(5) The following information on the impact of the release:

(a) The location and addresses of any known properties or areas affected by the release;

(b) Environmental media affected by the release, including surface soil, subsurface soil, sediments, groundwater, surface water, and indoor air; and

(c) The extent to which environmental media have been affected; and

(6) A summary of actions taken to investigate and remediate any contamination resulting from the release.

.02-3 Hazardous Substance Release Reporting Thresholds.

A. This regulation establishes thresholds for contaminants in various environmental media which, if exceeded, require a responsible person to report the release of a hazardous substance in accordance with Regulation .02-1B(1) of this chapter and does not constitute a known risk at a site or substitute for a site-specific risk assessment.

B. Unless otherwise exempted, a responsible person shall report a release of a hazardous substance in accordance with Regulation .02-1B(1)(a) of this chapter if the hazardous substance is:

(1) The residential soil screening level in site soil or sediment if the site is zoned for residential use or is not restricted from being used for residential use;

(2) The industrial soil screening level in site soil or sediment if the site is not available for residential use because of zoning requirements or other land use restrictions; or

(3) The water screening level in site groundwater, surface water, a seep on the site, or a public or private drinking water supply well on the site.

C. Contaminant Screening Levels.

(1) Table 1 in §C(3) of this regulation presents screening levels to be used in conjunction with §B of this regulation in establishing reporting limits for releases of hazardous substances.

(2) Notes for Table 1.

(a) In Table 1, the following abbreviations have the meanings indicated:

(i) "mg/kg" means milligrams per kilogram or parts per million (ppm);

(ii) "µg/kg" means micrograms per kilogram or parts per billion (ppb);

(iii) "µg/L" means micrograms per Liter; and

(iv) "CAS" means Chemical Abstract Services.

(b) The absence of a screening level in the table for a particular contaminant and environmental medium, as indicated by a blank cell, means that the Department has not established a notification standard for that contaminant and potential exposure pathway.

(3) Table 1 — Screening Levels.

Analyte	CAS No.	Residential Soil (mg/kg)	Industrial Soil (mg/kg)	Water (µg/L)
ALAR	1596-84-5	2.70E+01	9.60E+01	3.70E+00
Acephate	30560-19-1	5.60E+02	2.00E+03	7.70E+01
Acetaldehyde	75-07-0	1.10E+02	5.30E+02	2.20E+01
Acetochlor	34256-82-1	1.20E+04	1.20E+05	7.30E+03
Acetone	67-64-1	6.10E+04	6.10E+05	2.20E+04
Acetone Cyanohydrin	75-86-5	2.00E+02	2.10E+03	5.80E+01
Acetonitrile	75-05-8	8.70E+02	3.70E+03	1.30E+02
Acetophenone	98-86-2	7.80E+03	1.00E+05	3.70E+03
Acetylaminofluorene, 2-	53-96-3	1.30E-01	4.50E-01	1.80E-02
Acrolein	107-02-8	1.60E+00	6.80E+00	4.20E-01
Acrylamide	79-06-1	1.10E-01	3.80E-01	1.50E-02
Acrylic Acid	79-10-7	3.00E+05	2.90E+06	1.80E+05
Acrylonitrile	107-13-1	2.40E-01	1.20E+00	4.50E-02
Adiponitrile	111-69-3	8.50E+07	3.60E+08	
Alachlor	15972-60-8	8.70E+00	3.10E+01	1.20E+00
Aldicarb	116-06-3	6.10E+02	6.20E+03	3.70E+02
Aldicarb Sulfone	1646-88-4	6.10E+01	6.20E+02	3.70E+01
Aldrin	309-00-2	2.90E-02	1.00E-01	4.00E-03
Allyl	74223-64-6	1.50E+05	1.50E+06	9.10E+04
Allyl Alcohol	107-18-6	3.10E+02	3.10E+03	1.80E+02
Allyl Chloride	107-05-1	7.00E-01	3.50E+00	6.50E-01
Aluminum	7429-90-5	7.70E+05	9.90E+06	3.70E+05
Aluminum Phosphide	20859-73-8	3.10E+01	4.10E+02	1.50E+01
Amdro	67485-29-4	1.80E+01	1.80E+02	1.10E+01
Ametryn	834-12-8	5.50E+02	5.50E+03	3.30E+02
Aminobiphenyl, 4-	92-67-1	2.30E-02	8.20E-02	3.20E-03
Aminophenol, m-	591-27-5	4.90E+04	4.90E+05	2.90E+04
Aminophenol, p-	123-30-8	1.20E+03	1.20E+04	7.30E+02
Amitraz	33089-61-1	1.50E+02	1.50E+03	9.10E+01
Ammonia	7664-41-7			
Ammonium Perchlorate	7790-98-9	5.50E+01	7.20E+02	2.60E+01
Ammonium Sulfamate	7773-06-0	1.60E+04	2.00E+05	7.30E+03

Analyte	CAS No.	Residential Soil (mg/kg)	Industrial Soil (mg/kg)	Water (ug/L)
Aniline	62-53-3	8.50E+01	3.00E+02	1.20E+01
Antimony (metallic)	7440-36-0	3.10E+02	4.10E+03	1.50E+02
Antimony Pentoxide	1314-60-9	3.90E+01	5.10E+02	1.80E+01
Antimony Potassium Tartrate	11071-15-1	7.00E+01	9.20E+02	3.30E+01
Antimony Tetroxide	1332-81-6	3.10E+01	4.10E+02	1.50E+01
Antimony Trioxide	1309-64-4	2.80E+05	1.20E+06	
Apollo	74115-24-5	7.90E+02	8.00E+03	4.70E+02
Aramite	140-57-8	1.90E+01	6.90E+01	2.70E+00
Arsenic, Inorganic	7440-38-2	3.90E+00	1.60E+01	4.50E-01
Arsine	7784-42-1	7.10E+05	3.00E+06	
Assure	76578-14-8	5.50E+02	5.50E+03	3.30E+02
Asulam	3337-71-1	3.10E+03	3.10E+04	1.80E+03
Atrazine	1912-24-9	2.10E+00	7.50E+00	2.90E-01
Avermectin B1	65195-55-3	2.40E+02	2.50E+03	1.50E+02
Azobenzene	103-33-3	4.90E+00	2.20E+01	1.20E-01
Barium	7440-39-3	1.50E+05	1.90E+06	7.30E+04
Baygon	114-26-1	2.40E+02	2.50E+03	1.50E+02
Bayleton	43121-43-3	1.80E+03	1.80E+04	1.10E+03
Baythroid	68359-37-5	1.50E+03	1.50E+04	9.10E+02
Benefin	1861-40-1	1.80E+04	1.80E+05	1.10E+04
Benomyl	17804-35-2	3.10E+03	3.10E+04	1.80E+03
Bentazon	25057-89-0	1.80E+03	1.80E+04	1.10E+03
Benzaldehyde	100-52-7	7.80E+03	1.00E+05	3.70E+03
Benzene	71-43-2	1.10E+00	5.60E+00	4.10E-01
Benzenethiol	108-98-5	7.80E+00	1.00E+02	3.70E+00
Benzidine	92-87-5	5.00E-04	7.50E-03	9.40E-05
Benzoic Acid	65-85-0	2.40E+06	2.50E+07	1.50E+06
Benzotrichloride	98-07-7	4.90E-02	2.20E-01	5.20E-03
Benzyl Alcohol	100-51-6	3.10E+05	3.10E+06	1.80E+05
Benzyl Chloride	100-44-7	1.10E+00	5.10E+00	7.90E-02
Beryllium and compounds	7440-41-7	1.60E+03	2.00E+04	7.30E+02
Bidrin	141-66-2	6.10E+00	6.20E+01	3.70E+00
Bifenox	42576-02-3	5.50E+02	5.50E+03	3.30E+02
Biphenthrin	82657-04-3	9.20E+02	9.20E+03	5.50E+02
Biphenyl, 1,1'-	92-52-4	3.90E+03	5.10E+04	1.80E+03
Bis(2-chloro-1-methylethyl) ether	108-60-1	3.50E+00	1.70E+01	3.20E-01
Bis(2-chloroethoxy)methane	111-91-1	1.80E+03	1.80E+04	1.10E+03
Bis(2-chloroethyl)ether	111-44-4	1.90E-01	9.00E-01	1.20E-02
Bis(2-ethylhexyl)phthalate	117-81-7	3.50E+02	1.20E+03	4.80E+01
Bis(chloromethyl)ether	542-88-1	2.70E-03	1.30E-02	6.20E-04
Bisphenol A	80-05-7	3.10E+04	3.10E+05	1.80E+04
Boron And Borates Only	7440-42-8	1.60E+04	2.00E+05	7.30E+03
Boron Trifluoride	7637-07-2	9.90E+05	4.20E+06	
Bromate	15541-45-4	9.10E-01	4.10E+00	9.60E-02
Bromobenzene	108-86-1	9.40E+02	4.10E+03	2.00E+02
Bromodichloromethane	75-27-4	2.80E-01	1.40E+00	1.20E-01
Bromoform	75-25-2	6.10E+02	2.20E+03	8.50E+01
Bromomethane	74-83-9	7.90E+01	3.50E+02	8.70E+01
Bromophos	2104-96-3	3.10E+02	3.10E+03	1.80E+02
Bromoxynil	1689-84-5	1.20E+03	1.20E+04	7.30E+02
Bromoxynil Octanoate	1689-99-2	1.20E+03	1.20E+04	7.30E+02
Butadiene, 1,3-	106-99-0	5.40E-02	2.60E-01	1.80E-02
Butanol, N-	71-36-3	6.10E+04	6.20E+05	3.70E+04
Butyl Benzyl Phthlate	85-68-7	2.60E+02	9.10E+02	3.50E+01
Butyl alcohol, sec-	78-92-2	1.60E+06	2.00E+07	7.30E+05
Butylate	2008-41-5	3.10E+03	3.10E+04	1.80E+03
Butylphthalyl Butylglycolate	85-70-1	6.10E+04	6.20E+05	3.70E+04
Cacodylic Acid	75-60-5	1.20E+03	1.20E+04	7.30E+02
Cadmium (Diet)	7440-43-9	7.00E+01	8.00E+02	
Cadmium (Water)	7440-43-9			1.80E+01
Caprolactam	105-60-2	3.10E+04	3.10E+05	1.80E+04
Captafol	2425-06-1	3.20E+00	1.10E+01	4.50E-01

<i>Analyte</i>	<i>CAS No.</i>	<i>Residential Soil (mg/kg)</i>	<i>Industrial Soil (mg/kg)</i>	<i>Water (ug/L)</i>
<i>Captan</i>	133-06-2	2.10E+03	7.50E+03	2.90E+02
<i>Carbaryl</i>	63-25-2	6.10E+04	6.20E+05	3.70E+04
<i>Carbofuran</i>	1563-66-2	3.10E+02	3.10E+03	1.80E+02
<i>Carbon Disulfide</i>	75-15-0	6.70E+02	3.00E+03	1.00E+03
<i>Carbon Tetrachloride</i>	56-23-5	2.50E-01	1.30E+00	2.00E-01
<i>Carbosulfan</i>	55285-14-8	6.10E+03	6.20E+04	3.70E+03
<i>Carboxin</i>	5234-68-4	6.10E+03	6.20E+04	3.70E+03
<i>Chloral Hydrate</i>	302-17-0	6.10E+03	6.20E+04	3.70E+03
<i>Chloramben</i>	133-90-4	9.20E+02	9.20E+03	5.50E+02
<i>Chloranil</i>	118-75-2	1.20E+00	4.30E+00	1.70E-01
<i>Chlordane</i>	12789-03-6	1.60E+01	6.50E+01	1.90E+00
<i>Chlordecone (Kepone)</i>	143-50-0	3.00E-01	1.10E+00	4.20E-02
<i>Chlorfenvinphos</i>	470-90-6	4.30E+02	4.30E+03	2.60E+02
<i>Chlorimuron, Ethyl-</i>	90982-32-4	1.20E+03	1.20E+04	7.30E+02
<i>Chlorine</i>	7782-50-5	7.50E+03	9.10E+04	3.70E+03
<i>Chlorine Dioxide</i>	10049-04-4	2.30E+03	3.00E+04	1.10E+03
<i>Chlorite (Sodium Salt)</i>	7758-19-2	2.30E+03	3.10E+04	1.10E+03
<i>Chloro-1,1-difluoroethane, 1-</i>	75-68-3	5.90E+04	2.50E+05	1.00E+05
<i>Chloro-1,3-butadiene, 2-</i>	126-99-8	8.60E+00	3.60E+01	1.40E+01
<i>Chloro-2-methylaniline HCl, 4-</i>	3165-93-3	1.10E+00	3.70E+00	1.50E-01
<i>Chloro-2-methylaniline, 4-</i>	95-69-2	1.80E+01	6.40E+01	2.50E+00
<i>Chloroacetic Acid</i>	79-11-8	1.20E+03	1.20E+04	7.30E+02
<i>Chloroacetophenone, 2-</i>	532-27-4	4.30E+04	1.80E+05	
<i>Chloroaniline, p-</i>	106-47-8	2.40E+00	8.60E+00	3.40E-01
<i>Chlorobenzene</i>	108-90-7	3.10E+03	1.50E+04	9.10E+02
<i>Chlorobenzilate</i>	510-15-6	4.40E+00	1.60E+01	6.10E-01
<i>Chlorobenzotrifluoride, 4-</i>	98-56-6	2.10E+03	2.40E+04	9.30E+02
<i>Chlorobutane, 1-</i>	109-69-3	3.10E+03	4.10E+04	1.50E+03
<i>Chlorodifluoromethane</i>	75-45-6	5.30E+04	2.20E+05	1.00E+05
<i>Chloroform</i>	67-66-3	3.00E-01	1.50E+00	1.90E-01
<i>Chloromethane</i>	74-87-3	1.20E+03	5.10E+03	1.90E+03
<i>Chloromethyl Methyl Ether</i>	107-30-2	1.80E-02	8.80E-02	5.60E-03
<i>Chloronaphthalene, Beta-</i>	91-58-7	6.30E+04	8.20E+05	2.90E+04
<i>Chloronitrobenzene, o-</i>	88-73-3	5.00E+01	1.80E+02	6.90E+00
<i>Chloronitrobenzene, p-</i>	100-00-5	6.10E+02	2.70E+03	1.10E+02
<i>Chlorophenol, 2-</i>	95-57-8	3.90E+02	5.10E+04	1.80E+03
<i>Chloropicrin</i>	76-06-2			
<i>Chlorothalonil</i>	1897-45-6	1.60E+02	5.60E+02	2.20E+01
<i>Chlorotoluene, o-</i>	95-49-8	1.60E+04	2.00E+05	7.30E+03
<i>Chlorotoluene, p-</i>	106-43-4	5.50E+03	7.20E+04	2.60E+03
<i>Chlorpropham</i>	101-21-3	1.20E+04	1.20E+05	7.30E+03
<i>Chlorpyrifos</i>	2921-88-2	1.80E+02	1.80E+03	1.10E+02
<i>Chlorpyrifos Methyl</i>	5598-13-0	6.10E+02	6.20E+03	3.70E+02
<i>Chlorsulfuron</i>	64902-72-3	3.10E+03	3.10E+04	1.80E+03
<i>Chlorthiophos</i>	60238-56-4	4.90E+01	4.90E+02	2.90E+01
<i>Chromium (III) (Insoluble Salts)</i>	16065-83-1	1.20E+05	1.50E+06	5.50E+04
<i>Chromium VI (chromic acid mists)</i>	18540-29-9		1.10E+02	
<i>Chromium VI (particulates)</i>	18540-29-9	3.90E+01	2.00E+02	
<i>Chromium(VI), Aerosol Mists</i>	7738-94-5	1.30E+04	1.20E+05	7.30E+02
<i>Chromium, Total (1:6 ratio Cr VI: Cr III)</i>	7440-47-3	2.80E+02	1.40E+03	
<i>Cobalt</i>	7440-48-4	2.30E+02	3.00E+03	1.10E+01
<i>Coke Oven Emissions</i>	8007-45-2			
<i>Copper</i>	7440-50-8	3.10E+03	4.10E+04	1.50E+03
<i>Cresol, m-</i>	108-39-4	3.10E+03	3.10E+04	1.80E+03
<i>Cresol, o-</i>	95-48-7	3.10E+03	3.10E+04	1.80E+03
<i>Cresol, p-</i>	106-44-5	3.10E+02	3.10E+03	1.80E+02
<i>Cresols</i>	1319-77-3	7.60E+03	9.30E+04	9.30E+02
<i>Crotonaldehyde, trans-</i>	123-73-9	3.40E-01	1.50E+00	3.50E-02
<i>Cumene</i>	98-82-8	2.20E+04	1.10E+05	6.80E+03
<i>Cyanazine</i>	21725-46-2	5.80E-01	2.10E+00	8.00E-02

