



REPORT FROM STATE CIRCLE

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GOVERNMENT

BUDGET AND TAXES

On January 18, Governor O’Malley submitted his proposed budget to the Legislature. The House and Senate alternate as to who will handle the budget during each Session – this year it will be the Senate.

The \$35 billion budget for FY2013, excluding funds to be placed in the Rainy Day Fund (savings account), is an increase of 2% over FY 2012. The state faces an approximately \$1 billion gap between projected revenues and expenditures (the structural deficit). The Spending Affordability Committee recommended that one half of the projected deficit be permanently eliminated through permanent cuts in state expenditures. The Governor’s budget statement says that this budget will reduce the structural deficit by 59%. Key recommendations include a \$108.5 million increase over FY2012 for public K-12 education including full funding of the Geographic Cost of Education index; a 3% tuition increase at Maryland colleges and universities; full funding for Project Open Space and a \$25 million investment in the Chesapeake Bay 2010 Trust Fund. Increased funding for programs for individuals with developmental disabilities as well as funding for expansion of community based services as alternatives to institution

care and a pilot program to establish Health Enterprise Zones to address disparities in health care for racial and ethnic minorities are also proposed.

A controversial recommendation to shift \$226 million in teacher's pension costs is also contained in the budget document. Currently, the state of MD pays the full pension costs of public school teachers across the state and local government pays the full Social Security costs. The governor proposes to split the total costs between the state and local governments. It is expected that the governor will propose changes in the individual income tax for individuals with incomes over \$100,000 per year and couples with incomes over \$150,000 per year primarily by limiting deductions for higher income taxpayers. Since counties have an add-on to the state income tax, they would benefit from these increases along with the state. It is also expected that there will be a proposal to increase the water and sewer tax.

The proposed Capital Budget totals \$3.6 billion including \$1.6 billion for state owned capital projects and grants and loans to local governments and private and non-profit organizations. The remaining \$2 billion will be devoted to highway projects, mass transit and other local transportation improvements. \$676.2 million will be included for construction projects at local public school and public colleges, universities and community colleges. Priority environment projects include \$255 million to improve local drinking water systems and wastewater treatment plants (\$240 bill will be loans to local governments); \$203.5 million to reduce non-point source nitrogen and phosphorous runoff into the Chesapeake Bay and \$225.3 million for land preservation programs.

Barbara Hankins

GUNS

HB 45 (Smiegiel) Handgun Permits – Qualifications – Presumption of Burden of Proof relates to handgun permit qualifications. It seeks to give the Secretary of the State Police the burden of proving that an applicant for a handgun permit does not have a good and substantial reason to wear, carry, or transport a handgun. Currently the applicant has the burden of proving that she/he is qualified. No hearing is scheduled.

SB 64 (Simonaire) Public Safety – Machine Gun Registration – Notice to Renew relates to machine gun registration renewal. It gives the Secretary of State Police the responsibility to notify registrants in writing of the requirement to renew the registration and to furnish an application form at the applicants' request. (hrg 2/2 1 p.m. JPR)

Doreen Rosenthal

ADMINISTRATION OF JUSTICE

An issue we will watch is the Judicial Compensation Commission recommendation to increase judges' salaries by \$29,006 phased in over 3 years starting fiscal year 2014. The commission recommendation included no changes in salary in fiscal 2013. The legislature rejected a similar recommendation last year. Salary increases for the judicial positions have been sought since 2009. Current salaries Court of Appeals Judge, \$162,352, Court of Special Appeals Judge, \$149,552, Circuit Court Judges, \$140,352 And District Court Judges \$127,252. Chief Judges have higher salaries. A joint resolution will be introduced to the General Assembly. The General Assembly may amend the Joint Resolution to decrease but not increase the salary recommendations. Failure of both houses of the General Assembly to adopt or amend the joint resolution within 50 calendar days after its introduction results in

adoption of the salary recommendation. The Commission also recommended that active judges continue to contribute 6% of their pay to the pension system but that newly appointed judges contribute 8%.

HB 4, SB 48 and SB 81 (Cardin et al; Baltimore County Senators; Zirkin) **Baltimore County Orphan's Court Judges – Qualifications**, a constitutional amendment, would require that the 3 judges be admitted to practice law and be in good standing with the Maryland Bar. A similar bill, **SB 832** last year received an unfavorable committee report from the Judicial Proceedings and Judiciary Committees.

