

their commercial harvest, it was overlooked that the authority that was used made it so that harvest was only allowed under rules that explicitly allowed the activity. Typically, fishing activities that are not explicitly prohibited by regulation are allowed (i.e., unlimited harvest of catfish in tidal waters). Because of the authority used for menhaden, the Department must affirmatively allow recreational harvest, or it is not legal. The Department never intended to prohibit this activity and believes that this activity has long occurred even with the current technical prohibition. The Department also believes that the recreational harvest of menhaden (typically as bait for other fisheries) will not have a meaningful impact on the species, as the majority of harvest in Maryland comes from pound nets, and the largest percentage of harvest on the coast comes from the purse seine fishery in Virginia.

#### **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 Atlantic Menhaden — Recreational Harvest, Regulatory Staff, Department of Natural Resources, Fishing and Boating Services, 580 Taylor Ave., E4, Annapolis MD 21401, or call 410-260-8300, or submit comments to <https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx#menhaden>. Comments will be accepted through February 12, 2024. A public hearing has not been scheduled.

#### **.07 Atlantic Menhaden.**

##### *A. Commercial Quota.*

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

(2) (text unchanged)

*B. Commercial Seasons.* A public notice shall be issued in accordance with [§F] §G of this regulation when the quota and season are approved by the Atlantic State Marine Fisheries Commission.

##### *C. Commercial Catch Limits.*

(1) (text unchanged)

(2) Upon the State quota being met or exceeded, the catch limit for Atlantic menhaden and the harvest rate at which an Atlantic menhaden bycatch allowance landing permit is required shall be established and may be modified through a public notice issued in accordance with [§F] §G of this regulation.

##### *D. Recreational Fishery.*

(1) *Season.* The season for the recreational harvest of Atlantic menhaden is January 1 through December 31.

(2) *Catch Limit.* There is no limit on the number of Atlantic menhaden that an individual may harvest for recreational use.

(3) *Size Limit.* There is no minimum size for Atlantic menhaden.

##### **[D.] E. Atlantic Menhaden Bycatch Allowance Landing Permits.**

(1)—(4) (text unchanged)

(5) Atlantic menhaden bycatch allowance landing permits may not be transferred and are valid only for the named individual on the permit card or their operator as described in [§D(4)] §E(4) of this regulation.

(6) (text unchanged)

##### **[E.] F. Reporting.**

(1) (text unchanged)

(2) **Reporting Penalties.**

(a) The Department may suspend the holder of an Atlantic menhaden bycatch allowance landing permit from participation in the menhaden fishery for up to 90 days per violation for failing to comply with [§E(1)(b)] §F(1)(b) of this regulation.

(b) In addition to any other penalty, the Department may deny an application for an Atlantic menhaden bycatch allowance landing permit for failing to comply with [§E(1)] §F(1) of this regulation during the previous season.

(c) (text unchanged)

**[F.] G.** (text unchanged)

JOSH KURTZ  
Secretary of Natural Resources

## **Subtitle 02 FISHERIES SERVICE**

### **08.02.26 Shell Recycling [Tax Credit] Grant Program**

Authority: [Tax-General Article, §10-724.1] *Natural Resources, §4-1019.1*, Annotated Code of Maryland

#### **Notice of Proposed Action**

[23-264-P]

The Secretary of Natural Resources proposes to amend Regulations .01 and .02, repeal existing Regulations .03—.05, and amend and recodify existing Regulation .06 to be Regulation .03 under **COMAR 08.02.26 Shell Recycling Tax Credit**. The Department proposes to rename the chapter Shell Recycling Grant Program to reflect the new nature of the program.

**Statement of Purpose**

The purpose of this action is to create the Shell Recycling Grant Program in accordance with Ch. 30 (H.B. 1228), Acts of 2022, which eliminated the shell recycling tax credit. The Department is proposing to create a process by which an interested nonprofit organization, community association, restaurant, seafood processor, or seafood dealer may donate shells to an authorized shell recycling collector. Shell recyclers would receive a grant based on the amount of oyster shells they donated and depending on the type of entity they are. The statute authorizes nonprofit organizations and community associations to be provided grants of \$100 for the recycling of at least 5 but less than 20 bushels of oyster shells in a year, and \$250 for the recycling of at least 20 bushels of oyster shells in a year. Restaurants and seafood processors and dealers are authorized to receive grants at a rate of \$5 per bushel up to a maximum of \$2,000 per year. Authorized shell recycling collectors will maintain records of shell donations and submit those records to the Department annually. The Department will then provide the necessary grant money to the authorized shell recycling collectors to be disbursed to the shell recyclers which donated shell the previous year. This will ultimately provide entities which recycle oyster shells a cash payment faster than the previous tax credit system.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed action will have a positive economic impact on entities which recycle oyster shells. The action will not have any impact on the Department as money has already been budgeted to acquire shell and those funds will be used to run this program.