Analyte	CAS No.	Residential Soil (mg/kg)	Industrial Soil (mg/kg)	Water (ug/L)
Cyanides				
~Calcium Cyanide	592-01-8	3.10E+03	4.10E+04	1.50E+03
~Copper Cyanide	544-92-3	3.90E+02	5.10E+03	1.80E+02
~Cyanide (CN-)	57-12-5	1.60E+03	2.00E+04	7.30E+02
~Cyanogen	460-19-5	3.10E+03	4.10E+04	1.50E+03
~Cyanogen Bromide	506-68-3	7.00E+03	9.20E+04	3.30E+03
~Cyanogen Chloride	506-77-4	3.90E+03	5.10E+04	1.80E+03
~Hydrogen Cyanide	74-90-8	1.60E+03	2.00E+04	6.20E+00
~Potassium Cyanide	151-50-8	3.90E+03	5.10E+04	1.80E+03
~Potassium Silver Cyanide	506-61-6	1.60E+04	2.00E+05	7.30E+03
~Silver Cyanide	506-64-9	7.80E+03	1.00E+05	3.70E+03
~Sodium Cyanide	143-33-9	3.10E+03	4.10E+04	1.50E+03
~Thiocyanate	463-56-9	1.60E+01	2.00E+02	7.30E+00
~Zinc Cyanide	557-21-1	3.90E+03	5.10E+04	1.80E+03
Cyclohexane	110-82-7	7.20E+03	3.00E+04	1.30E+04
Cyclohexane, 1,2,3,4,5- pentabromo-6-chloro-	87-84-3	2.10E+01	7.50E+01	2.90E+00
Cyclohexanone	108-94-1	3.10E+06	3.10E+07	1.80E+06
Cyclohexylamine	108-91-8	1.20E+04	1.20E+05	7.30E+03
Cyhalothrin / karate	68085-85-8	3.10E+02	3.10E+03	1.80E+02
Cypermethrin	52315-07-8	6.10E+02	6.20E+03	3.70E+02
Cyromazine	66215-27-8	4.60E+02	4.60E+03	2.70E+02
DDD	72-54-8	2.00E+00	7.20E+00	2.80E-01
DDE, p,p'-	72-55-9	1.40E+01	5.10E+01	2.00E+00
DDT	50-29-3	1.70E+01	7.00E+01	2.00E+00
Dacthal	1861-32-1	6.10E+03	6.20E+04	3.70E+03
Dalapon	75-99-0	1.80E+03	1.80E+04	1.10E+03
Decabromodiphenyl ether, 2,2',3,3',4,4',5,5',6,6'- (BDE- 209)	1163-19-5	4.30E+02	2.50E+03	9.60E+01
Demeton	8065-48-3	2.40E+00	2.50E+02	1.50E+01
Di(2-ethylhexyl)adipate	103-23-1	4.00E+02	1.40E+03	5.60E+01
Diallate	2303-16-4	8.00E+01	2.80E+02	1.10E+01
Diazinon	333-41-5	4.30E+02	4.30E+03	2.60E+02
Dibromo-3-chloropropane, 1,2-	96-12-8	5.60E-03	7.30E-02	3.20E-04
Dibromobenzene, 1,4-	106-37-6	6.10E+03	6.20E+04	3.70E+03
Dibromochloromethane	124-48-1	7.00E-01	3.40E+00	1.50E-01
Dibromoethane, 1,2-	106-93-4	3.40E-01	1.70E+00	6.50E-02
Dibromomethane (Methylene Bromide)	74-95-3	7.80E+03	1.00E+05	3.70E+03
Dibutyl Phthalate	84-74-2	6.10E+03	6.20E+04	3.70E+03
Dibutyltin Compounds	NA	1.80E+01	1.80E+02	1.10E+01
Dicamba	1918-00-9	1.80E+03	1.80E+04	1.10E+03
Dichloro-2-butene, 1,4-	764-41-0	2.00E-03	9.90E-03	1.20E-03
Dichloro-2-butene, cis-1,4-	1476-11-5	2.10E-02	1.10E-01	1.20E-02
Dichloro-2-butene, trans-1,4-	110-57-6	7.30E-02	3.70E-01	1.20E-02
Dichloroacetic Acid	79-43-6	9.70E+01	3.40E+02	1.30E+01
Dichlorobenzene, 1,2-	95-50-1	2.00E+04	1.00E+05	3.70E+03
Dichlorobenzene, 1,4-	106-46-7	2.60E+00	1.30E+01	4.30E-01
Dichlorobenzidine, 3,3'-	91-94-1	1.10E+01	3.80E+01	1.50E+00
Dichlorodifluoromethane	75-71-8	1.90E+03	7.80E+03	3.90E+03
Dichloroethane, 1,1-	75-34-3	3.40E+00	1.70E+01	2.40E+00
Dichloroethane, 1,2-	107-06-2	4.50E+00	2.20E+01	1.50E+00
Dichloroethylene, 1,1-	75-35-4	2.50E+03	1.10E+04	3.40E+03
Dichloroethylene, 1,2- (Mixed Isomers)	540-59-0	7.00E+02	9.20E+03	3.30E+02
Dichloroethylene, 1,2-cis-	156-59-2	7.80E+02	1.00E+04	3.70E+02
Dichloroethylene, 1,2-trans-	156-60-5	1.10E+02	5.00E+02	1.10E+02
Dichlorophenol, 2,4-	120-83-2	1.80E+02	1.80E+03	1.10E+02
Dichlorophenoxy Acetic Acid, 2,4-	94-75-7	6.90E+02	7.70E+03	3.70E+02
Dichlorophenoxy)butyric Acid, 4-(2,4-	94-82-6	4.90E+02	4.90E+03	2.90E+02

Analyte	CAS No.	Residential Soil (mg/kg)	Industrial Soil (mg/kg)	Water (ug/L)
Dichloropropane, 1,2-	78-87-5	9.30E-01	4.70E+00	3.90E-01
Dichloropropane, 1,3-	142-28-9	1.60E+04	2.00E+05	7.30E+03
Dichloropropanol, 2,3-	616-23-9	1.80E+02	1.80E+03	1.10E+02
Dichloropropene, 1,3-	542-75-6	1.70E+00	8.40E+00	4.30E-01
Dichlorvos	62-73-7	1.70E+01	5.90E+01	2.30E+00
Dicyclopentadiene	77-73-6	2.90E+02	1.30E+03	1.40E+02
Dieldrin	60-57-1	3.00E-02	1.10E-01	4.20E-03
Diesel Engine Exhaust	NA			
Diethyl Phthalate	84-66-2	4.90E+04	4.90E+05	2.90E+04
Diethylene Glycol Monobutyl Ether	112-34-5	6.10E+02	6.20E+03	3.70E+02
Diethylene Glycol Monoethyl Ether	111-90-0	3.70E+03	3.70E+04	2.20E+03
Diethylformamide	617-84-5	6.10E+01	6.20E+02	3.70E+01
Diethylstilbestrol	56-53-1	1.40E-03	4.90E-03	1.90E-04
Difenzoquat	43222-48-6	4.90E+04	4.90E+05	2.90E+04
Diiflubenzuron	35367-38-5	1.20E+03	1.20E+04	7.30E+02
Diifluoroethane, 1,1-	75-37-6	5.30E+04	2.20E+05	8.30E+04
Diisopropyl Ether	108-20-3	1.20E+03	5.10E+03	8.30E+02
Diisopropyl Methylphosphonate	1445-75-6	6.30E+03	8.20E+04	2.90E+03
Dimethipin	55290-64-7	1.20E+03	1.20E+04	7.30E+02
Dimethoate	60-51-5	1.20E+01	1.20E+02	7.30E+00
Dimethoxybenzidine, 3,3'-	119-90-4	3.50E+01	1.20E+02	4.80E+00
Dimethyl methylphosphonate	756-79-6	2.90E+03	1.00E+04	4.00E+02
Dimethylamino azobenzene [p-]	60-11-7	1.10E+00	3.70E+00	1.50E-01
Dimethylaniline HCl, 2,4-	21436-96-4	8.40E+00	3.00E+01	1.20E+00
Dimethylaniline, 2,4-	95-68-1	6.50E+00	2.30E+01	9.00E-01
Dimethylaniline, N,N-	121-69-7	1.60E+03	2.00E+04	7.30E+02
Dimethylbenzidine, 3,3'-	119-93-7	4.40E-02	1.60E-01	6.10E-03
Dimethylformamide	68-12-2	6.10E+04	6.20E+05	3.70E+04
Dimethylhydrazine, 1,2-	540-73-8	8.80E-04	3.10E-03	1.20E-04
Dimethylphenol, 2,4-	105-67-9	1.20E+04	1.20E+05	7.30E+03
Dimethylphenol, 2,6-	576-26-1	3.70E+01	3.70E+02	2.20E+01
Dimethylphenol, 3,4-	95-65-8	6.10E+01	6.20E+02	3.70E+01
Dimethylterephthalate	120-61-6	7.80E+03	1.00E+05	3.70E+03
Dinitro-o-cresol, 4,6-	534-52-1	6.10E+00	6.20E+01	3.70E+00
Dinitro-o-cyclohexyl Phenol, 4,6-	131-89-5	1.20E+02	1.20E+03	7.30E+01
Dinitrobenzene, 1,2-	528-29-0	6.10E+00	6.20E+01	3.70E+00
Dinitrobenzene, 1,3-	99-65-0	6.10E+00	6.20E+01	3.70E+00
Dinitrobenzene, 1,4-	100-25-4	6.10E+00	6.20E+01	3.70E+00
Dinitrophenol, 2,4-	51-28-5	1.20E+02	1.20E+03	7.30E+01
Dinitrotoluene Mixture, 2,4/2,6-	25321-14-6	7.10E-01	2.50E+00	9.90E-02
Dinitrotoluene, 2,4-	121-14-2	1.60E+01	5.50E+01	2.20E+00
Dinitrotoluene, 2,6-	606-20-2	6.10E+02	6.20E+03	3.70E+02
Dinitrotoluene, 2-Amino-4,6-	35572-78-2	1.50E+02	2.00E+03	7.30E+01
Dinitrotoluene, 4-Amino-2,6-	19406-51-0	1.50E+02	1.90E+03	7.30E+01
Dinoseb	88-85-7	6.10E+01	6.20E+02	3.70E+01
Dioxane, 1,4-	123-91-1	4.40E+01	1.60E+02	6.10E+00
Dioxins				
~Hexachlorodibenzo-p-dioxin, Mixture	NA	9.40E-05	3.90E-04	1.10E-05
~TCDD, 2,3,7,8-	1746-01-6	4.50E-05	1.80E-04	5.20E-06
Diphenamid	957-51-7	1.80E+04	1.80E+05	1.10E+04
Diphenyl Sulfone	127-63-9	1.80E+02	1.80E+03	1.10E+02
Diphenylamine	122-39-4	1.50E+03	1.50E+04	9.10E+02
Diphenylhydrazine, 1,2-	122-66-7	6.10E-01	2.20E+00	8.40E-02
Diquat	85-00-7	1.30E+03	1.40E+04	8.00E+02
Direct Black 38	1937-37-7	6.60E-02	2.30E-01	9.10E-03
Direct Blue 6	2602-46-2	6.60E-01	2.30E+00	9.10E-02
Direct Brown 95	16071-86-6	7.20E-01	2.60E+00	1.00E-01
Disulfoton	298-04-4	2.40E+01	2.50E+02	1.50E+01
Dithiane, 1,4-	505-29-3	6.10E+02	6.20E+03	3.70E+02

