

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Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken.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an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.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

08.02.13 Fishing License—Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure

Authority: Natural Resources Article, §4-206, Annotated Code of Maryland

Notice of Proposed Action

[22-133-P]

The Secretary of Natural Resources proposes to amend Regulation .06 under **COMAR 08.02.13 Fishing Licenses — Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure**.

Statement of Purpose

The purpose of this action is to modify the reporting requirements for commercial licensees who guide fishing parties. Currently, the Department requires a Commercial Charter Boat Captain's Daily Log to be submitted if the trip is being taken on a vessel displaying a Charter Boat Decal. The modification would require the Daily Log submitted by all commercial licensees who guide fishing parties, regardless of whether the vessel is displaying a Charter Boat Decal.

The Department believes that most guided fishing trips in tidal waters occur on vessels displaying a Charter Boat Decal. This decal is a way for the guide to license the recreational anglers fishing on their vessel. It simplifies the licensing process for clients who do not have their own individual fishing licenses and is a way for the guide to ensure that all of the clients are licensed. However, it is not required that guides purchase the decal for their vessels – some guides require their clients to buy their individual fishing licenses before the trip. While most guided fishing trips occur on a vessel displaying the decal, some trips do not.

Based on the wording of the current regulation, only those guides who are taking trips on a vessel displaying the decal are required to submit the Commercial Charter Boat Captain's Daily Log. The Department believes it is vital to require reporting of any guided fishing trips in tidal waters. The reporting disparity between guided trips on vessels with the decal and guided trips where clients were required to purchase their own license was only recently discovered when reviewing responsibilities with the Access Point Angler Intercept Survey (AP AIS). The data from guided fishing trips where anglers are required to purchase their own licenses are not captured in the current logbook data as those guides are not currently required to report those trips. The Department believes this change is necessary to have a more complete census of guided fishing trips in tidal waters and work toward a NOAA-approved for-hire comprehensive reporting plan.

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 Charter Boat Reporting Regulations, Regulatory Staff, Maryland Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8300, or submit comments at <https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx#facts>. Comments will be accepted through September 12, 2022. A public hearing has not been scheduled.

.06 Commercial Fishing Records.

A.—B. (text unchanged)

C. Reports.

(1)—(2) (text unchanged)

[(3) The Commercial Charter Boat Captain’s Daily Log is only required of a licensee that operates a charter under the charter boat license described in Natural Resources Article, §4-745, Annotated Code of Maryland and COMAR 08.02.01.07.]

(3) *All licensees authorized under Natural Resources Article, §4-701, Annotated Code of Maryland, that guide fishing parties shall submit the Commercial Charter Boat Captain’s Daily Log in accordance with this regulation.*

D.—K. (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 09
MARYLAND DEPARTMENT
OF LABOR
Subtitle 12 DIVISION OF LABOR AND
INDUSTRY

Notice of Proposed Action

[22-128-P-I]

The Commissioner of Labor and Industry proposes to:

(1) Amend Regulation **.06** under **COMAR 09.12.62 Amusement Attractions Erected Permanently or Temporarily at Carnivals, Fairs, and Amusement Parks**;

(2) Amend Regulations **.01**, **.03**, and **.10** under **COMAR 09.12.66 Inflatable Amusement Attractions**;

(3) Amend and recodify existing Regulations **.03**, **.02**, **.05**, **.06**, **.07**, **.08**, and **.09** under **COMAR 09.12.62 Amusement Attractions Erected Permanently or Temporarily at Carnivals, Fairs, and Amusement Parks** to be Regulations **.02**, **.03**, **.05**, **.06**, **.07**, **.08**, and **.09** under a new chapter, **COMAR 09.12.60 Amusement Attractions — General Provisions**;

(4) Amend and recodify existing Regulations **.15** and **.16** to be Regulations **.06** and **.07** under **COMAR 09.12.62 Amusement Attractions Erected Permanently or Temporarily at Carnivals, Fairs, and Amusement Parks**;

