

Proposed Action on Regulations

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

Symbol Key

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

Promulgation of Regulations

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

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

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken.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an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

Notice of Proposed Action

[18-322-P]

The Secretary of Natural Resources proposes to:

- (1) Adopt new Regulation **.16** under **COMAR 08.02.01 General**; and
- (2) Amend Regulation **.10** under **COMAR 08.02.14 Aquaculture Permits**.

Statement of Purpose

The purpose of this action is to establish a permit for an out-of-State finfish supplier. Currently, out-of-State suppliers are required to register annually with the Department. Once registered, the supplier is required to follow certain criteria. Establishing a permit in regulation will make expectations clear. The proposed action establishes the permit to ensure the health of Maryland's wild stocks of fish. There is no cost for the permit and it is valid for the calendar year.

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 Import Permit Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through December 26, 2018. A public hearing has not been scheduled.

08.02.01 General

Authority: Natural Resources Article, §§4-205.1, 4-602, 4-11A-02, 4-11A-20, and 4-11A-21; State Government Article, §10-206, Annotated Code of Maryland

.16 Importation of Finfish.

A. Release of Finfish.

(1) In accordance with Natural Resources Article, §§4-205.1, 4-11A-20, and 4-11A-21, Annotated Code of Maryland, and COMAR 08.02.11.04 and 08.02.14, a person shall obtain permission from the Department prior to releasing finfish into Maryland waters.

(2) A person who is permitted by the Department to release finfish may obtain finfish from an out-of-State supplier only if the supplier is permitted in accordance with this regulation.

B. Prior to providing finfish from out-of-State to anyone in Maryland who plans to release the finfish into Maryland waters, a person shall:

(1) Submit an application in accordance with §C of this regulation; and

(2) Obtain an out-of-State supplier permit.

C. Application.

(1) A person shall apply for an out-of-State supplier permit by submitting a completed application on a form provided by the Department at least 45 days prior to when the activity is requested to begin.

(2) A person shall submit all fish health testing documentation for viral, bacterial, protozoan, or parasitic infections so that the Department may determine if the finfish to be stocked in Maryland waters pose an unacceptable risk to native or naturalized aquatic resources.

D. Out-of-State Supplier Permit.

(1) A permittee shall comply with all of the terms and conditions described on the permit.

(2) The permit is valid during the calendar year of issuance.

(3) There is no fee for the permit.

E. Denial or Revocation of an Out-of-State Supplier Permit.

(1) The Department may deny issuance of an out-of-State supplier permit if the:

(a) Applicant submits an incomplete or untruthful application; or

(b) Department receives test results that indicate that the supplier's stock may present an unacceptable health risk to native or naturalized aquatic resources.

(2) In addition to any other penalty, failure to comply with the terms and conditions of the permit may result in the revocation of the current permit or the denial of a subsequent permit.

(3) Prior to denying an application for a permit or revoking a current permit, the Department shall give the permittee notice of its intended action and an opportunity to appear at a hearing conducted in accordance with the contested case procedures set forth in State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04.

08.02.14 Aquaculture Permits

Authority: Natural Resources Article, §4-11A-02, Annotated Code of Maryland

.10 Special Requirements.

A.—B. (text unchanged)

C. Acquisition of Adult Finfish, Fingerlings, Fry, and Eggs.

(1) Brood stock, or the progeny of native or naturalized species of finfish, may be obtained from an out-of-State [registered fish dealer] supplier that possesses a valid out-of-State supplier permit in accordance with COMAR 08.02.01.16. They shall be certified by an authority acceptable to the Department to be free of known, infectious diseases that have the potential to contaminate native or naturalized species of fish.

[(2) Out-of-State suppliers shall be registered with the Department before doing business in Maryland.]

[(3)] (2) — [(5)] (4) (text unchanged)

D.—E. (text unchanged)

MARK J. BELTON
Secretary of Natural Resources

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

**Subtitle 08 HOME IMPROVEMENT
COMMISSION**

09.08.01 General Regulations

Authority: Business Regulation Article, §§8-207(a), 8-212(a)(1) and (2), 8-309, 8-311(a)(11)—(13), and 8-616, Annotated Code of Maryland

Notice of Proposed Action

[18-319-P]

The Maryland Home Improvement Commission proposes to adopt new Regulation .27 under **COMAR 09.08.01 General Regulations**. This action was considered initially at a public meeting of the Commission held on August 2, 2018. At a subsequent public meeting, held on October 4, 2018, the Commission voted to accept changes to the language of the proposed regulation. Notice of both meetings was provided by posting on the Commission's website, pursuant to General Provisions Article, §3-302(c)(3)(ii), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to require applicants and licensees to respond in writing within 30 days to any written communication from the Commission, to inform the applicant or licensee of the ramifications for failure to respond to a written communication from the Commission, and to require an applicant or licensee to notify the Commission in writing of a change of address.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to David Finneran, Executive Director, Maryland Home Improvement Commission, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6169, or email to david.finneran@maryland.gov, or fax to 410-962-8482. Comments will be accepted through December 26, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland Home Improvement Commission during a public meeting to be held on February 7, 2019, at the Department of Labor, Licensing and Regulation, 500 N. Calvert Street, 2nd Floor Conference Room, Baltimore, MD 21202.