Analyte	CAS No.	Residential Soil (mg/kg)	Industrial Soil (mg/kg)	Water (ug/L)
Diuron	330-54-1	1.20E+02	1.20E+03	7.30E+01
Dodine	2439-10-3	2.40E+02	2.50E+03	1.50E+02
EPTC	759-94-4	2.00E+03	2.60E+04	9.10E+02
Endosulfan	115-29-7	3.70E+02	3.70E+03	2.20E+02
Endothall	145-73-3	1.20E+03	1.20E+04	7.30E+02
Endrin	72-20-8	1.80E+01	1.80E+02	1.10E+01
Epichlorohydrin	106-89-8	1.80E+01	7.70E+01	2.10E+00
Epoxybutane, 1,2-	106-88-7	1.50E+02	6.40E+02	4.20E+01
Ethephon	16672-87-0	3.10E+02	3.10E+03	1.80E+02
Ethion	563-12-2	3.10E+01	3.10E+02	1.80E+01
Ethoxyethanol Acetate, 2-	111-15-9	1.80E+04	1.80E+05	1.10E+04
Ethoxyethanol, 2-	110-80-5	2.40E+04	2.50E+05	1.50E+04
Ethyl Acetate	141-78-6	7.00E+04	9.20E+05	3.30E+04
Ethyl Acrylate	140-88-5	1.30E+01	6.00E+01	1.40E+00
Ethyl Chloride	75-00-3	1.50E+05	6.20E+05	2.10E+05
Ethyl Ether	60-29-7	1.60E+04	2.00E+05	7.30E+03
Ethyl Methacrylate	97-63-2	7.00E+03	9.20E+04	3.30E+03
Ethyl-p-nitrophenyl Phosphonate	2104-64-5	6.10E-01	6.20E+00	3.70E-01
Ethylbenzene	100-41-4	5.70E+00	2.90E+01	1.50E+00
Ethylene Cyanohydrin	109-78-4	1.80E+04	1.80E+05	1.10E+04
Ethylene Diamine	107-15-3	5.50E+03	5.50E+04	3.30E+03
Ethylene Glycol	107-21-1	1.20E+05	1.20E+06	7.30E+04
Ethylene Glycol Monobutyl Ether	111-76-2	3.10E+04	3.10E+05	1.80E+04
Ethylene Oxide	75-21-8	1.60E-01	8.00E-01	4.40E-02
Ethylene Thiourea	96-45-7	4.90E+01	3.80E+02	1.50E+01
Ethylphthalyl Ethyl Glycolate	84-72-0	1.80E+05	1.80E+07	1.10E+06
Express	101200-48-0	4.90E+02	4.90E+03	2.90E+02
Fenamiphos	22224-92-6	1.50E+01	1.50E+02	9.10E+00
Fenpropathrin	39515-41-8	1.50E+03	1.50E+04	9.10E+02
Fluometuron	2164-17-2	7.90E+02	8.00E+03	4.70E+02
Fluorine (Soluble Fluoride)	7782-41-4	4.70E+03	6.10E+04	2.20E+03
Fluridone	59756-60-4	4.90E+03	4.90E+04	2.90E+03
Flurprimidol	56425-91-3	1.20E+03	1.20E+04	7.30E+02
Flutolanil	66332-96-5	3.70E+03	3.70E+04	2.20E+03
Fluvalinate	69409-94-5	6.10E+02	6.20E+03	3.70E+02
Folpet	133-07-3	1.40E+02	4.90E+02	1.90E+01
Fomesafen	72178-02-0	2.60E+01	9.10E+01	3.50E+00
Fonofos	944-22-9	1.20E+03	1.20E+04	7.30E+02
Formaldehyde	50-00-0	1.20E+04	1.20E+05	7.30E+03
Formic Acid	64-18-6	1.20E+05	1.20E+06	7.30E+04
Fosetyl-AL	39148-24-8	1.80E+05	1.80E+06	1.10E+05
Furans				
~Furan	110-00-9	7.80E+01	1.00E+03	3.70E+01
Furazolidone	67-45-8	1.30E-01	4.50E-01	1.80E-02
Furfural	98-01-1	1.80E+03	1.80E+04	1.10E+03
Furium	531-82-8	3.20E-01	1.10E+00	4.50E-02
Furmecyclox	60568-05-0	1.60E+02	5.70E+02	2.20E+01
Glufosinate, Ammonium	77182-82-2	2.40E+02	2.50E+03	1.50E+02
Glycidyl	765-34-4	2.40E+01	2.50E+02	1.50E+01
Glyphosate	1071-83-6	6.10E+03	6.20E+04	3.70E+03
Goal	42874-03-3	1.80E+02	1.80E+03	1.10E+02
Guthion	86-50-0	1.80E+02	1.80E+03	1.10E+02
Haloxypop, Methyl	69806-40-2	3.10E+00	3.10E+01	1.80E+00
Harmony	79277-27-3	7.90E+02	8.00E+03	4.70E+02
Heptachlor	76-44-8	1.10E-01	3.80E-01	1.50E-02
Heptachlor Epoxide	1024-57-3	5.30E-01	1.90E+00	7.40E-02
Hexabromobenzene	87-82-1	1.20E+03	1.20E+04	7.30E+02
Hexabromodiphenyl ether, 2,2',4,4',5,5'- (BDE-153)	68631-49-2	1.60E+01	2.00E+02	7.30E+00
Hexachlorobenzene	118-74-1	3.00E-01	1.10E+00	4.20E-02
Hexachlorobutadiene	87-68-3	6.20E+01	2.20E+02	8.60E+00
Hexachlorocyclohexane, Alpha-	319-84-6	7.70E-01	2.70E+00	1.10E-01

<i>Analyte</i>	<i>CAS No.</i>	<i>Residential Soil (mg/kg)</i>	<i>Industrial Soil (mg/kg)</i>	<i>Water (ug/L)</i>
<i>Hexachlorocyclohexane, Beta-</i>	319-85-7	2.70E+00	9.60E+00	3.70E-01
<i>Hexachlorocyclohexane, Gamma- (Lindane)</i>	58-89-9	5.20E+00	2.10E+01	6.10E-01
<i>Hexachlorocyclohexane, Techni- cal</i>	608-73-1	2.70E+00	9.60E+00	3.70E-01
<i>Hexachlorocyclopentadiene</i>	77-47-4	3.70E+03	3.70E+04	2.20E+03
<i>Hexachloroethane</i>	67-72-1	3.50E+01	1.20E+02	4.80E+00
<i>Hexachlorophene</i>	70-30-4	1.80E+02	1.80E+03	1.10E+02
<i>Hexahydro-1,3,5-trinitro-1,3,5- triazine (RDX)</i>	121-82-4	5.50E+00	2.40E+01	6.10E-01
<i>Hexamethylene Diisocyanate, 1,6-</i>	822-06-0	3.70E+01	1.60E+02	2.10E-01
<i>Hexane, N-</i>	110-54-3	5.70E+02	2.60E+03	8.80E+02
<i>Hexanedioic Acid</i>	124-04-9	1.20E+05	1.20E+06	7.30E+04
<i>Hexazinone</i>	51235-04-2	2.00E+03	2.00E+04	1.20E+03
<i>Hydrazine</i>	302-01-2	2.10E-01	9.50E-01	2.20E-02
<i>Hydrazine Sulfate</i>	10034-93-2	2.10E+00	9.50E+00	2.20E-01
<i>Hydrogen Chloride</i>	7647-01-0	2.80E+08	1.20E+09	
<i>Hydrogen Fluoride</i>	7664-39-3	3.10E+03	4.10E+04	1.50E+03
<i>Hydrogen Sulfide</i>	7783-06-04	2.80E+06	1.20E+07	
<i>Hydroquinone</i>	123-31-9	8.70E+00	3.10E+01	1.20E+00
<i>Imazalil</i>	35554-44-0	7.90E+03	8.00E+04	4.70E+03
<i>Imazaquin</i>	81335-37-7	1.50E+04	1.50E+05	9.10E+03
<i>Iodine</i>	7553-56-2	7.80E+02	1.00E+04	3.70E+02
<i>Iprodione</i>	36734-19-7	2.40E+03	2.50E+04	1.50E+03
<i>Iron</i>	7439-89-6	5.50E+04	7.20E+05	2.60E+04
<i>Isobutyl Alcohol</i>	78-83-1	2.30E+04	3.10E+05	1.10E+04
<i>Isophorone</i>	78-59-1	5.10E+02	1.80E+03	7.10E+01
<i>Isopropalin</i>	33820-53-0	9.20E+03	9.20E+04	5.50E+03
<i>Isopropanol</i>	67-63-0	9.90E+09	4.20E+10	
<i>Isopropyl Methyl Phosphonic Acid</i>	1832-54-8	6.10E+03	6.20E+04	3.70E+03
<i>Isoxaben</i>	82558-50-7	3.10E+03	3.10E+04	1.80E+03
<i>JP-7</i>	NA	4.30E+08	1.80E+09	6.30E+02
<i>Kerb</i>	23950-58-5	4.60E+03	4.60E+04	2.70E+03
<i>Lactofen</i>	77501-63-4	1.20E+02	1.20E+03	7.30E+01
Lead Compounds				
<i>~Lead and Compounds</i>	7439-92-1	4.00E+02	8.00E+02	
<i>~Tetraethyl Lead</i>	78-00-2	6.10E-03	6.20E-02	3.70E-03
<i>Linuron</i>	330-55-2	1.20E+02	1.20E+03	7.30E+01
<i>Lithium</i>	7439-93-2	1.60E+02	2.00E+03	7.30E+01
<i>Lithium Perchlorate</i>	7791-03-9	5.50E+01	7.20E+02	2.60E+01
<i>Londax</i>	83055-99-6	1.20E+04	1.20E+05	7.30E+03
<i>MCPA</i>	94-74-6	3.10E+01	3.10E+02	1.80E+01
<i>MCPB</i>	94-81-5	6.10E+02	6.20E+03	3.70E+02
<i>MCPP</i>	93-65-2	6.10E+01	6.20E+02	3.70E+01
<i>Malathion</i>	121-75-5	1.20E+03	1.20E+04	7.30E+02
<i>Maleic Anhydride</i>	108-31-6	6.10E+03	6.10E+04	3.70E+03
<i>Maleic Hydrazide</i>	123-33-1	3.10E+04	3.10E+05	1.80E+04
<i>Malononitrile</i>	109-77-3	6.10E+00	6.20E+01	3.70E+00
<i>Mancozeb</i>	8018-01-7	1.80E+03	1.80E+04	1.10E+03
<i>Maneb</i>	12427-38-2	3.10E+02	3.10E+03	1.80E+02
<i>Manganese (Diet)</i>	7439-96-5			
<i>Manganese (Water)</i>	7439-96-5	1.80E+03	2.30E+04	8.80E+02
<i>Mephosfolan</i>	950-10-7	5.50E+00	5.50E+01	3.30E+00
<i>Mepiquat Chloride</i>	24307-26-4	1.80E+03	1.80E+04	1.10E+03
Mercury Compounds				
<i>~Mercuric Chloride</i>	7487-94-7	2.30E+01	3.10E+02	1.10E+01
<i>~Mercuric Sulfide</i>	1344-48-5	2.30E+01	3.10E+02	1.10E+01
<i>~Mercury (elemental)</i>	7439-97-6	4.30E+00	2.40E+01	5.70E-01
<i>~Mercury, Inorganic Salts</i>	NA	2.30E+01	3.10E+02	1.10E+01
<i>~Methyl Mercury</i>	22967-92-6	7.80E+00	1.00E+02	3.70E+00