SB 181 (Raskin) **Task Force to Study the Public Financing of Judicial Elections** (see Campaign Finance)

SB 122, by request of the Dept. of Public Safety & Corrections, Courts & Judicial Proceedings - **Crime Victims & Witnesses - Court Costs** proposes to increase the Circuit Court and District Court fees \$15 and \$2 for a waiver of right to trial to increase the State Victims of Crime Fund, Victim & Witness Protection & Relocation Fund and the Criminal Injuries Compensation Fund. HB135-11 passed the House last year and received an unfavorable report in the Senate Committee (JPR).

Grace Kubofcik

MANDATORY MINIMUM SENTENCING

No bills related to mandatory minimum sentencing have yet been filed. Usually such sentencing bills are tied to legislation dealing with either drugs or guns. LWVMD has positions calling for judicial discretion in sentencing and is currently more specifically debating the issue in relation to its drug study and drug crimes. LWVMD will be joining with LWVDC, the District of Columbia League, in seeking concurrence with the latter's position opposing mandatory minimum sentencing at the LWVUS National Convention this year.

Marcia Reinke

JUVENILE JUSTICE

So far this session, there are no bills of interest to the League of Women Voters of Maryland. The budget for the Department of Juvenile Services (DJS) reflects the Department's continued reliance on secure detention for juveniles involved with the juvenile justice system. It is difficult to find the funding for programs which treat children in their homes and communities. Further analysis and other proposed legislation may reveal whether the DJS will increase the resources for community-based programs.

Debbie Ehrenstein

OPEN GOVERNMENT

Joint Committee on Transparency and Open Government. On May 19, 2011, Governor O'Malley signed into law **HB 766/SB 644** which established this committee. The members of the committee led by Senator Bill Ferguson and Delegate Kumar Barve have been appointed and have had an organizational meeting. Another meeting is scheduled for Wednesday, January 25, 2012, at 9 a.m. in W&M. The legislature has given permission to certain State agencies to contract out for the maintenance of certain public records. When members of the public request copies of these records, the contractor demands payment for them, often at exorbitant rates. This situation is among those which this committee will address.

DEATH PENALTY

Although repeal of the Maryland death penalty is an LWVMD as well as an MDCASE priority, the repeal issue does not appear to be garnering much press as a top General Assembly issue this year. Maryland Citizens Against State Executions and the many legislators favoring repeal have not yet filed. But they definitely will be reintroducing the legislation which almost passed in 2010 and failed to get out of committee last year. MDCASE believes it now has the votes if its capital punishment bill gets to the floor, as 12 repeal-supporting delegates and three repeal-supporting senators were elected following the 2010 loss. Efforts now are to convince legislators to demand votes in both the Senate and House.

Although capital punishment is still on the books, the 2010 legislature did pass a bill which makes it very difficult for prosecutors to bring a capital case. And issues relating to lethal injection protocols still have not been resolved.

Currently five men remain on death row, which has been moved from Baltimore's SuperMax to western Maryland. The execution chamber remains in Baltimore.

Marcia Reinke

ELECTIONS

Delegate Smigiel and nine others delegates have co-sponsored **HB 41 Election Law – Petitions – Public Verification and Counting of Signatures**. This legislation requires that the process of verifying and counting signatures on petitions be open to observation by the public, and provides that the State Board of Elections develop regulations for this process. LWVMD has no position specifically relating to petitions, but the subject is included in the State Election Process Study we are undergoing. (hrg W&M Jan 25)

HB 113 – Election Law – Polling Places – Proof of Identity, sponsored by Delegate Kipke and 26 other delegates, would require a voter to produce a government issued ID, a Voter Notification Card or the specimen ballot mailed to the voters address by the local election board. A voter who is unable to produce one of these three forms of identification at the polling place would be required to vote a provisional ballot, as would a voter who reported a change of address. State law currently has no requirement that a voter produce identification at the polls with limited exceptions. Although the identification requirements of this bill are less onerous than the requirements of Voter ID legislation introduced in prior years, LWVMD will oppose this legislation on the grounds that it would disenfranchise voters who neglect to bring certain documents to the polling place and that there is insufficient evidence of voter impersonation at polling places to require such regressive identification requirements. No hearing is yet scheduled.