**II. Types of Economic Impact.**

Impacted Entity	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
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:	NONE	
E. On other industries or trade groups:		
Shell recyclers	(+)	Indeterminable
F. Direct and indirect effects on public:	NONE	

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

E. This action may have an indeterminable positive impact on shell recyclers by streamlining the process by which they are paid for the shells that they have donated through an authorized shell recycling collector.

**Economic Impact on Small Businesses**

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

This action may have long-term positive impacts on small businesses engaged in the oyster industry which recycle shell by increasing the efficiency of collection and payment for collected shells.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Shell Recycling Grant Program, Regulatory Staff, Department of Natural Resources, Fishing and Boating Services, 580 Taylor Ave., E4, Annapolis, MD 21401, or call 410-260-8300, or submit comments to <https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx#shel>. Comments will be accepted through February 12, 2024. A public hearing has not been scheduled.

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) *“Authorized shell recycling collector” means a business entity authorized by the Department to collect shells and issue grants to shell recyclers.*

[(2)] (3)—[(3)] (4) (text unchanged)

[(4)] *“Certified recycled shell collector” means:*

(a) A business entity certified by the Department under Regulation .06 of this chapter to verify amounts of recycled oyster shell; or

(b) The Department.]

(5)—(7) (text unchanged)

(8) *“Grant” means a payment to a shell recycler for donated shells.*

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

(10) "Restaurant" means a food service facility as defined in COMAR 10.15.03.

(11) "Seafood dealer or processor" means a person who is:

(a) Licensed as a seafood dealer in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, or who is exempt from licensing as a seafood dealer under Natural Resources Article, §4-702, Annotated Code of Maryland; and

(b) Licensed or certified by the Maryland Department of Health in accordance with COMAR 10.15.07.

[(9)] (12) "Shell [Recycler.] recycler" means a nonprofit organization, community association, restaurant, seafood processor, or seafood dealer that donates shells to an authorized shell recycling collector and that has not received compensation for the shell donation from any source other than the Department or its agent.

[(a)] "Shell recycler" means a person that donates shell for replanting in Maryland tidal waters.

[(b)] "Shell recycler" does not include a person that receives compensation for the shell donation.

(10) "Taxable year" means the period for which Maryland taxable income is computed under Tax-General Article, Title 10, Annotated Code of Maryland.]

## .02 Eligibility.

[A.] To be eligible for [a State income tax credit] *the annual grant program* under this chapter, a shell recycler shall:

[(1)] A. Prior to donating shell, complete an online registration as specified by the Department that includes the shell recycler's Tax Identification Number; and

[(2)] B. Donate shell for recycling to [a certified recycled shell] *an authorized shell recycling collector*; and].

[(3)] Receive and maintain electronic invoice records from the Department, indicating for each shell donation:

(a) The name of the certified recycled shell collector;

(b) The date and location of the shell donation; and

(c) The number of bushels of shell donated.

B. Eligibility of Business Entities.

(1) Only an individual or a corporation may receive a credit against the State income tax for oyster shell recycling.

(2) If a business entity other than a corporation recycles oyster shell in accordance with the eligibility requirements established in §A of this regulation, the amount of credits computed for the pass-through entity shall be allocated among the owners as agreed to in writing by the owners in accordance with Internal Revenue Service rules.]

## .[06] .03 [Certified Recycled Shell] *Authorized Shell Recycling Collector*.

A. Certification of a Collector.

(1) A business entity may apply to the Department to be [a certified recycled shell] *an authorized shell recycling collector*.

(2) (text unchanged)

(3) Upon receipt and review of an application for certification under this regulation, the Department may:

(a) Approve the application and issue the applicant a certificate designating the applicant [a certified recycled shell] *an authorized shell recycling collector*; or

(b) (text unchanged).