Analyte	CAS No.	Residential Soil (mg/kg)	Industrial Soil (mg/kg)	Water (ug/L)
~Phenylmercuric Acetate	62-38-4	4.90E+00	4.90E+01	2.90E+00
Merphos	150-50-5	1.80E+00	1.80E+01	1.10E+00
Merphos Oxide	78-48-8	1.80E+00	1.80E+01	1.10E+00
Metalaxyl	57837-19-1	3.70E+03	3.70E+04	2.20E+03
Methacrylonitrile	126-98-7	3.20E+00	1.80E+01	1.00E+00
Methamidophos	10265-92-6	3.10E+00	3.10E+01	1.80E+00
Methanol	67-56-1	3.10E+04	3.10E+05	1.80E+04
Methidathion	950-37-8	6.10E+01	6.20E+02	3.70E+01
Methomyl	16752-77-5	1.50E+03	1.50E+04	9.10E+02
Methoxy-5-nitroaniline, 2-	99-59-2	9.90E+00	3.50E+01	1.40E+00
Methoxychlor	72-43-5	3.10E+03	3.10E+04	1.80E+03
Methoxyethanol Acetate, 2-	110-49-6	1.20E+02	1.20E+03	7.30E+01
Methoxyethanol, 2-	109-86-4	1.80E+02	1.80E+03	1.10E+02
Methyl Acetate	79-20-9	7.80E+04	1.00E+06	3.70E+04
Methyl Acrylate	96-33-3	2.30E+03	3.10E+04	1.10E+03
Methyl Ethyl Ketone (2-Butanone)	78-93-3	2.80E+04	1.90E+05	7.10E+03
Methyl Isobutyl Ketone (4-methyl-2-pentanone)	108-10-1	5.30E+03	5.20E+04	2.00E+03
Methyl Methacrylate	80-62-6	4.70E+03	2.00E+04	1.40E+03
Methyl Parathion	298-00-0	1.50E+01	1.50E+02	9.10E+00
Methyl Phosphonic Acid	993-13-5	1.20E+03	1.20E+04	7.30E+02
Methyl Styrene (Mixed Isomers)	25013-15-4	1.90E+02	1.10E+03	6.00E+01
Methyl methanesulfonate	66-27-3	4.90E+00	1.70E+01	6.80E-01
Methyl tert-Butyl Ether (MTBE)	1634-04-4	3.90E+02	1.90E+03	1.20E+02
Methyl-5-Nitroaniline, 2-	99-55-8	1.50E+02	5.20E+02	2.00E+01
Methylaniline Hydrochloride, 2-	636-21-5	3.70E+01	1.30E+02	5.20E+00
Methylarsonic acid	124-58-3	6.10E+03	6.20E+04	3.70E+03
Methylcholanthrene, 3-	56-49-5	2.20E-02	7.80E-02	3.10E-03
Methylene Chloride	75-09-2	1.10E+02	5.40E+02	4.80E+01
Methylene-bis(2-chloroaniline), 4,4'-	101-14-4	1.20E+01	1.70E+02	2.20E+00
Methylene-bis(N,N-dimethyl Aniline, 4,4'-	101-61-1	1.10E+02	3.70E+02	1.50E+01
Methylenebisbenzenamine, 4,4'-	101-77-9	3.00E+00	1.10E+01	4.20E-01
Methylenediphenyl Diisocyanate	101-68-8	8.50E+06	3.60E+07	
Methylstyrene, Alpha-	98-83-9	5.50E+03	7.20E+04	2.60E+03
Metolachlor	51218-45-2	9.20E+03	9.20E+04	5.50E+03
Metribuzin	21087-64-9	1.50E+03	1.50E+04	9.10E+02
Mirex	2385-85-5	2.70E-02	9.60E-02	3.70E-03
Molinate	2212-67-1	1.20E+03	1.20E+04	7.30E+02
Molybdenum	7439-98-7	3.90E+02	5.10E+03	1.80E+02
Monochloramine	10599-90-3	7.80E+03	1.00E+05	3.70E+03
Monomethylaniline	100-61-8	1.20E+02	1.20E+03	7.30E+01
N,N'-Diphenyl-1,4-benzenediamine	74-31-7	1.80E+01	1.80E+02	1.10E+01
Naled	300-76-5	1.20E+02	1.20E+03	7.30E+01
Naphthylamine, 2-	91-59-8	2.70E-01	9.60E-01	3.70E-02
Napropamide	15299-99-7	6.10E+04	6.20E+05	3.70E+04
Nickel Refinery Dust	NA	1.40E+04	6.90E+04	
Nickel Soluble Salts	7440-02-0	1.50E+04	2.00E+05	7.30E+02
Nickel Subsulfide	12035-72-2	3.80E-01	1.70E+00	4.00E-02
Nitrate	14797-55-8	1.30E+06	1.60E+07	5.80E+05
Nitrite	14797-65-0	7.80E+03	1.00E+05	3.70E+03
Nitroaniline, 2-	88-74-4	1.80E+02	1.80E+03	1.10E+02
Nitroaniline, 4-	100-01-6	2.40E+01	8.60E+01	3.40E+00
Nitrobenzene	98-95-3	4.40E+01	2.20E+02	1.20E+00
Nitrofurantoin	67-20-9	4.30E+04	4.30E+05	2.60E+04
Nitrofurazone	59-87-0	3.70E-01	1.30E+00	5.20E-02
Nitroglycerin	55-63-0	6.10E+01	6.20E+02	3.70E+01
Nitroguanidine	556-88-7	6.10E+03	6.20E+04	3.70E+03
Nitromethane	75-52-5	4.70E+00	2.40E+01	5.40E-01

<i>Analyte</i>	<i>CAS No.</i>	<i>Residential Soil (mg/kg)</i>	<i>Industrial Soil (mg/kg)</i>	<i>Water (ug/L)</i>
Nitropropane, 2-	79-46-9	1.20E-01	6.00E-01	1.80E-02
Nitroso-N-ethylurea, N-	759-73-9	1.80E-01	6.40E-01	2.50E-02
Nitroso-N-methylurea, N-	684-93-5	4.00E-02	1.40E-01	5.60E-03
Nitroso-di-N-butylamine, N-	924-16-3	9.30E-01	4.30E+00	2.40E-02
Nitroso-di-N-propylamine, N-	621-64-7	6.90E-01	2.50E+00	9.60E-02
Nitrosodiethanolamine, N-	1116-54-7	1.70E+00	6.20E+00	2.40E-01
Nitrosodiethylamine, N-	55-18-5	7.70E-03	1.10E-01	1.40E-03
Nitrosodimethylamine, N-	62-75-9	2.30E-02	3.40E-01	4.20E-03
Nitrosodiphenylamine, N-	86-30-6	9.90E+02	3.50E+03	1.40E+02
Nitrosomethylethylamine, N-	10595-95-6	2.20E-01	7.80E-01	3.10E-02
Nitrosomorpholine [N-]	59-89-2	7.20E-01	2.60E+00	1.00E-01
Nitrosopiperidine [N-]	100-75-4	5.20E-01	1.80E+00	7.20E-02
Nitrosopyrrolidine, N-	930-55-2	2.30E+00	8.20E+00	3.20E-01
Nitrotoluene, m-	99-08-1	1.20E+04	1.20E+05	7.30E+03
Nitrotoluene, o-	88-72-2	2.90E+00	1.30E+01	3.10E-01
Nitrotoluene, p-	99-99-0	3.00E+02	1.10E+03	4.20E+01
Norflurazon	27314-13-2	2.40E+04	2.50E+05	1.50E+04
Nustar	85509-19-9	4.30E+01	4.30E+02	2.60E+01
Octabromodiphenyl Ether	32536-52-0	1.80E+02	1.80E+03	1.10E+02
Octahydro-1,3,5,7-tetranitro- 1,3,5,7-tetra (HMX)	2691-41-0	3.80E+03	4.90E+04	1.80E+03
Octamethylpyrophosphoramidate	152-16-9	1.20E+02	1.20E+03	7.30E+01
Oryzalin	19044-88-3	3.10E+03	3.10E+04	1.80E+03
Oxadiazon	19666-30-9	3.10E+02	3.10E+03	1.80E+02
Oxamyl	23135-22-0	1.50E+03	1.50E+04	9.10E+02
Paclobutrazol	76738-62-0	7.90E+02	8.00E+03	4.70E+02
Paraquat Dichloride	1910-42-5	2.70E+02	2.80E+03	1.60E+02
Parathion	56-38-2	3.70E+02	3.70E+03	2.20E+02
Pebulate	1114-71-2	3.10E+03	3.10E+04	1.80E+03
Pendimethalin	40487-42-1	2.40E+03	2.50E+04	1.50E+03
Pentabromodiphenyl Ether	32534-81-9	1.20E+02	1.20E+03	7.30E+01
Pentabromodiphenyl ether, 2,2',4,4',5- (BDE-99)	60348-60-9	7.80E+00	1.00E+02	3.70E+00
Pentachlorobenzene	608-93-5	4.90E+01	4.90E+02	2.90E+01
Pentachloroethane	76-01-7	5.40E+00	1.90E+01	7.50E-01
Pentachloronitrobenzene	82-68-8	1.90E+01	6.60E+01	2.60E+00
Pentachlorophenol	87-86-5	3.00E+01	9.00E+01	5.60E+00
Perchlorate and Perchlorate Salts	14797-73-0	5.50E+02	7.20E+03	2.60E+02
Permethrin	52645-53-1	3.10E+03	3.10E+04	1.80E+03
Phenacetin	62-44-2	2.20E+02	7.80E+02	3.10E+01
Phenmedipham	13684-63-4	1.50E+05	1.50E+06	9.10E+04
Phenol	108-95-2	1.80E+04	1.80E+05	1.10E+04
Phenylenediamine, m-	108-45-2	3.70E+02	3.70E+03	2.20E+02
Phenylenediamine, o-	95-54-5	1.00E+01	3.70E+01	1.40E+00
Phenylenediamine, p-	106-50-3	1.20E+05	1.20E+06	6.90E+04
Phenylphenol, 2-	90-43-7	2.50E+02	8.90E+02	3.50E+01
Phorate	298-02-2	1.20E+02	1.20E+03	7.30E+01
Phosgene	75-44-5	4.00E-01	1.70E+00	
Phosmet	732-11-6	1.20E+03	1.20E+04	7.30E+02
Phosphine	7803-51-2	2.30E+01	3.10E+02	1.10E+01
Phosphoric Acid	7664-38-2	1.40E+07	6.00E+07	
Phosphorus, White	7723-14-0	1.60E+00	2.00E+01	7.30E-01
Phthalic Acid, P-	100-21-0	6.10E+04	6.20E+05	3.70E+04
Phthalic Anhydride	85-44-9	1.20E+05	1.20E+06	7.30E+04
Picloram	1918-02-1	4.30E+03	4.30E+04	2.60E+03
Pieramic Acid (2-Amino-4,6- dinitrophenol)	96-91-3	1.20E+02	1.20E+03	7.30E+01
Pirimiphos, Methyl	29232-93-7	6.10E+02	6.20E+03	3.70E+02
Polybrominated Biphenyls	59536-65-1	1.60E-02	5.70E-02	2.20E-03
Polychlorinated Biphenyls (PCBs)			c	c
~Aroclor 1016	12674-11-2	3.90E+00	2.10E+01	9.60E-01

Analyte	CAS No.	Residential Soil (mg/kg)	Industrial Soil (mg/kg)	Water (ug/L)
~Aroclor 1221	11104-28-2	1.70E-01	6.20E+00	6.80E-02
~Aroclor 1232	11141-16-5	1.70E+00	6.20E+00	6.80E-02
~Aroclor 1242	53469-21-9	2.20E+00	7.40E+00	3.40E-01
~Aroclor 1248	12672-29-6	2.20E+00	7.40E+00	3.40E-01
~Aroclor 1254	11097-69-1	2.20E+00	7.40E+00	3.40E-01
~Aroclor 1260	11096-82-5	2.20E+00	7.40E+00	3.40E-01
~Heptachlorobiphenyl, 2,3,3',4,4',5,5'-(PCB 189)	39635-31-9	3.40E-01	1.10E+00	5.20E-02
~Hexachlorobiphenyl, 2,3',4,4',5,5'-(PCB 167)	52663-72-6	3.40E-01	1.10E+00	5.20E-02
~Hexachlorobiphenyl, 2,3,3',4,4',5'-(PCB 157)	69782-90-7	6.80E-03	2.30E-02	1.00E-03
~Hexachlorobiphenyl, 2,3,3',4,4',5-(PCB 156)	38380-08-4	6.80E-03	2.30E-02	1.00E-03
~Hexachlorobiphenyl, 3,3',4,4',5,5'-(PCB 169)	32774-16-6	3.40E-01	1.10E+00	5.20E-02
~Pentachlorobiphenyl, 2',3,4,4',5-(PCB 123)	65510-44-3	3.40E-01	1.10E+00	5.20E-02
~Pentachlorobiphenyl, 2,3',4,4',5-(PCB 118)	31508-00-6	3.40E-01	1.10E+00	5.20E-02
~Pentachlorobiphenyl, 2,3,3',4,4'-(PCB 105)	32598-14-4	3.40E-01	1.10E+00	5.20E-02
~Pentachlorobiphenyl, 2,3,4,4',5-(PCB 114)	74472-37-0	6.80E-03	2.30E-02	1.00E-03
~Pentachlorobiphenyl, 3,3',4,4',5-(PCB 126)	57465-28-8	3.40E-04	1.10E-03	5.20E-05
~Polychlorinated Biphenyls (high risk)	1336-36-3	2.20E+00	7.40E+00	
~Polychlorinated Biphenyls (low risk)	1336-36-3			1.70E-01
~Polychlorinated Biphenyls (lowest risk)	1336-36-3			
~Tetrachlorobiphenyl, 3,3',4,4'-(PCB 77)	32598-13-3	3.40E-02	1.10E-01	5.20E-03
~Tetrachlorobiphenyl, 3,4,4',5-(PCB 81)	70362-50-4	3.40E-01	1.10E+00	5.20E-02
Polymeric Methylene Diphenyl Diisocyanate (PMDI)	9016-87-9	8.50E+06	3.60E+07	
Polynuclear Aromatic Hydrocarbons (PAHs)				
~Acenaphthene	83-32-9	3.40E+03	3.30E+04	2.20E+03
~Anthracene	120-12-7	1.70E+04	1.70E+05	1.10E+04
~Benz[a]anthracene	56-55-3	1.50E-01	2.10E+00	2.90E-02
~Benzo[a]pyrene	50-32-8	1.50E-01	2.10E+00	2.90E-02
~Benzo[b]fluoranthene	205-99-2	1.50E+00	2.10E+01	2.90E-01
~Benzo[k]fluoranthene	207-08-9	1.50E+01	2.10E+02	2.90E+00
~Chrysene	218-01-9	1.50E+02	2.10E+03	2.90E+01
~Dibenz[a,h]anthracene	53-70-3	1.50E-01	2.10E+00	2.90E-02
~Dimethylbenz(a)anthracene, 7,12-	57-97-6	1.80E-02	6.20E-02	2.70E-03
~Fluoranthene	206-44-0	2.30E+04	2.20E+05	1.50E+04
~Fluorene	86-73-7	2.30E+03	2.20E+04	1.50E+03
~Indeno[1,2,3-cd]pyrene	193-39-5	1.50E-01	2.10E+00	2.90E-02
~Methylnaphthalene, 1-	90-12-0	2.20E+02	9.90E+02	2.30E+01
~Methylnaphthalene, 2-	91-57-6	3.10E+03	4.10E+04	1.50E+03
~Naphthalene	91-20-3	3.90E+00	2.00E+01	1.40E-01
~Pyrene	129-00-0	1.70E+04	1.70E+05	1.10E+04
Potassium Perchlorate	7778-74-7	5.50E+01	7.20E+02	2.60E+01
Prochloraz	67747-09-5	3.20E+00	1.10E+01	4.50E-01
Profluralin	26399-36-0	3.70E+03	3.70E+04	2.20E+03
Prometon	1610-18-0	9.20E+02	9.20E+03	5.50E+02
Prometryn	7287-19-6	2.40E+02	2.50E+03	1.50E+02

