

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Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken.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an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.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

[23-242-P]

The Secretary of Natural Resources proposes to amend:

(1) Regulations **.01** and **.03** under **COMAR 08.02.22 Sharks**;
and

(2) Regulation **.06** under **COMAR 08.02.25 Gear**.

Statement of Purpose

The purpose of this action is to make minor changes to the shark and gear regulations by amending, removing, and, in some instances, moving certain shortline rules from the shark chapter to the gear chapter that are better suited there. The removal of the duplicate rules regarding shortlines from the shark chapter and the consolidation of the rules in the gear chapter will make the most logical sense and aid in enforcement issues.

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 Gear — Shortlines, Regulatory Staff, Department of Natural Resources, Fishing and Boating Services, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8300, or submit comments to <https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx#shortline>. Comments will be accepted through January 2, 2024. A public hearing has not been scheduled.

08.02.22 Sharks

Authority: Natural Resources Article, §4-2A-03, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(9) (text unchanged)

(10) “Shortline” means a fishing line [containing 50 or fewer hooks and measuring less than 500 yards in length] *meeting the requirements of COMAR 08.02.25.06*.

(11)—(13) (text unchanged)

.03 Commercial Fishery.

A—C. (text unchanged)

D. Gear.

(1) (text unchanged)

[(2) A maximum of two shortlines are allowed per vessel.

(3) Any vessel using a shortline shall:

(a) Use corrodible circle hooks;

(b) Practice the protocols and possess the federally required release equipment for pelagic and bottom longlines for the safe handling, release, and disentanglement of sea turtles and other nontarget species; and

(c) Have all captains and vessel owners federally certified in using handling and release equipment.]

[(4)] (2) (text unchanged)

E. (text unchanged)

08.02.25 Gear

Authority: Natural Resources Article, §4-221, Annotated Code of Maryland

.06 Commercial — Finfish Trotlines.

A.—G. (text unchanged)

H. Shortlines.

(1)—(3) (text unchanged)

(4) *A maximum of two shortlines are allowed per vessel.*

(5) Any vessel using a shortline shall:

(a) Practice the protocols and possess the federally required release equipment for pelagic and bottom longlines for the safe handling, release, and disentanglement of sea turtles and other nontarget species; and

(b) Have all captains and vessel owners federally certified in using handling and release equipment.

[(4)] (6) (text unchanged)

JOSH KURTZ
Secretary of Natural Resources

Title 09

MARYLAND DEPARTMENT OF LABOR

Subtitle 10 RACING COMMISSION

09.10.02 Harness Racing

Authority: Business Regulation Article, §11-210, Annotated Code of Maryland

Notice of Proposed Action

[23-244-P]

The Maryland Racing Commission proposes to amend Regulations .43 and .53 under COMAR 09.10.02 Harness Racing.

Statement of Purpose

The purpose of this action is to delete obsolete language and increase certain fees.

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 J. Michael Hopkins, Executive Director, Maryland Racing Commission, 300 East Towsontown Blvd Towson, MD 21286, or call 410-428-2391, or email to mike.hopkins@maryland.gov. Comments will be accepted through January 15, 2024. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland Racing Commission during a public meeting to be held on February 6, 2024, at 12:30 p.m., at Laurel Park.

.43 Foaled Stakes Program.

A.—D. (text unchanged)

E. Registration. Except as provided in §F of this regulation, to register a yearling the Advisory Committee shall be provided on or before May 15 with a:

(1) (text unchanged)

[(2)] Photocopy of the yearling’s USTA registration certificate or its equivalent; and]

[(3)] (2) [\$20] \$40 registration fee.

F. Late or Incomplete Registration.

[(1)] If a yearling was not registered in accordance with the provisions of §E of this regulation, the yearling shall be registered with

the Advisory Committee Administrator if the following are received between May 16 and December 31:

[(a)] (1) A completed registration form; and

[(b)] A photocopy of the yearling’s USTA registration certificate or its equivalent; and]

[(c)] (2) Either:

(a) A \$500 late fee[,] by December 31; or

(b) A \$1,000 late fee by March 15.

[(2)] If a photocopy of the USTA registration certification or its equivalent is not submitted in compliance with any of the provisions under this regulation, the:

(a) Yearling shall be ineligible for participation in the Foaled Stakes Program; and

(b) Registration fee shall be forfeited.]

G. Sustaining Fees.

(1) Except as provided in §G(2) of this regulation, the following sustaining fees are required by the following dates for the maintenance of a horse’s eligibility:

(a) First sustaining fee as a 2-year-old, [\$120] \$150 by March 15;

(b) Second sustaining fee as a 2-year-old, [\$120] \$200 by May 15; and

(c) Sustaining fee as a 3-year-old, [\$240] \$300 by February 15.

(2)—(3) (text unchanged)

H. (text unchanged)

I. Declaration Fee. A declaration fee of [\$150] \$250 is required to be made by the post time for the race into which the horse is declared.

J.—P. (text unchanged)

Q. Breeder Awards.

(1) [A 10] An 8 percent Breeder Award, based upon the amount of the purse distributed, shall be [divided between] awarded to the dam [and sire] of a horse, if the horse:

(a)—(b) (text unchanged)

[(2)] Of the 10 percent awarded under §Q(1) of this regulation:

(a) 8 percent shall be awarded to the dam of the horse; and

(b) 2 percent shall be awarded to the sire of the horse, if the

sire:

(i) Is still standing at stud in Maryland;

(ii) Died while standing at stud in Maryland;

(iii) Retired while standing at stud in Maryland; or

(iv) Left Maryland for breeding purposes in the southern hemisphere after the Maryland breeding season and, if still alive, returns to Maryland for the next breeding season.]

(2) A 4 percent stallion award based upon the amount of the purse distributed in a “final”, shall be awarded to the sire of the horse provided the stallion was a registered Maryland stallion at the time of conception.

(3) (text unchanged)

R.—T. (text unchanged)

U. Purse Distribution.

[(1)] The purse in each race shall be divided in the following manner:

(a) 50 percent, 25 percent, 12 percent, 8 percent, and 5 percent to the first five finishers, respectively, if five or more horses finish;

(b) 50 percent, 25 percent, 15 percent, and 10 percent to the first four finishers, respectively, if only four horses finish;

(c) 55 percent, 30 percent, and 15 percent to the first three finishers, respectively, if only three horses finish;

(d) 65 percent and 35 percent to the first two finishers, respectively, if only two horses finish; or

(e) 65 percent to the finisher and 35 percent is retained by the Standardbred Fund for the applicable year of foaling, sex and gait division if only one horse finishes.