

**Subtitle 02 FISHERIES SERVICE**

**08.02.26 Shell Recycling Tax Credit**

Authority: Tax-General Article, §10-724.1, Annotated Code of Maryland

**Notice of Proposed Action**

[18-281-P]

The Secretary of Natural Resources proposes to amend Regulation .03 under **COMAR 08.02.26 Shell Recycling Tax Credit**.

**Statement of Purpose**

The purpose of this action is to update the regulations for the tax credit a person may receive for recycling oyster shells. The law allows for a person to receive a State income tax credit for recycling oyster shells. Recent legislative changes require the Department to update the regulations. The specific amounts for the recycling credit are stated in Tax-General Article, Annotated Code of Maryland. Currently, the credit for recycling oyster shells is \$5 per bushel, up to a maximum of \$1,500 per year. Since these amounts are changed periodically by the General Assembly, the proposed action removes the specific monetary values and replaces them with references to the statute. This will ensure consistency between COMAR and the Annotated Code.

**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 Tax Credit, Regulatory Staff, Maryland 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 November 26, 2018. A public hearing has not been scheduled.

**.03 Credit Allowances.**

**A. Allowable Credit.**

(1) A shell recycler may claim a tax credit against the State income tax in [an] *the amount [equal to \$1] specified in Tax-General Article, §10-724.1, Annotated Code of Maryland*, for each bushel of oyster shells recycled during the taxable year.

(2) (text unchanged)

**B. Amount Allowed Per Taxable Year.** For any taxable year, the maximum credit a person may claim may not exceed the [lesser of:

(1) \$750; or

(2) The State income tax calculated before application of the credit allowed under this regulation and Tax-General Article, §§10-701 and 10-701.1, Annotated Code of Maryland] *amount specified in Tax-General Article, §10-724.1, Annotated Code of Maryland*.

C. (text unchanged)

MARK J. BELTON  
Secretary of Natural Resources

**Title 09**

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

**Subtitle 01 OFFICE OF THE  
SECRETARY**

**09.01.13 Regulation of Units to Prevent  
Anticompetitive Actions**

Authority: State Government Article, §8-205.1, Annotated Code of Maryland

**Notice of Proposed Action**

[18-287-P]

The Secretary of Labor, Licensing, and Regulation proposes to adopt new Regulation .01 under a new chapter, **COMAR 09.01.13 Regulation of Units to Prevent Anticompetitive Actions**.

**Statement of Purpose**

The purpose of this action is to implement a requirement for the adoption of regulations by the State units set forth in State Government Article, §8-205.1, Annotated Code of Maryland, in order to establish the criteria for the State supervision set forth by the U.S. Supreme Court in its 2015 decision *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, 135 S.Ct 1101 (2015).

**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 Milena Y. Trust, Division Director, Department of Labor, Licensing, and Regulation, 500 N. Calvert Street, Suite 406, Baltimore, MD 21202, or call 410-230-6139, or email to milena.trust@maryland.gov, or fax to 410-333-6503. Comments will be accepted through November 26, 2018. A public hearing has not been scheduled.

**.01 Procedures.**

*A. The procedures described in this regulation shall apply to a proposed decision or action of a board or commission within the Department of Labor, Licensing, and Regulation composed in whole or in part of individuals participating in the occupation or profession regulated by the board or commission if the proposed decision or action:*

*(1) May result in an unreasonable anti-competitive action; and*

*(2) Does not further a clearly articulated State policy to displace competition in a regulated market in order to protect the health, safety, and welfare of the citizens of the State.*

*B. Before the board or commission makes a decision or takes an action which may result in the outcomes described in this regulation, the board or commission shall notify the Secretary or the Secretary's designee of the board's or commission's proposed action or decision.*