<i>Analyte</i>	<i>CAS No.</i>	<i>Residential Soil (mg/kg)</i>	<i>Industrial Soil (mg/kg)</i>	<i>Water (ug/L)</i>
<i>Propachlor</i>	1918-16-7	7.90E+02	8.00E+03	4.70E+02
<i>Propanil</i>	709-98-8	3.10E+02	3.10E+03	1.80E+02
<i>Propargite</i>	2312-35-8	1.20E+03	1.20E+04	7.30E+02
<i>Propargyl Alcohol</i>	107-19-7	1.20E+02	1.20E+03	7.30E+01
<i>Propazine</i>	139-40-2	1.20E+03	1.20E+04	7.30E+02
<i>Propham</i>	122-42-9	1.20E+03	1.20E+04	7.30E+02
<i>Propiconazole</i>	60207-90-1	7.90E+02	8.00E+03	4.70E+02
<i>Propionaldehyde</i>	123-38-6	8.60E+01	3.60E+02	1.70E+01
<i>Propylene Glycol</i>	57-55-6	1.20E+06	1.20E+07	7.30E+05
<i>Propylene Glycol Dinitrate</i>	6423-43-4	6.00E+01	2.50E+02	5.70E-01
<i>Propylene Glycol Monoethyl Ether</i>	1569-02-4	4.30E+04	4.30E+05	2.60E+04
<i>Propylene Glycol Monomethyl Ether</i>	107-98-2	4.30E+04	4.30E+05	2.60E+04
<i>Propylene Oxide</i>	75-56-9	1.90E+00	8.70E+00	2.30E-01
<i>Pursuit</i>	81335-77-5	1.50E+05	1.50E+06	9.10E+04
<i>Pydrin</i>	51630-58-1	1.50E+03	1.50E+04	9.10E+02
<i>Pyridine</i>	110-86-1	7.80E+01	1.00E+03	3.70E+01
<i>Quinalphos</i>	13593-03-8	3.10E+01	3.10E+02	1.80E+01
<i>Quinoline</i>	91-22-5	1.60E-01	5.70E-01	2.20E-02
<i>Refractory Ceramic Fibers</i>	NA	4.30E+08	1.80E+09	
<i>Resmethrin</i>	10453-86-8	1.80E+03	1.80E+04	1.10E+03
<i>Ronnel</i>	299-84-3	3.10E+03	3.10E+04	1.80E+03
<i>Rotenone</i>	83-79-4	2.40E+02	2.50E+03	1.50E+02
<i>Safrole</i>	94-59-7	2.20E+00	7.80E+00	3.10E-01
<i>Savey</i>	78587-05-0	1.50E+04	1.50E+05	9.10E+03
<i>Selenious Acid</i>	7783-00-8	3.90E+02	5.10E+03	1.80E+02
<i>Selenium</i>	7782-49-2	3.90E+02	5.10E+03	1.80E+02
<i>Selenourea</i>	630-10-4	3.10E+02	3.10E+03	1.80E+02
<i>Sethoxydim</i>	74051-80-2	5.50E+03	5.50E+04	3.30E+03
<i>Silver</i>	7440-22-4	3.90E+02	5.10E+03	1.80E+02
<i>Simazine</i>	122-34-9	4.00E+00	1.40E+01	5.60E-01
<i>Sodium Acifluorfen</i>	62476-59-9	7.90E+03	8.00E+04	4.70E+03
<i>Sodium Azide</i>	26628-22-8	3.10E+02	4.10E+03	1.50E+02
<i>Sodium Diethyldithiocarbamate</i>	148-18-5	1.80E+00	6.40E+00	2.50E-01
<i>Sodium Fluoride</i>	7681-49-4	3.90E+04	5.10E+05	1.80E+04
<i>Sodium Fluoroacetate</i>	62-74-8	1.20E+00	1.20E+01	7.30E-01
<i>Sodium Metavanadate</i>	13718-26-8	7.80E+01	1.00E+03	3.70E+01
<i>Sodium Perchlorate</i>	7601-89-0	5.50E+01	7.20E+02	2.60E+01
<i>Stirofos (Tetrachlorovinphos)</i>	961-11-5	2.00E+01	7.20E+01	2.80E+00
<i>Strontium, Stable</i>	7440-24-6	4.70E+05	6.10E+06	2.20E+05
<i>Strychnine</i>	57-24-9	1.80E+01	1.80E+02	1.10E+01
<i>Styrene</i>	100-42-5	6.50E+03	3.80E+04	1.60E+03
<i>Sulfonylbis(4-chlorobenzene), 1,1'-</i>	80-07-9	3.10E+02	3.10E+03	1.80E+02
<i>Sythane</i>	88671-89-0	1.50E+03	1.50E+04	9.10E+02
<i>TCMTB</i>	21564-17-0	1.80E+03	1.80E+04	1.10E+03
<i>Tebuthiuron</i>	34014-18-1	4.30E+03	4.30E+04	2.60E+03
<i>Temephos</i>	3383-96-8	1.20E+03	1.20E+04	7.30E+02
<i>Terbacil</i>	5902-51-2	7.90E+02	8.00E+03	4.70E+02
<i>Terbufos</i>	13071-79-9	1.50E+00	1.50E+01	9.10E-01
<i>Terbutryn</i>	886-50-0	6.10E+01	6.20E+02	3.70E+01
<i>Tetrabromodiphenyl ether, 2,2',4,4'- (BDE-47)</i>	5436-43-1	7.80E+00	1.00E+02	3.70E+00
<i>Tetrachlorobenzene, 1,2,4,5-</i>	95-94-3	1.80E+01	1.80E+02	1.10E+01
<i>Tetrachloroethane, 1,1,1,2-</i>	630-20-6	2.00E+00	9.80E+00	5.20E-01
<i>Tetrachloroethane, 1,1,2,2-</i>	79-34-5	5.90E+00	2.90E+01	6.70E-01
<i>Tetrachloroethylene</i>	127-18-4	5.70E+00	2.70E+01	1.10E+00
<i>Tetrachlorophenol, 2,3,4,6-</i>	58-90-2	1.80E+04	1.80E+05	1.10E+04
<i>Tetrachlorotoluene, p- alpha, alpha-</i>	5216-25-1	2.40E-02	8.60E-02	3.40E-03
<i>Tetraethyl Dithiopyrophosphate</i>	3689-24-5	3.10E+02	3.10E+03	1.80E+02
<i>Tetrafluoroethane, 1,1,1,2-</i>	811-97-2	1.10E+05	4.70E+05	1.70E+05

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Tetryl (Trinitrophenylmethylnitramine)	479-45-8	2.40E+02	2.50E+03	1.50E+02
Thallium (I) Nitrate	10102-45-1	7.00E+00	9.20E+01	3.30E+00
Thallium (Soluble Salts)	7440-28-0	5.10E+00	6.60E+01	2.40E+00
Thallium Acetate	563-68-8	7.00E+00	9.20E+01	3.30E+00
Thallium Carbonate	6533-73-9	6.30E+00	8.20E+01	2.90E+00
Thallium Chloride	7791-12-0	6.30E+00	8.20E+01	2.90E+00
Thallium Sulfate	7446-18-6	6.30E+00	8.20E+01	2.90E+00
Thiobencarb	28249-77-6	6.10E+02	6.20E+03	3.70E+02
Thiofanox	39196-18-4	1.80E+01	1.80E+02	1.10E+01
Thiophanate, Methyl	23564-05-8	4.90E+03	4.90E+04	2.90E+03
Thiram	137-26-8	3.10E+02	3.10E+03	1.80E+02
Tin	7440-31-5	4.70E+04	6.10E+05	2.20E+04
Titanium Tetrachloride	7550-45-0	1.40E+05	6.00E+05	
Toluene	108-88-3	5.00E+03	4.60E+04	2.30E+03
Toluene diisocyanate mixture (TDI)	26471-62-5	1.50E+01	6.70E+01	1.50E-01
Toluene-2,4-diamine	95-80-7	1.30E+00	4.50E+00	1.80E-02
Toluene-2,5-diamine	95-70-5	3.70E+05	3.70E+06	2.20E+05
Toluene-2,6-diamine	823-40-5	1.80E+03	1.80E+04	1.10E+03
Toluidine, o- (Methylaniline, 2-)	95-53-4	2.70E+00	9.60E+00	3.70E-01
Toluidine, p-	106-49-0	2.60E+01	9.10E+01	3.50E+00
Toxaphene	8001-35-2	4.40E+00	1.60E+01	6.10E-01
Tralomethrin	66841-25-6	4.60E+03	4.60E+04	2.70E+03
Tri-n-butyltin	688-73-3	1.80E+01	1.80E+02	1.10E+01
Triallate	2303-17-5	7.90E+02	8.00E+03	4.70E+02
Triasulfuron	82097-50-5	6.10E+02	6.20E+03	3.70E+02
Tribromobenzene, 1,2,4-	615-54-3	3.10E+02	3.10E+03	1.80E+02
Tributyl Phosphate	126-73-8	5.30E+01	1.90E+02	7.30E+00
Tributyltin Compounds	NA	1.80E+02	1.80E+03	1.10E+02
Tributyltin Oxide	56-35-9	1.80E+01	1.80E+02	1.10E+01
Trichloro-1,2,2-trifluoroethane, 1,1,2-	76-13-1	4.30E+04	1.80E+05	5.90E+04
Trichloroaniline HCl, 2,4,6-	33663-50-2	1.70E+01	5.90E+01	2.30E+00
Trichloroaniline, 2,4,6-	634-93-5	1.40E+02	5.10E+02	2.00E+01
Trichlorobenzene, 1,2,4-	120-82-1	8.70E+02	4.00E+03	8.20E+01
Trichloroethane, 1,1,1-	71-55-6	9.00E+03	3.90E+04	9.10E+03
Trichloroethane, 1,1,2-	79-00-5	1.10E+00	5.50E+00	2.40E-01
Trichloroethylene	79-01-6	2.80E+01	1.40E+02	1.70E+01
Trichlorofluoromethane	75-69-4	8.00E+03	3.40E+04	1.30E+04
Trichlorophenol, 2,4,5-	95-95-4	6.10E+03	6.20E+04	3.70E+03
Trichlorophenol, 2,4,6-	88-06-2	4.40E+01	1.60E+02	6.10E+00
Trichlorophenoxy) Propionic Acid, 2(2,4,5-	93-72-1	4.90E+03	4.90E+04	2.90E+03
Trichlorophenoxyacetic Acid, 2,4,5-	93-76-5	6.10E+02	6.20E+03	3.70E+02
Trichloropropane, 1,1,2-	598-77-6	3.90E+02	5.10E+03	1.80E+02
Trichloropropane, 1,2,3-	96-18-4	9.10E-02	4.10E-01	9.60E-03
Trichloropropene, 1,2,3-	96-19-5	2.70E+01	1.20E+02	2.10E+01
Tridiphane	58138-08-2	1.80E+02	1.80E+03	1.10E+02
Triethylamine	121-44-8	1.70E+02	7.10E+02	1.50E+01
Trifluralin	1582-09-8	6.30E+01	2.20E+02	8.70E+00
Trimethyl Phosphate	512-56-1	1.30E+02	4.70E+02	1.80E+01
Trimethylbenzene, 1,2,4-	95-63-6	6.70E+02	2.80E+03	1.50E+02
Trimethylbenzene, 1,3,5-	108-67-8	4.70E+01	2.00E+02	1.20E+01
Trinitrobenzene, 1,3,5-	99-35-4	2.20E+03	2.70E+04	1.10E+03
Trinitrotoluene, 2,4,6-	118-96-7	1.90E+01	7.90E+01	2.20E+00
Triphenylphosphine Oxide	791-28-6	1.20E+04	1.20E+05	7.30E+03
Tris(2-chloroethyl)phosphate	115-96-8	3.50E+01	1.20E+02	4.80E+00
Tris(2-ethylhexyl)phosphate	78-42-2	1.50E+03	5.40E+03	2.10E+02
Uranium (Soluble Salts)	NA	2.30E+03	3.10E+04	1.10E+03
Vanadium Pentoxide	1314-62-1	4.00E+02	2.00E+03	3.30E+02

Analyte	CAS No.	Residential Soil (mg/kg)	Industrial Soil (mg/kg)	Water (ug/L)
Vanadium Sulfate	36907-42-3	1.60E+04	2.00E+05	7.30E+02
Vanadium and Compounds	NA	3.90E+02	5.20E+03	1.80E+02
Vanadium, Metallic	7440-62-2	5.50E+02	7.20E+03	2.60E+02
Vernolate	1929-77-7	6.10E+01	6.20E+02	3.70E+01
Vinclozolin	50471-44-8	1.50E+03	1.50E+04	9.10E+02
Vinyl Acetate	108-05-4	9.90E+02	4.20E+03	4.10E+02
Vinyl Bromide	593-60-2	1.10E-01	5.80E-01	1.50E-01
Vinyl Chloride	75-01-4	6.00E-01	1.70E+01	1.60E-01
Warfarin	81-81-2	1.80E+02	1.80E+03	1.10E+02
Xylene, Mixture	1330-20-7	6.00E+02	2.60E+03	2.00E+02
Xylene, P-	106-42-3	4.70E+03	2.00E+04	1.50E+03
Xylene, m-	108-38-3	4.50E+03	1.90E+04	1.40E+03
Xylene, o-	95-47-6	5.30E+03	2.30E+04	1.40E+03
Zinc (Metallic)	7440-66-6	2.30E+04	3.10E+05	1.10E+04
Zinc Phosphide	1314-84-7	2.30E+01	3.10E+02	1.10E+01
Zineb	12122-67-7	3.10E+03	3.10E+04	1.80E+03

SHARI T. WILSON
Secretary of the Environment

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

Subtitle 01 GENERAL

30.01.02 [Document] Documents Incorporated by Reference

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

Notice of Proposed Action

[09-345-P-I]

The State Emergency Medical Services Board proposes to amend Regulation .01 under **COMAR 30.01.02 Documents Incorporated by Reference**. This action was considered and approved by the State Emergency Medical Services Board at its regular meeting on May 11, 2009, notice of which was given by publication in 36:8 Md. R. 623 (April 10, 2009), under State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

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

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to E. Fremont Magee, Assistant Attorney General, MIEMSS, 653 West Pratt Street, Baltimore, Maryland 21201-1536, or call 410-706-8531, or email to famgee@miemss.org, or fax to 410-706-2138. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the "Maryland Medical Protocols for Emergency Medical Services Providers (MIEMSS July 1, 2009 Edition)", the "Maryland State Trauma Registry Data Dictionary For Adult Patients (MIEMSS October 27, 2008 Edition)", and the "Maryland State Trauma Registry Data Dictionary For Pediatric Patients (MIEMSS October 27, 2008 Edition)", 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 36:3 Md. R. 194 (January 30, 2009), and is available online at www.dsd.state.md.us. These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated.