(5) Recodify existing Regulations **.01**, **.04**, **.10**, **.12**, **.14**, **.19**, and **.20** under **COMAR 09.12.62 Amusement Attractions Erected Permanently or Temporarily at Carnivals, Fairs, and Amusement Parks** to be Regulations **.01**, **.04**, **.10**, **.11**, **.12**, **.14**, and **.15** under a new chapter, **COMAR 09.12.60 Amusement Attractions — General Provisions**;

(6) Recodify existing Regulations **.16D**, **.17A—K**, and **.17M** under **COMAR 09.12.62 Amusement Attractions Erected Permanently or Temporarily at Carnivals, Fairs, and Amusement Parks** to be Regulations **.13M**, **.13A—K**, and **.13L** under a new chapter, **COMAR 09.12.60 Amusement Attractions — General Provisions**;

(7) Recodify existing Regulation **.17L** to be Regulation **.16E** under **COMAR 09.12.62 Amusement Attractions Erected Permanently or Temporarily at Carnivals, Fairs, and Amusement Parks**;

(8) Recodify existing Regulations **.11**, **.13**, and **.18** to be Regulations **.04**, **.05**, and **.08** under **COMAR 09.12.62 Amusement Attractions Erected Permanently or Temporarily at Carnivals, Fairs, and Amusement Parks**;

(9) Adopt new Regulation **.16** under a new chapter, **COMAR 09.12.60 Amusement Attractions — General Provisions**;

(10) Adopt new Regulations **.01** and **.03—08** under a new chapter, **COMAR 09.12.61 Amusement Attractions — Attraction Specific Provisions**;

(11) Adopt new Regulations **.01—03** under **COMAR 09.12.62 Amusement Attractions Erected Permanently or Temporarily at Carnivals, Fairs, and Amusement Parks**;

(12) Amend and recodify existing Regulation **.02** under **COMAR 09.12.65 Passenger Ropeways** to be Regulation **.02** under a new chapter, **COMAR 09.12.61 Amusement Attractions — Attraction Specific Provisions**; and

(13) Repeal existing Regulation **.01** under **COMAR 09.12.65 Passenger Ropeways**.

Statement of Purpose

The purpose of this action is to reorganize and simplify the regulations related to amusement attractions. First, this action adds a new Chapter 60 Amusement Attractions — General Provisions that will apply to all attractions. A new Chapter 61 Amusement Attraction — Attraction Specific Provisions addresses specific provisions for ropeway-aerial lifts, towers and conveyors, challenge courses, and canopy tours as well as provides cross-references for other amusement attractions. Chapter 62 Amusement Attractions Erected Permanently or Temporarily at Carnivals, Fairs and Amusement Parks is recodified to establish the specific requirements for amusement attractions other than challenge courses, ropeway-aerial lifts and inflatable amusement attractions. Chapter 62 also is amended to clarify which injuries must be reported to facilitate proper reporting. Chapter 65 Passenger Ropeways is repealed as its provisions are now covered in other chapters.

In addition to recodification to simplify the amusement attraction regulations, Chapter 60 Amusement Attractions — General Provisions, is amended to clarify the following: (1) requirements for identification of certain amusement attraction components; (2) requirement that operation manuals address pre-opening inspection lists and procedures as well as operator compliance to operator manuals; (3) requirements for training and documentation requirements; (4) explanation of which injuries must be reported to facilitate proper reporting. Chapter 66 Inflatable Amusement Attractions is amended to clarify which injuries must be reported to facilitate proper reporting.

Finally, this action adopts through incorporation by reference the ANSI/ACCT 03-2016 Challenge Courses and Canopy/Zip Line Tours Standard to provide a regulatory framework for the Challenge Course and Canopy/Zip Line Tour industry.

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 Mischelle F. Vanreusel, Acting Deputy Commissioner, Maryland Department of Labor, 10946 Golden West Drive, Suite 160, Hunt Valley, MD 21031, or call 410-767-2225, or email to dli.regulations+AR@maryland.gov, or fax to 410-767-2986. Comments will be accepted through September 12, 2022. A public hearing has not been scheduled.