(4) A certification issued to [a recycled shell] *an authorized shell recycling collector*:

(a)—(b) (text unchanged)

B. [A certified recycled shell] *An authorized shell recycling collector* shall:

(1) (text unchanged)

(2) For each shell donation collected, submit an electronic report as specified by the Department verifying the location, date, and amount of the shell donation [within 48 hours of collecting the donation];

(3) Allow the Department, or the Department's designee, to inspect at reasonable hours the [certified recycled shell] *authorized shell recycling collector's* shell aggregation site and collected recycled shell; and

(4) Notify the Department immediately of any changes to the [certified recycled shell] *authorized shell recycling collector's* aggregation site or contact information.

C. *Issuance of Grants*.

(1) *An authorized shell recycling collector shall issue grants to shell recyclers in the amounts described in Natural Resources Article, §4-1019.1, Annotated Code of Maryland.*

(2) *A shell recycler may only receive one grant per donation year, which shall be in the amount which reflects the total amount of shell that the recycler has donated over the course of that year.*

(3) *The donation year shall run from January 1 through December 31.*

(4) *By January 31 of each year, an authorized shell recycling collector shall submit all necessary recycling records to the Department to reflect the amount of shell collected from each shell recycler the previous year and the total amount of grants which are to be disbursed to the shell recyclers by the authorized shell recycling collector.*

(5) *Within 30 days of receiving payment from the Department, an authorized shell recycling collector shall issue the appropriate grants to each shell recycler.*

(6) *Once the authorized collector has received payment from the Department, the donated shell becomes the property of the State of Maryland.*

D. *Limitations on Funding*.

(1) *Grants issued under this chapter are subject to the amount of funds budgeted for the Shell Recycling Grant Program.*

(2) *In the event that shell recyclers donate more shells to the Shell Recycling Grant Program than the Department has budgeted for, the Department shall issue grants to authorized shell recycling collectors, and authorized shell recycling collectors shall disburse to shell recyclers grants in the order in which recycled shells were donated to the collectors.*

[C.] E. (text unchanged)

# Title 09

## MARYLAND DEPARTMENT OF LABOR

### Subtitle 09 MARYLAND BOARD OF ELECTRICIANS

#### 09.09.01 Fees and Deadlines

Authority: Business Occupations and Professions Article, §§6-205, 6-207, 6-310(c)(2), 6-311(a)(2), (b)(1), (d)(3)(iii), (d)(4)(ii), and (f)(3), and 6-313(c)—(e); Business Regulation Article, §§2.106.2 and 2-106.9, Annotated Code of Maryland

#### Notice of Proposed Action

[23-310-P]

The State Board of Electricians proposes to amend Regulation .03 under COMAR 09.09.01 Fees and Deadlines. This action was considered at public meeting of the State Board of Electricians held on September 26, 2023, notice of which was provided by posting on the State Board of Electricians' website pursuant to General Provisions Article, §3-302(c)(ii), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to amend the fees charged by the State Board of Electricians, unchanged over a decade, effective in 2024 and 2025.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** The State Board of Electricians must set a fee by regulation for the processing of original and renewal license applications, and other documents it must prepare on behalf of licensees. The fees charged are necessary to cover the operational expenses of the Board and those shared by the State Occupational Mechanical Licensing Boards' Fund.

#### **II. Types of Economic Impact.**

Impacted Entity	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
State Board of Electricians	(R+)	Minimal
B. On other State agencies:		
NONE		
C. On local governments:		
NONE		
D. On regulated industries or trade groups:		
Electrical industry	(-)	Minimal
E. On other industries or trade groups:		
NONE		
F. Direct and indirect effects on public:		
(-) Minimal		

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

A. The State Occupational Mechanical Licensing Boards have not increased fees in over a decade. The operational costs of administering the electrician licensing program have risen due to increased numbers of applicants for various classifications of electrician licenses and certificates, costs of operations attributed to increased workload and administrative responsibilities, including staff time, salaries, consumer complaint adjudication, and electronic license application processing, etc.

D. A nominal impact could be anticipated on an electrician business only to the extent an employer covers the cost of licensure, for each 2-year term, for an employee. No impact on trade groups is anticipated.

F. A licensee will be impacted by the 12.5 percent increase of a fee for a license or other credential, which will range between \$1—\$12.50 for each 2-year license term in 2024 and \$1—\$14 in 2025. No direct impact on the general public is anticipated. A nominal increase to consumers of electrical services may be anticipated to the extent a fee increase between \$1—\$14 of over a 2-year license term is passed on to a consumer by a provider of such services.

#### Economic Impact on Small Businesses

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

#### Impact on Individuals with Disabilities