(1) "Maryland Medical Protocols for Emergency Medical Services Providers (MIEMSS [June 1, 2007] July 1,

2009 Edition)". This document can be obtained through the Maryland Institute for Emergency Medical Services Systems at 653 W. Pratt Street, Baltimore, Maryland 21201 (1-800-762-7157).

(2) "Maryland State Trauma Registry Data Dictionary For Adult Patients (MIEMSS [March 1, 2006] *October 27, 2008 Edition*)". This document can be obtained through the Maryland Institute for Emergency Medical Services Systems at 653 W. Pratt Street, Baltimore, Maryland 21201 (1-800-762-7157).

(3) "Maryland State Trauma Registry Data Dictionary For Pediatric Patients (MIEMSS [March 1, 2006] *October 27, 2008 Edition*)" This document can be obtained through the Maryland Institute for Emergency Medical Services Systems at 653 W. Pratt Street, Baltimore, Maryland 21201 (1-800-762-7157).

ROBERT R. BASS, M.D.
Executive Director
State Emergency Medical Services Board

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 10 HEALTH INSURANCE — GENERAL 31.10.37 Delivery of Policy or Certificate

Authority: Health-General Article, §§19-705(a)(2), 19-713 and 19-729;
Insurance Article, §§2-109(a)(1), 4-113, 12-107, 12-203, 12-209, 15-201,
15-412, 15-413, and 27-303;
Annotated Code of Maryland

Notice of Proposed Action [09-341-P]

The Insurance Commissioner proposes to adopt new Regulations **.01 — .05** under a new chapter, **COMAR 31.10.37 Delivery of Policy or Certificate**. The prior proposal, [09-066-P], which appeared in 36:3 Md. R. 285 — 286 (January 30, 2009), is withdrawn.

Statement of Purpose

The purpose of this action is to require carriers to provide contracts and certificates to contract holders within 60 days of the effective date of the contract and certificate. The regulations codify current industry practice and allow the Administration to protect consumers when the current practice is not followed. The contracts and certificates required by the regulation provide explanation of benefits and policy limits to the consumer. By being provided contracts and certificates in a timely fashion, consumers will be better able to understand their insurance coverage. Without a contract or certificate, the consumer is at a disadvantage. In an effort to protect consumers, the new chapter will also make it an unfair claims practice not to provide the contract or certificate.

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 Brenda Wilson, Associate Commissioner, Life and Health Unit, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore MD 21202, or call 410-468-2170, or email to bwilson@mdinsurance.state.md.us, or fax to 410-468-2204. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

.01 Purpose.

The purpose of this chapter is to establish time frames in which carriers are required to provide:

A. Health insurance contracts, nonprofit health service plan contracts, health maintenance organization contracts, and dental plan organization contracts to individual contract holders and group contract holders; and

B. Health insurance certificates, nonprofit health service plan certificates, health maintenance organization certificates, and dental plan organization certificates to certificate holders.

.02 Definitions.

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

B. Terms Defined.

(1) "Blanket insurance" has the meaning stated in Insurance Article, §15-305, Annotated Code of Maryland.

(2) "Carrier" means any of the following:

- (a) An insurer;
- (b) A nonprofit health service plan;
- (c) A health maintenance organization; and
- (d) A dental plan organization.

(3) "Certificate" or "summary plan description" means the benefit summary that sets forth the essential elements of a group contract and that is required to be provided by a carrier to individuals covered under a group contract.

(4) "Certificate holder" means an individual who is eligible to be covered under a group contract by reason of satisfying the eligibility requirements of the group contract, other than an individual who is covered under a group contract as the spouse, domestic partner, or dependent of the certificate holder.

(5) "Contract holder" means the entity to whom a contract is issued.

(6) "Group contract" means a health insurance contract, a nonprofit health service plan contract, a health maintenance organization contract, or a dental plan organization contract issued by a carrier to a group for the purpose of covering:

- (a) Employees or members of the group;
- (b) The dependents of employees or members of the group; or
- (c) The employees, or members of the group, and the employee's, or member's dependents.

(7) "Health insurance" has the meaning stated in Insurance Article, §1-101, Annotated Code of Maryland.

(8) "Individual contract" means a health insurance contract, a nonprofit health service plan contract, a health

maintenance organization contract, or a dental plan organization contract issued by a carrier to a contract holder covering:

- (a) *The contract holder;*
- (b) *The contract holder's dependents; or*
- (c) *The contract holder, and the contract holder's dependents.*

(9) "Insurance producer" has the meaning stated in Insurance Article, §1-101, Annotated Code of Maryland.

.03 Delivery Requirement for Contracts and Policies.

A. Except as described in §B of this regulation, a carrier shall deliver an individual health insurance contract, an individual nonprofit health service plan contract, an individual health maintenance organization contract, or an individual dental plan organization contract to the contract holder within 60 days of the effective date of the contract.

B. If a carrier back dates an individual health insurance contract so that the individual health insurance contract is written at a younger age, the carrier shall deliver the individual health insurance contract to the contract holder within 60 days of the later of the:

(1) Effective date of the individual health insurance contract; or

(2) Date the carrier approves the application for the individual health insurance contract.

C. A carrier shall deliver a group or blanket health insurance contract, a group nonprofit health service plan, a group health maintenance organization contract, or a group dental plan organization contract to the contract holder within 60 days of the later of the:

(1) Effective date of the contract; or

(2) Date the contract holder provides all the information needed to finalize the benefits offered under the contract.

.04 Delivery Requirements for Certificates.

A. A carrier shall deliver a certificate under a group health insurance contract, a group nonprofit health service plan contract, a group health maintenance organization contract, or a group dental plan organization contract to the:

(1) Certificate holder within 60 days of the effective date of the certificate holder's coverage; or

(2) Group contract holder within 60 days of the effective date of the certificate holder's effective date of coverage, for delivery to each certificate holder.

B. A carrier may satisfy the requirement of §A of this regulation by making the certificate available to the certificate holder on the Internet, if:

(1) Written notice of the availability of the certificate on the Internet is provided to the:

(a) Certificate holder in writing within 60 days of the date of the certificate holder's effective date of coverage; or

(b) Group contract holder or insurance producer of record within 60 days of the effective date of the certificate holder's effective date of coverage, for the group contract holder or insurance producer of record to provide delivery to the certificate holder; and

(2) The written notice described in §B(1) of this regulation includes an option for the certificate holder to request the certificate be delivered to the certificate holder by mail.

C. The certificate requested under §B of this regulation shall be made available in paper form within 60 days of the receipt by the carrier of the request for the paper certificate from the certificate holder.

D. If a carrier cannot comply with the requirements of §A of this regulation because the group contract holder delays providing the necessary information to the carrier to issue the certificate, the carrier's time limit to provide the certificate is extended to the shorter of:

(1) 30 days from the date the employer group provides the information to the carrier; or

(2) 120 days from the effective date of the employer group contract.

.05 Compliance.

Failure of a carrier to deliver a contract or certificate as provided in Regulations .03 and .04 of this chapter shall constitute:

A. A violation of Insurance Article, §4-113, Annotated Code of Maryland, for a carrier, other than a health maintenance organization; or

B. A violation of Health-General Article, §19-729, Annotated Code of Maryland, for a health maintenance organization.

RALPH S. TYLER
Insurance Commissioner

Errata

COMAR 10.54.03.13

At 36:20 Md. R. 1542 (September 25, 2009), col. 2, line 10 from the top:

For: (7) [Vegetable Flavorite] Shelf stable concentrate, 100 (percent)

Read: (7) [Vegetable Flavorite] Shelf stable concentrate, 100-(percent)

COMAR 10.54.03.14

At 36:20 Md. R. 1543 (September 25, 2009), col. 1, line 24 from the top:

For: (c) [12] 9 11-ounce to 12-ounce cans;

Read: (c) [12] 9 11 [—] -ounce to 12-ounce cans;

[09-22-47]

COMAR 12.04

At 36:19 Md. R. 1468 (September 11, 2009), column 2, line 4 from the bottom:

For: ing requirements for correctional officers that shall be met

Read: ing requirements for police officers that shall be met

[09-22-29]

COMAR 33.13.02

At 36:14 Md. R. 1083 (July 6, 2009), column 1, lines 23 and 24 from the top:

For: (2) Repeal Regulations .01 — .04 and adopt new Regulations .01 — .04 under COMAR 33.13.02 Campaign Fi-

Read: (2) Repeal Regulations **.01 — .04** under **COMAR 33.13.02 Affidavit of Non-Participation** and adopt new Regulations **.01 — .02** under a new chapter, **COMAR 33.13.02 Campaign Fi-**

COMAR 33.13.04

At 36:14 Md. R. 1084 (July 6, 2009), column 2, line 17 from the bottom:

For: *A. This chapter applies to the affidavit that, under Elec-*

Read: *This chapter applies to the affidavit that, under Elec-*

COMAR 33.15.02

At 36:14 Md. R. 1086 (July 6, 2009), column 1, following line 1 from the bottom:

Insert: B. — C. (text unchanged)

[09-22-52]

COMAR 33.16

At 36:21 Md. R. 1595 (October 9, 2009), column 2, line 16 from the top:

For: new Regulations **.01 — .05** under **COMAR 33.16.02 Provi-**

Read: new Regulations **.01 — .05** under a new chapter, **COMAR 33.16.02 Provi-**

At 36:21 Md. R. 1595 (October 9, 2009), column 2, line 19 from the top:

For: new Regulations **.01 — .05** under **COMAR 33.16.03 Issu-**

Read: new Regulations **.01 — .05** under a new chapter, **COMAR 33.16.03 Issu-**

At 36:21 Md. R. 1595 (October 9, 2009), column 2, line 26 from the top:

For: Regulations **.02** and **.04 — .06** under **COMAR 33.16.05**

Read: Regulations **.02** and **.04 — .06** under a new chapter, **COMAR 33.16.05**

At 36:21 Md. R. 1595 (October 9, 2009), column 2, line 33 from the top:

For: and **.05** under **COMAR 33.16.06 Canvass of Ballots —**

Read: and **.05** under a new chapter, **COMAR 33.16.06 Canvass of Ballots —**

COMAR 35.05.01

At 36:21 Md. R. 1589 (October 9, 2009), column 1, following line 2 from the top:

Insert:

Editor's Note: The text of this document will not be printed here because it appears as a Notice of Proposed Action on page 1622 of this issue, referenced as [09-323-P].

[09-22-64]

SUSQUEHANNA RIVER BASIN COMMISSION

Notice of Actions Taken at September 10, 2009, Meeting

SUMMARY: At its regular business meeting on September 10, 2009, in North East, Maryland, the Commission held a public hearing as part of its regular business meeting. At the public hearing, the Commission: 1) approved and tabled certain water resources projects; 2) rescinded approval for two water resources projects; 3) approved settlements involving two water resources projects; and 4) tabled a request for an administrative hearing on a project previously approved by the Commission. Details concerning these and other matters addressed at the public hearing and business meeting are contained in the Supplementary Information section of this notice.

DATE: September 10, 2009.

ADDRESS: Susquehanna River Basin Commission, 1721 N. Front Street, Harrisburg, PA 17102-2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 306; fax: (717) 238-2436; e-mail: rcairo@srbc.net; or Stephanie L. Richardson, Secretary to the Commission, telephone: (717) 238-0423, ext. 304; fax: (717) 238-2436; e-mail: srichardson@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: In addition to the public hearing and its related action items identified below, the following items were also presented or acted on at the business meeting: 1) a report on the present hydrologic conditions of the basin indicating widespread recovery from winter precipitation deficits; 2) a panel discussion on the Chesapeake Bay and Ecosystems as two of the Commission's "priority management areas"; 3) presentation of the William W. Jeanes Award for Environmental Excellence to The Nature Conservancy; 4) an update on the Maryland Lt. Governor's Water Summit; 5) adoption of a final rulemaking action regarding the use of Commission-approved water sources for natural gas well development and clarifying administrative procedures; 6) adoption of an Access to Records Policy; and 7) ratification of several grants regarding surface water assessments, total maximum daily loads, the State of the Susquehanna project and the Susquehanna Flood Forecast and Warning System. The Commission also heard counsel's report on legal matters affecting the Commission. The Commission convened a public hearing and took the following actions:

Public Hearing — Compliance Actions

The Commission approved settlements in lieu of civil penalties for the following projects:

1. Allegheny Energy Supply Company, LLC and UGI Development Company, Hunlock Creek Electric Generating Station — \$35,000

2. Chief Oil & Gas, LLC, Phelps 1H Well — \$25,000

Public Hearing — Projects Approved

1. Project Sponsor: Antrim Treatment Trust. Project Facility: Antrim No. 1, Duncan Township, Tioga County, Pa. Surface water withdrawal of up to 0.720 mgd.

2. Project Sponsor and Facility: Charles Header-Laurel Springs Development, Barry Township, Schuylkill County, Pa. Groundwater withdrawal of 0.040 mgd from Laurel Springs 1 and 2.

3. Project Sponsor and Facility: Charles Header-Laurel Springs Development, Barry Township, Schuylkill County, Pa. Consumptive water use of up to 0.080 mgd.

4. Project Sponsor: Community Refuse Service, Inc. Project Facility: Cumberland County Landfill, Hopewell and North Newton Townships, Cumberland County, Pa. Modification to increase consumptive water use from a peak day of 0.090 mgd up to 0.140 mgd (Docket No. 20050907).

5. Project Sponsor: Community Refuse Service, Inc. Project Facility: Cumberland County Landfill, Hopewell and North Newton Townships, Cumberland County Pa. Groundwater withdrawal of 0.053 mgd from eight wells for consumptive water use.

