

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Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken.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an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.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

08.02.18 Fishing Guide Provisions

Authority: Natural Resources Article, §§4-210 and 4-210.1, Annotated Code of Maryland

Notice of Proposed Action

[20-167-P]

The Secretary of Natural Resources proposes to amend Regulations **.04—.06** under **COMAR 08.02.18 Fishing Guide Provisions**.

Statement of Purpose

The purpose of this action is to incorporate changes made during the 2020 legislative session. Chapters 430 and 431, Acts of 2020, changed the method of propulsion for a boat or vessel under the guidance of a limited fishing guide (Type L) from oars and paddles to human power. At the time of the law's initial passage, this license was intended to be used by licensees guiding clients in kayaks or canoes. Since then, kayak companies have introduced additional drive systems that are still moved by human power, but not with an oar or a paddle. These are typically powered by pedals that are moved by the user's legs that drive either a propeller or a paddle-type drive. The legislation allows these guides to take advantage of new technologies while maintaining the intent of the statute to require vessels under the guidance of a limited fishing guide to be powered by human power. The proposed action makes the method of propulsion consistent with statute by changing oars or paddles to human power. The proposed action also updates references to the Code of Maryland Regulations (COMAR) to make them consistent with the requirements of the fishing guide statutes.

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 Fishing Guide Regulations, 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 complete the form at <https://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx#ty pel>. Comments will be accepted through November 23, 2020. A public hearing has not been scheduled.

.04 Freshwater Fishing Guide License — Type NTT.

A.—B. (text unchanged)

C. Striped Bass.

(1) (text unchanged)

(2) Notwithstanding [COMAR 08.02.15.03D(2)] *COMAR 08.02.15*, an angler under the guidance of a licensee with a valid type NTT license in tidal waters of the State may not catch or attempt to catch striped bass from waters of the State north of a line drawn from Abbey Point to Worton Point, from March 1 through May 31, inclusive.

(3) (text unchanged)

D.—F. (text unchanged)

.05 Limited Fishing Guide License — Type L.

A. (text unchanged)

B. Striped Bass.

(1) Notwithstanding [COMAR 08.02.15.03D(2) and .09A(2)] *COMAR 08.02.15*, an angler under the guidance of a licensee with a valid type L license in tidal waters of the State may not catch or possess striped bass in the following areas:

(a)—(x) (text unchanged)

(y) Gunpowder River upstream of a line from Weir Point to Rickett Point; [and]

(z) Bush River upstream of a line from Abbey Point to Sandy Point[.]; and

(aa) Maryland tributaries of the Potomac River above the Route 301 bridge.

[(2) Notwithstanding COMAR 08.02.15.08D(3) and .10A(2), an angler under the guidance of a licensee with a valid type L license in tidal waters of the State may not catch or possess striped bass in the Maryland tributaries of the Potomac River above the Route 301 bridge.]

[(3) (2) Notwithstanding [COMAR 08.02.15.03D(2)] COMAR 08.02.15, an angler under the guidance of a licensee with a valid type L license in tidal waters of the State may not catch or attempt to catch striped bass from waters of the State north of a line drawn from Abbey Point to Worton Point, from March 1 through May 31, inclusive.

[(4)] (3) (text unchanged)

C. (text unchanged)

D. General. A type L licensee may guide:

(1) Anglers in no more than three boats or vessels that:

(a) (text unchanged)

(b) Are propelled by [oars or paddles] *human power*;

(2)—(3) (text unchanged)

.06 General Provisions.

A.—C. (text unchanged)

D. Dividing Lines. The dividing lines for tidal and nontidal waters are designated in [COMAR 08.02.11.10] COMAR 08.02.01.09.

E. [Notwithstanding COMAR 08.02.15.12H, a] A licensee may not possess fish for personal use while providing fishing guide services.

F.—H. (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 10
MARYLAND DEPARTMENT
OF HEALTH
Subtitle 09 MEDICAL CARE
PROGRAMS

10.09.37 Family Planning Program Eligibility

Authority: Health-General Article, §§2-104(b), 15-103(a), and 15-140, Annotated Code of Maryland

Notice of Proposed Action

[20-165-P]

The Secretary of Health proposes to adopt new Regulation .03-1 under COMAR 10.09.37 Family Planning Program Eligibility.

Statement of Purpose

The purpose of this action is to implement presumptive eligibility requirements for the Maryland Medicaid Family Planning Program, in accordance with Ch. 465 (S.B. 774), Acts of 2018.

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 implements presumptive eligibility for the Family Planning Program. The total impact for FY 2021 is \$1,934,216.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$1,934,216
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(+)	\$1,934,216
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. and D. Individuals may begin applying for Family Planning Program presumptive eligibility on October 1, 2020.

The Department estimates that 25 percent of 41,041 (or 10,260) potentially eligible individuals who visit Maryland family planning clinics are likely to apply for Maryland Medicaid Family Planning services through the presumptive eligibility program. The average annual cost to provide family planning services is \$251.36 per person.

The magnitude of economic impact is subject to a 50 percent federal match (\$967,108 federal and \$967,108 general).

Economic Impact on Small Businesses

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

Maryland Medicaid providers who furnish family planning services are likely to benefit from the influx of individuals determined presumptively eligible to receive services through the Family Planning Program. The Department estimates it will cost \$1,934,216 to provide family planning services to individuals it has identified as potentially eligible for PE. Maryland Medicaid providers are likely to benefit because they will be able to bill for family planning services rendered to these individuals.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 23, 2020. A public hearing has not been scheduled.