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# Maryland Register

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**Governor**  
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**Regulations**  
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**General Notices**

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before March 26, 2018, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of March 26, 2018.

Gail S. Klakring  
Administrator, Division of State Documents  
Office of the Secretary of State





# 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Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken.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 07 FORESTS AND PARKS

### 08.07.07 Licensed Tree Experts

Authority: Natural Resources Article, §§1-104 and 5-415—5-423; State Government Article, §10-206; Annotated Code of Maryland

#### Notice of Proposed Action

[18-090-P-1]

The Department of Natural Resources proposes to amend Regulation .02-1 under COMAR 08.07.07 Licensed Tree Experts.

#### Statement of Purpose

The purpose of this action is to update the incorporated documents.

#### 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 Marian Honecny, Supervisor, Urban & Community Forestry, Maryland Forest Service, 580 Taylor Ave., E-1, Annapolis, MD 21401, or call 410-260-8511, or email to marian.honecny@maryland.gov, or fax to 410-260-8595. Comments will be accepted through May 14, 2018. A public hearing has not been scheduled.

#### Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, (1) American National Standard for Tree Care Operations—Tree, Shrub and Other Woody Plant Management—Standard Practices (Pruning), ANSI A300 (Part 1)—2017 Pruning Revision of ANSI A300 (Part 1)—2008 (R2014), (2) American National Standard for Tree Care Operations—Tree, Shrub and Other Woody Plant Management—Standard Practices (Lighting Protection Systems), ANSI A300 (Part 4)—2014 Lighting Protection Systems Revision of ANSI A300 (Part 4)—2008, and (3) American National Standard for Tree Care Operations—Tree, Shrub and Other Woody Plant Management—Standard Practices (Tree Risk Assessment a. Tree Failure), ANSI A300 (Part 9)—2017 Tree Risk Assessment a. Tree Failure Revision of ANSI A300 (Part 9)—2011 have been declared documents generally available to the public and appropriate for incorporation by reference. For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories was published in 45:1 Md. R. 8 (January 5, 2018), and is available online at [www.dsd.state.md.us](http://www.dsd.state.md.us). These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

#### .02 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated.

(1) (text unchanged)

(2) American National Standard for Tree Care Operations — Tree, Shrub and Other Woody Plant Management — Standard Practices (Pruning), ANSI A300 (Part 1) — [2008] 2017 Pruning Revision of ANSI A300 (Part 1) — [2001] 2008 (R2014);

(3) — (4) (text unchanged)

(5) American National Standard for Tree Care Operations — Tree, Shrub and Other Woody Plant Management — Standard Practices (Lighting Protection Systems), ANSI A300 (Part 4) — [2008] 2014 Lightning Protection Systems Revision of ANSI A300 (Part 4) — [2002] 2008;

(6) — (9) (text unchanged)

(10) American National Standard for Tree Care Operations — Tree, Shrub, and Other Woody Plant Management — Standard Practices (Tree Risk Assessment a. [Tree Structure Assessment] *Tree Failure*), ANSI A300 (Part 9) — [2011] 2017 Tree Risk Assessment a. [Tree Structure Assessment] *Tree Failure Revision of ANSI A300 (Part 9) — 2011*.

MARK BELTON  
Secretary of Natural Resources

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

**Subtitle 21 BOARD OF ARCHITECTS**

**09.21.02 Code of Ethics**

Authority: Business Occupations and Professions Article, §3-208(a)(1), Annotated Code of Maryland

**Notice of Proposed Action**  
[18-089-P]

The Board of Architects proposes to amend Regulation .03 under COMAR 09.21.02 Code of Ethics. This action was considered by the Board at a public meeting held January 24, 2018, notice of which was published on the Board's website pursuant to General Provisions Article, §3-302 (c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to update and simplify the requirements for digital signatures.

**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 Steve Long, Executive Director, State Board of Architects, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6262, or email to [steve.long@maryland.gov](mailto:steve.long@maryland.gov). Comments will be accepted through May 22, 2018. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Board of Architects during a public meeting to be held on July 25, 2018, at 500 N. Calvert Street, 3rd Floor, Baltimore, MD 21202.

**.03 Sealing Requirements**

- A.—D. (text unchanged)
- E. Signature
- (1) (text unchanged)

(2) A digital signature described in this section shall satisfy the following criteria:

(a)—(c) (text unchanged)

(d) [It must be attached to an electronic document to which it is applied in such a manner that invalidates any modifications of data to the document.] *It is linked to the document in such a manner that any subsequent modifications to the document will result in the document no longer being considered prepared or approved by the licensee.*

F.—G. (text unchanged)

PAUL EDMEADES  
Chairman

**Subtitle 32 UNEMPLOYMENT**  
**INSURANCE**

**09.32.06 Board of Appeals—Appeals Procedure**

Authority: Labor and Employment Article, §§ 8-101, 8-5A-02, 8-5A-05, 8-5A-10, 8-504, 8-604, and 8-605, Annotated Code of Maryland

**Notice of Proposed Action**  
[18-077-P]

The Board of Appeals proposes to repeal existing Regulations .01, .08, and .09, amend and recodify existing Regulations .02, .03, .10, and .11 to be Regulations .01, .02, .08, and .09 respectively, adopt new Regulation .03, and amend Regulations .04 and .07 under COMAR 09.32.06 Board of Appeals—Appeals Procedure.

**Statement of Purpose**

The purpose of this action is to reflect statutory changes restoring employers' access to a first level of appeal before the Lower Appeals Division for employer/account cases. In addition, the Board of Appeals seeks to increase the current 7 calendar days' notice period for hearings to 15 business days in order to allow parties sufficient time to serve subpoenas and provide documentary evidence. The Board of Appeals further proposes to require that requests for subpoenas be delivered to the scheduling authority at least 10 business days before the hearing date, instead of the current 5 business days. The Board of Appeals also proposes routine changes to clarify and/or update language in the regulations to conform to terms in Title 8 of the Labor and Employment Article of the Maryland 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 Donna Watts-Lamont, J.D., LLM, Chairperson, Board of Appeals, Department of Labor, Licensing and Regulation, 1100 N. Eutaw Street, Baltimore, MD 21201, or call 410-767-2781, or email to [donna.watts-lamont@maryland.gov](mailto:donna.watts-lamont@maryland.gov), or fax to 410-767-2787. Comments will be accepted through May 14, 2018. A public hearing has not been scheduled.