6. Project Sponsor and Facility: EXCO-North Coast Energy, Inc. (Tunkhannock Creek — Dobrinski), Tunkhannock Township, Wyoming County, Pa. Surface water withdrawal of up to 0.999 mgd.

7. Project Sponsor and Facility: Fortuna Energy Inc. (Towanda Creek — Franklin Township Volunteer Fire Department), Franklin Township, Bradford County, Pa. Surface water withdrawal of up to 2.000 mgd.

8. Project Sponsor and Facility: LHP Management, LLC (Fishing Creek — Clinton Country Club), Bald Eagle Township, Clinton County, Pa. Surface water withdrawal of up to 0.100 mgd.

9. Project Sponsor and Facility: Seneca Resources Corporation (Arnot No. 5), Bloss Township, Tioga County, Pa. Surface water withdrawal of up to 0.499 mgd.

10. Project Sponsor and Facility: Southwestern Energy Company (Cold Creek — Giroux), Herrick Township, Bradford County, Pa. Surface water withdrawal of up to 0.249 mgd.

11. Project Sponsor and Facility: Southwestern Energy Company (Mill Creek — Kennedy), Stevens Township, Bradford County, Pa. Surface water withdrawal of up to 0.249 mgd.

12. Project Sponsor and Facility: Southwestern Energy Company (Ross Creek — Billings), Stevens Township, Bradford County, Pa. Surface water withdrawal of up to 0.249 mgd.

13. Project Sponsor and Facility: Southwestern Energy Company (Tunkhannock Creek — Price), Lenox Township, Susquehanna County, Pa. Surface water withdrawal of up to 0.380 mgd.

14. Project Sponsor and Facility: Southwestern Energy Company (Wyalusing Creek — Ferguson), Wyalusing Township, Bradford County, Pa. Surface water withdrawal of up to 1.500 mgd.

15. Project Sponsor and Facility: Southwestern Energy Company (Wyalusing Creek — Campbell), Stevens Township, Bradford County, Pa. Surface water withdrawal of up to 1.500 mgd.

16. Project Sponsor: UGI Development Company. Project Facility: Hunlock Power Station, Hunlock Township, Luzerne County, Pa. Surface water withdrawal from the Susquehanna River of up to 55.050 mgd.

17. Project Sponsor: UGI Development Company. Project Facility: Hunlock Power Station, Hunlock Township, Luzerne County, Pa. Consumptive water use of up to 0.870 mgd.

18. Project Sponsor and Facility: Ultra Resources, Inc. (Elk Run), Gaines Township, Tioga County, Pa. Corrective modification to passby flow condition (Docket No. 20090631).

19. Project Sponsor: United Water Resources. Project Facility: United Water PA — Harrisburg Operation, Newberry Township, York County, Pa. Groundwater withdrawal of up to 0.121 mgd from Paddletown Well.

Public Hearing — Projects Tabled

1. Project Sponsor and Facility: ALTA Operating Company, LLC (Berkowitz Pond), Forest Lake Township, Susquehanna County, Pa. Surface water withdrawal of up to 0.249 mgd.

2. Project Sponsor and Facility: J-W Operating Company (Abandoned Mine Pool — Unnamed Tributary to Finley Run), Shippen Township, Cameron County, Pa. Application for surface water withdrawal of up to 0.090 mgd.

3. Project Sponsor and Facility: Mansfield Borough Municipal Authority, Richmond Township, Tioga County, Pa. Application for groundwater withdrawal of up to 0.079 mgd from Well 3.

4. Project Sponsor and Facility: Southwestern Energy Company (Sutton Big Pond), Herrick Township, Bradford County, Pa. Application for surface water withdrawal of up to 5.000 mgd.

Public Hearing — Rescission of Project Approvals

1. Project Sponsor and Facility: East Resources, Inc. (Tioga River) (Docket No. 20080609), Mansfield, Richmond Township, Tioga County, Pa.

2. Project Sponsor and Facility: Montrose Country Club (Docket No. 20020603), Bridgewater Township, Susquehanna County, Pa.

Public Hearing — Rescission of Project Approvals Tabled

1. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River) (Docket No. 20080903), Town of Tioga, Tioga County, N.Y.

2. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River) (Docket No. 20080906), Athens Township, Bradford County, Pa.

3. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River) (Docket No. 20080907), Oakland Township, Susquehanna County, Pa.

Public Hearing — Administrative Appeals

1. Docket No. 20090315, from petitioner Paul R. Miller allegedly on behalf of Delta Borough — The Commission tabled action on this appeal at the request of the petitioner and the Delta Borough Authority.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: September 25, 2009.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[09-22-35]

General Notices

Notice on 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 ACUPUNCTURE

Subject: Public Hearing on Regulations
Date and Time: November 10, 2009,
1 — 4 p.m.

Place: 4201 Patterson Ave., Baltimore,
MD

Contact: Cynthia Dobbins (410) 764-4766

[09-22-16]

BOARD OF ACUPUNCTURE

Subject: Public Meeting on Regulations
Date and Time: November 10, 2009,
1 — 4 p.m.

Place: 4201 Patterson Ave., Baltimore,
MD

Contact: Cynthia Dobbins (410) 764-4766

[09-22-07]

STATE ANATOMY BOARD

Subject: Public Meeting

Date and Time: November 13, 2009,
1 — 4 p.m.

Place: University of Maryland, School of
Medicine, 655 W. Baltimore St., 14th
Fl., Rm. 14-033, Baltimore, MD

Contact: Rita M. Gross (410) 706-3313

[09-22-34]

BOARD OF CHIROPRACTIC EXAMINERS

Subject: Public Meeting

Date and Time: November 12, 2009, 10
a.m. — 1 p.m.

Place: Dept. of Health and Mental Hy-
giene, 4201 Patterson Ave., Rm. 108/
109, Baltimore, MD

Contact: Maria Ware (410) 764-5902

[09-22-43]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting

Date and Time: November 12, 2009,
3 — 5 p.m.

Place: Columbia Gateway, Columbia,
MD

Contact: Jessica Winpigler (410) 821-2829

[09-22-24]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting

Date and Time: November 18, 2009,
3 — 5 p.m.

Place: Loch Raven Library, Baltimore,
MD

Contact: Jessica Winpigler (410) 821-2829

[09-22-25]

CRIMINAL JUSTICE INFORMATION ADVISORY BOARD

Subject: Public Meeting

Date and Time: December 14, 2009,
1 — 3 p.m.

Place: Judicial Training Center, 2009-D
Commerce Park Dr., Annapolis, MD

Contact: Marcus D. Ricketts (410) 585-3170

[09-22-14]

GOVERNOR'S OFFICE OF THE DEAF AND HARD OF HEARING

Subject: Public Meeting

Date and Time: November 6, 2009,
6 — 8 p.m.

Place: Grantsville Senior Center, 125
Durst Ct., Grantsville, MD

Add'l. Info: This is a town hall meeting open to the public for anyone interested in issues related to the deaf, deaf-blind, and hard of hearing residents of Maryland. The town hall meeting will be from 6 to 7 p.m., followed by BINGO. Sign Language interpreters and CART will be provided. If you need additional accommodations, please contact Laura Quinn at lquinn@gov.state.md.us. Refreshments will be provided.

Contact: Laura Quinn (410) 767-7794

[09-22-56]

OFFICE OF THE DEAF AND HARD OF HEARING/MARYLAND ADVISORY COUNCIL FOR THE DEAF AND HARD OF HEARING

Subject: Public Meeting

Date and Time: November 12, 2009,
6 — 8 p.m.

Place: The Hearing and Speech Agency
(HASA), 5900 Metro Dr., Baltimore,
MD

Add'l. Info: This is a town hall meeting, open to the public for anyone interested in issues related to the deaf, deaf-blind, and hard of hearing residents of Maryland. Sign Language interpreters and CART will be provided. If you need additional accommodations, please contact Laura Quinn at lquinn@gov.state.md.us.

Contact: Laura Quinn (410) 767-7794

[09-22-27]

BOARD OF DENTAL EXAMINERS

Subject: Public Meeting

Date and Time: November 4, 2009, 9
a.m.

Place: Spring Grove Hospital Center,
Benjamin Rush Bldg., Tulip Dr., Ca-
tonsville, MD

Add'l. Info: The Board's Dental Hy-
giene, Nominations, and Rules and
Regulations Committees may meet.
Appropriate accommodations for indi-
viduals with disabilities will be pro-
vided upon request. Please call at least
72 hours prior to the Board meeting.

Contact: Alexis McCamey (410) 402-8534

[09-22-13]

BOARD OF DENTAL EXAMINERS

Subject: Public Notice of Open Sessions
Add'l. Info: This notice shall serve as
public notice that the Dental Board
may hereafter give notice to the public
of its open sessions by any of the fol-
lowing methods:

(1) By publication in the Maryland Register;

(2) By delivery to representatives of the news media who regularly report on sessions of the Dental Board, or the activities of the Department of Health and Mental Hygiene, or the State of Maryland;

(3) By posting or depositing the notice at a convenient public location at or near the offices of the Dental Board or the place of the session; or

(4) By posting the notice on the Board's Internet website or the Internet website of the Department of Health and Mental Hygiene; or

(5) By any other reasonable method.

Contact: Alexis McCamey (410) 402-8534

[09-22-55]

PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD

Subject: Public Meeting

Date and Time: November 5, 2009, 9:30
a.m. — 12 p.m.

Place: Nancy S. Grasmick State Educa-
tion Building, 200 W. Baltimore St.,
Baltimore, MD

Contact: Madeline Koum (410) 767-0385

[09-22-10]

STATE BOARD OF ELECTIONS**Subject:** Formal Start of Review**Add'l. Info:** In accordance with the Regulatory Review and Evaluation Act, State Government Article, §§10-130 — 10-138, Annotated Code of Maryland, evaluation reports for the following subtitles of Title 33 are available: Subtitle 05 (Voter Registration); and Subtitle 11 (Absentee Voting).

The State Board of Elections would like to provide interested parties with an opportunity to review and comment on the evaluation reports. All parties interested in reviewing these reports, please contact Nikki Trella at State Board of Elections, P.O. Box 6486, Annapolis MD 21401-0486, by fax at 410-974-2019 or by email to ntrella@elections.state.md.us Comments must be received not later than December 22, 2009.

Contact: Nikki Trella (410) 269-2843
[09-22-50]**BOARD OF MASTER ELECTRICIANS****Subject:** Public Meeting**Date and Time:** November 24, 2009, 10 a.m. — 12 p.m.**Place:** 500 N. Calvert St., Baltimore, MD**Contact:** Gae Herzberger (410) 230-6163
[09-22-09]**BOARD OF MASTER ELECTRICIANS****Subject:** Public Meeting**Date and Time:** December 22, 2009, 10 a.m. — 12 p.m.**Place:** 500 N. Calvert St., Baltimore, MD**Contact:** Gae Herzberger (410) 230-6163
[09-22-26]**EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL****Subject:** Public Meeting**Date and Time:** November 5, 2009, 1 — 3 p.m.**Place:** 653 W. Pratt St., Ste. 212, Baltimore, MD**Add'l. Info:** The State Emergency Medical Services Advisory Council (SEMSAC) meets regularly the first Thursday of each month.**Contact:** Leandrea Gilliam (410) 706-4449
[09-22-20]**EMERGENCY MEDICAL SERVICES BOARD****Subject:** Public Meeting**Date and Time:** November 10, 2009, 9 — 11 a.m.**Place:** 653 W. Pratt St., Ste. 212, Baltimore, MD**Add'l. Info:** The State Emergency Medical Services Board (EMS Board) meets

regularly the second Tuesday of each month. Part of the meeting may include a closed session.

Contact: Leandrea Gilliam (410) 706-4449
[09-22-21]**MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS****Subject:** Public Meeting**Date and Time:** November 20, 2009, 10 a.m. — 12 p.m.**Place:** 653 W. Pratt St., Ste. 508, Baltimore, MD**Add'l. Info:** The Emergency Medical Services Systems (EMS) Provider Review Panel meets regularly the third Friday of every other month.**Contact:** Leandrea Gilliam (410) 706-4449
[09-22-22]**BOARD FOR PROFESSIONAL ENGINEERS****Subject:** Public Meeting**Date and Time:** November 12, 2009, 9 a.m.**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD**Contact:** Pamela J. Edwards (410) 230-6263
[09-22-58]**DEPARTMENT OF THE ENVIRONMENT/LAND MANAGEMENT ADMINISTRATION****Subject:** Public Meeting**Date and Time:** November 5, 2009, 9:30 — 11:30 a.m.**Place:** Maryland Department of the Environment, 1800 Washington Blvd, Potomac Conf. Rm., Baltimore, MD**Add'l. Info:** Meeting of the Governor's Lead Poisoning Prevention Commission**Contact:** Tracy Smith (410) 537-3847
[09-22-32]**MARYLAND DEPARTMENT OF ENVIRONMENT/LAND MANAGEMENT ADMINISTRATION****Subject:** Public Meeting**Date and Time:** November 12, 2009, 9 — 11:30 a.m.**Place:** Maryland Department of the Environment, 1800 Washington Blvd., Potomac Conf. Rm., Baltimore, MD**Add'l. Info:** Meeting of the Controlled Hazardous Substances Council**Contact:** Ed Hammerberg (410) 537-3345
[09-22-17]**DEPARTMENT OF THE ENVIRONMENT****Subject:** Public Hearing on Regulations**Date and Time:** November 16, 2009, 6 — 8 p.m.**Place:** Department of the Environment, Montgomery Park, 1800 Washington Blvd., Baltimore, MD**Add'l. Info:** The Department of the Environment proposes to repeal existing Regulations .01 through .13 under COMAR 26.04.04 Well Construction Regulations, and replace them with new Regulations .01 through .39 under COMAR 26.04.04 Well Construction Regulations.

The Department will hold a public hearing regarding the proposed action on the above regulations on November 16, 2009, between 6 p.m. and 8 p.m. at The Maryland Department of the Environment, Montgomery Park, 1800 Washington Blvd. Baltimore, MD.

Persons who wish to present information regarding the proposed regulations may speak at the public hearing, submit written comments at the public hearing, or submit a written statement to the Department not later than November 23, 2009. All comments will be considered in the determination of the final action on the regulations. Written comments should be addressed to the Maryland Department of the Environment, Water Management Administration, Attn.: Mr. Barry Glotfelty, Chief, Onsite Systems Division, 1800 Washington Blvd., Baltimore, MD 21230-1708.

The proposed regulations, scheduled for publication in the October 23, 2009 issue of the Maryland Register, are available online at the Division of State Documents website: www.dsd.state.md.us

Any hearing-impaired person may request an interpreter to be present at the public hearing by giving ten working days notice to Barry Glotfelty at the address listed above, or by telephone at 410-537-4156.

Contact: Barry Glotfelty (410) 537-4156
[09-22-44]**DEPARTMENT OF GENERAL SERVICES/ARCHITECTURAL/ENGINEERING/PROCUREMENT/ GPSSB****Subject:** Public Meeting**Date and Time:** November 3, 2009, 9 a.m.**Place:** 201 W. Preston St., Rm. L-2, Baltimore, MD**Add'l. Info:** Department of General Services General Professional Services Selection Board Notice of a Public Meeting.

The General Professional Services Selection Board (GPSSB) meeting agenda for the meeting is as follows:

A. The Board, in making its selection recommendation for presentation to the Board of Public Works, shall determine that the negotiations have been conducted in accordance with Regulations and that the Price Proposal is fair, competitive, and reasonable for the following project:

Project No. H-453-100-001

New Kidney Dialysis Addition and Renovate Unit 1 North, Deer's Head Hospital Center Salisbury, Wicomico County, Maryland

Using Agency: Department of Health and Mental Hygiene

B. The Selection Board will also review other matters which may be presented for its consideration.

Please call William A. Davis at 410-767-4296 (Voice) or, for persons with hearing or speech disabilities, call via the Maryland Relay Service at 1-800-735-2258, to request any reasonable accommodations you may require.

Contact: William A. Davis (410) 767-4296

[09-22-38]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/LABORATORIES ADMINISTRATION/FORENSIC LABORATORY ADVISORY COMMITTEE

Subject: Public Meeting

Date and Time: October 28, 2009, 10 a.m. — 12 p.m.; November 23, 2009, 10 a.m.; and December 17, 2009, 10 a.m.

Place: MSP Division of Forensic Sciences, Pikesville, MD

Contact: Michael Wajda (410) 767-6909

[09-22-28]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/LABORATORIES ADMINISTRATION

Subject: Public Meeting

Date and Time: December 1, 2009, 8:30 a.m. — 12 p.m.

Place: 201 W. Preston St., O'Connor Bldg., Rm. L-37, Baltimore, MD

Contact: Georgette P. Zoltani (410) 764-2899

[09-22-54]

BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS (HVACR)

Subject: Public Meeting

Date and Time: November 10, 2009, 9:30 a.m. — 12 p.m.

Place: 500 N. Calvert St., Rm. 302, Baltimore, MD

Contact: Steve Smitson (410) 230-6169

[09-22-18]

DEPARTMENT OF LABOR, LICENSING, AND REGULATION/DIVISION OF LABOR AND INDUSTRY/MARYLAND APPRENTICESHIP AND TRAINING COUNCIL

Subject: Public Meeting

Date and Time: November 10, 2009, 9 a.m. — 12 p.m.

Place: Baltimore JATC for the Electrical Industry, 2699 W. Patapsco Ave.,

Baltimore, MD

Add'l. Info: The Apprenticeship and Training Council will consider the approval and registration of new apprenticeship programs, revisions to presently approved apprenticeship programs and other business which may come before the Council.

Contact: Roger M. Lash, Jr. (410) 767-2246

[09-22-51]

BOARD FOR PROFESSIONAL LAND SURVEYORS

Subject: Public Meeting

Date and Time: November 4, 2009, 9:30 a.m.

Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

Contact: Pamela J. Edwards (410) 230-6263

[09-22-59]

MARYLAND STATE LOTTERY COMMISSION

Subject: Public Meeting

Date and Time: October 30, 2009, 10 a.m. — 12 p.m.

Place: Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD

Add'l. Info: Commission business regarding the Video Lottery Terminal Program. A portion of this meeting will be held in closed session.

Contact: Marie A. Torosino (410) 230-8790

[09-22-60]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting

Date and Time: November 19, 2009, 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 working days before the meeting to make arrangements

Contact: Valerie Wooding (410) 764-3460

[09-22-15]

MARYLAND HEALTH CARE COMMISSION

Subject: Notice of Project Change

Add'l. Info: On August 10, 2009, and September 30, 2009, the Maryland Health Care Commission (MHCC) received notice and a request for approval of project changes under COMAR 10.24.01.17B from GOVANS, holder of a Certificate of Need (CON), Docket No. 07-24-2224, The Green House at Stadium Place, issued on April 17, 2008. The project's sponsor

has requested approval for:

1. Change in facility design;
2. an increase in costs associated with the redesigned facility;
3. change in financial mechanism; and
4. a 6-month extension to the first performance requirement.

Please refer to the Docket No. listed above in any correspondence on this request, a copy of which is available for review by appointment in MHCC offices during regular business hours. All correspondence should be addressed to: Pamela W. Barclay, Deputy Director, Health Resources, MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215

Contact: Ruby Potter (410) 764-3276

[09-22-31]

MARYLAND PUBLIC BROADCASTING COMMISSION

Subject: Public Meeting

Date and Time: November 24, 2009, 8:30 a.m.

Place: Maryland Public Television, Owings Mills, MD

Contact: Sharon Abernathy (410) 581-4141

[09-22-04]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting

Date and Time: November 4, 2009, 8:30 a.m. — 5 p.m.

Place: Harry R. Hughes, Dept. of Transportation Building, 7201 Corporate Center Dr., Harry Hughes Conf. Ste., Hanover, MD

Contact: Catherine Svoboda (410) 865-1357

[09-22-39]

BOARD OF MORTICIANS AND FUNERAL DIRECTORS

Subject: Public Meeting

Date and Time: November 10, 2009, 10:30 a.m. — 12:30 p.m.

Place: 4201 Patterson Ave., Rm. 100, Baltimore, MD

Add'l. Info: Review statutes and regulations and vote as necessary. Sign language interpreter and/or other appropriate accommodations for qualified individuals with disabilities will be provided upon request.

Contact: LouAnn Cox (410) 764-4792

[09-22-57]

BOARD OF OCCUPATIONAL THERAPY PRACTICE

Subject: Public Meeting

Date and Time: November 20, 2009, 8:30 a.m. — 2 p.m.

Place: Spring Grove Hospital Center, Benjamin Rush Building, 55 Wade Ave., Tulip Dr., Catonsville, MD

Add'l. Info: Health Occupations Article, Title 10, Annotated Code of Maryland, and COMAR 10.46, amendments, additions, and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 1-800-735-2255.
Contact: Marilyn Pinkney (410) 402-8556

[09-22-19]

BOARD OF EXAMINERS IN OPTOMETRY

Subject: Public Meeting
Date and Time: November 18, 2009, 9:30 a.m. — 12 p.m.
Place: Metro Executive Building, 4201 Patterson Ave., Rm. 105, Baltimore, MD

Add'l. Info: Health Occupations, Article Title 11, Annotated Code of Maryland, and COMAR 10.28, amendments, additions, and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session.

Contact: Patricia G. Bennett (410) 764-4710

[09-22-03]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: November 12, 2009, 1 — 5 p.m.
Place: Metro Executive Building, 4201 Patterson Ave., Baltimore, MD
Contact: Eva Schwartz (410) 764-4785

[09-22-08]

BOARD OF EXAMINERS OF PSYCHOLOGISTS

Subject: Public Meeting
Date and Time: November 13, 2009, 9 a.m. — 1 p.m.
Place: 4201 Patterson Ave., Conf. Rm. 110, Baltimore, MD
Add'l. Info: May discuss proposed changes to the Practice Act. Sign language interpreters/other appropriate accommodations for qualified individuals with disabilities will be provided upon request.

Contact: Dorothy Kutcherman (410) 764-4703

[09-22-30]

RACING COMMISSION

Subject: Public Meeting
Date and Time: November 10, 2009, 12:30 — 1:30 p.m.
Place: Laurel Park, Laurel, MD
Contact: J. Michael Hopkins (410) 296-9682

[09-22-23]

REAL ESTATE COMMISSION

Subject: Public Hearing
Date and Time: November 18, 2009, 12:30 p.m.
Place: Department of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patricia Hannon (410) 230-6199

[09-22-37]

REAL ESTATE COMMISSION

Subject: Public Meeting
Date and Time: November 18, 2009, 10:30 a.m.
Place: Department of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patricia Hannon (410) 230-6199

[09-22-36]

RETIREMENT AND PENSION SYSTEM — BOARD OF TRUSTEES

Subject: Public Meeting
Date and Time: November 17, 2009, 9 a.m.
Place: SunTrust Building, 120 E. Baltimore St., 16th Fl. Bd. Rm., Baltimore, MD
Add'l. Info: Meeting date and location are subject to change. Anyone interested in attending should contact the Retirement Agency for confirmation. Please note the meeting may include a closed session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 410-625-5609 or 1-800-735-2258 TTY.

Contact: Patrice Sowah (410) 625-5606

[09-22-05]

BOARD OF SOCIAL WORK EXAMINERS

Subject: Public Meeting
Date and Time: November 13, 2009, 8 — 9:45 a.m.
Place: 4201 Patterson Ave., Rm. 100, Baltimore, MD
Add'l. Info: The Board of Social Work Examiners — 2009 Licensing Workgroup.
Contact: James T. Merrow (410) 764-4788

[09-22-12]

BOARD OF SOCIAL WORK EXAMINERS

Subject: Public Meeting
Date and Time: November 13, 2009, 12 — 2 p.m.
Place: 4201 Patterson Ave., Rm. 109, Baltimore, MD
Add'l. Info: The Board may discuss/vote on proposed regulations.
Contact: James T. Merrow (410) 764-4788

[09-22-11]

MARYLAND BUSINESS TAX REFORM COMMISSION

Subject: Public Meeting
Date and Time: October 29, 2009, 1:30 — 4 p.m.
Place: LLG Treasury Building, 80 Calvert St., Assembly Rm., Annapolis, MD
Contact: Linda Vasbinder (410) 260-7450

[09-22-45]

TOURISM DEVELOPMENT BOARD

Subject: Public Meeting
Date and Time: November 4, 2009, 11:30 a.m. — 1:30 p.m.
Place: Roland Powell Convention Center, Rm. 215, Ocean City, MD
Add'l. Info: Maryland Tourism Development Board Quarterly Business Meeting
Contact: Denise Reed (410) 767-6293

[09-22-61]

MARYLAND DEPARTMENT OF TRANSPORTATION

Subject: Public Hearing
Date and Time: November 16, 2009, 8 a.m. — 12 p.m.
Place: Department of Transportation Headquarters, 7201 Corporate Center Dr., Hanover, MD
Add'l. Info: The Maryland Board of Airport Zoning Appeals (BAZA) will hold a hearing on Monday, November 16, 2009. The hearing will begin at 8 a.m. in the Board Room of the Maryland Department of Transportation located at 7201 Corporate Center Drive, Hanover, Maryland 21076. The Board will hear the following case(s):

(1) Docket Number 384 — OM Shiva OM, LLC. requests permission to erect a 95-foot crane to be utilized in construction of the proposed five and six-story Baywood Hotels located on Andover Road in Linthicum, Maryland. The proposed crane will be located approximately 6,400 feet from the Approach to Runway 15L at Baltimore/Washington International Thurgood Marshall Airport, and would be a penetration to the Federal Aviation Administration Part 77 Approach surface by approximately 24 feet. The proposed crane will exceed the acceptable height limit as established by the Federal Aviation Administration (FAA), and highlighted in Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace. Code of Maryland Regulations (COMAR) Section 11.03.06.08 enables proponents to seek a variance from the Board of Airport Zoning Appeals for any proposed penetration to FAR Part 77. Therefore, the Maryland Aviation Administration will present BAZA Case No. 384 to the Board of Airport Zoning Appeals on Monday, November 16, 2009.

(2) Docket Number 385 — Northrop Grumman, requests permission to erect a 205-foot crane to be utilized in construction of the proposed rooftop chiller replacement located on Aviation Boulevard in Linthicum, Maryland. The proposed crane will be located approximately 536 feet from the Approach to Runway 15R at Baltimore/Washington International Thurgood Marshall Airport and would be a penetration to the Federal Aviation Administration Part 77 Approach surface by approximately 75 feet. The proposed crane will exceed the acceptable height limit as established by the Federal Aviation Administration (FAA), and highlighted in Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace. Code of Maryland Regulations (COMAR) Section 11.03.06.08 enables proponents to seek a variance from the Board of Airport Zoning Appeals for any proposed penetration to FAR Part 77. Therefore, the Maryland Aviation Administration will present BAZA Case No. 385 to the Board of Airport Zoning Appeals on Monday, November 16, 2009.

For additional information, please contact Deborah Mahoney-Fowler, at 410-865-1233; or authorized Agency Officer Charles Payne at 410-865-1123.

Appropriate auxiliary aids and services for qualified individuals with disabilities will be provided upon request. Please call 410-865-1233 (voice) or MD Relay (TTY Users).

Contact: Deborah Mahoney-Fowler
(410) 865-1233

[09-22-53]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting

Date and Time: November 12, 2009,
9 — 11 a.m.

Place: 10 E. Baltimore St., Baltimore,
MD

Contact: Amy Lackington (410) 864-
5302

[09-22-01]



Date: _____

Acct.# _____

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Title 24	Business & Economic Development	\$ 37	_____	_____
Title 25	State Treasurer	\$ 17	_____	_____
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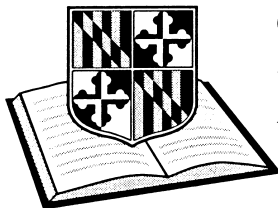
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