Senators Brochin, Jennings and Stone are sponsoring **SB 69 – Elections – Early Voting Dates**, which would decrease the number of days that Early Voting is available in future elections. The Early Voting legislation currently in effect only refers to Early Voting in 2010 and 2012 elections; SB 69 would be effective for all primary and general elections after its effective date of October 1, 2012. This bill limits Early Voting to the Thursday, Friday, Saturday and Sunday immediately prior to a primary or general election. Although not as generous as the current Early Voting statute, which prescribes Early Voting for the second Saturday prior to an election until the Thursday before an election, SB 69 may offer

some balance between the accessibility to the voting process provided by Early Voting and the need to use election resources efficiently. No hearing is scheduled.

Senators Brochin, Colburn, and Kittleman have introduced three bills to reform the redistricting process in Maryland. **SB 162 – Congressional Districting Process** creates a Temporary Redistricting Advisory Commission consisting of nine members, four appointed by the Governor, two by the President of the Senate and two by the Speaker of the House. The eight appointed members select the ninth member – and chair – of the Commission. Commission members may not be elected officials, hold party office, be a lobbyist or employees of executive or legislative branch of local, state or federal government. The role of the Commission is to hold two rounds of public hearings, one prior to the draft and one after the drafting of the plan. The districting plan would be drafted by the Department of Legislative Services, under the direction of the Executive Director of the Department, who creates a public hearing workgroup and a plan development workgroup. The bill details time limits on the introduction of the plan and provides for a second and third plan should the original or second plan fail to be approved by a constitutional majority in either house. The third plan introduced can be amended.

A similar process for legislative districting is established in **SB 160** (Brochin, Colburn, Kittleman and Raskin) **General Assembly - Legislative Districting – Process**. There is a Temporary Redistricting Advisory Commission that holds two rounds of public hearings and the Executive Director of the Department of Legislative Services oversees the drafting of the plan.

SB 161 (Brochin et al.) **General Assembly - Legislative Districting** – establishes the criteria to be used in creating legislative districts, and requires a Constitutional Amendment. With respect to both the Legislative Redistricting and the Congressional Redistricting, the proposal legislation provides that no district shall be drawn for the purpose of favoring a political party, elected official or other person or group, or for the purpose of augmenting or diluting the voting strength of a language or racial minority and in establishing districts, no use shall be made of addresses of elected officials, political affiliations of registered voters, previous election results, polling data, proposed districting maps prepared by persons not employed by the Department and demographic information, other than population head counts as required by the Constitution or laws of the United States.

Lu Pierson

CAMPAIGN FINANCE

HB 6 (Howard and Cardin) **Election Law – Use of Campaign Funds for Meeting and Conference Expenses** is essentially the same as **HB 122** which passed the House last session but was never taken up by the Senate. Current campaign law says that contributions to a campaign may be used to “promote or assist in the promotion of the success or defeat of a candidate”. However, it does not define specific activities that would do this. An opinion from the Attorney General said that legislative conferences do not fall under the definition of promoting a candidate and therefore travel lodging, meals, and registrations should not be paid for with campaign contributions. The premise of the bill is that conferences focused on legislative issues, process, or public policy pertinent to the office that the elected official seeks, enhance the knowledge base of the candidate and therefore makes them more qualified for the office they seek and thus more electable. No hearing is scheduled yet.

SB 181 (Raskin) - **Task Force to Study the Public Financing of Judicial Elections** would study the feasibility of adopting a public finance system for all judicial elections. The bill says the Task Force

would review best practices for financing judicial elections and develop a proposal for doing so in Maryland. The report would be due on December 31, 2012. Members of the Task Force would be appointed by the President of the Senate, the Speaker of the House, the Chief Judge of the Court of Appeals, the Dean of the University of Maryland School of Law and the Governor. They would include four legislators, two judges, three presidents of county bar associations, a representative from a group committed to government transparency, a member of the public who practices law in the state and a member of the public who does not practice law in the state. No hearing is scheduled yet.

Nancy Soreng

ENVIRONMENT

OFF SHORE WINDPOWER

In 2011, the governor sponsored a bill, the Maryland Offshore Wind Energy Act, which would have required the Public Service Commission to order the four investor-funded utility companies in the state to enter into long-term power purchase contracts with one or more qualifying offshore wind generators. The 2011 bill failed largely because of legislators' concerns that the mandatory agreement would increase energy costs and consumers' utility bills (even though the calculation was an increase of only \$2 per month.)

In December 2011, Governor O'Malley announced that Chicago-based Exelon Corp. agreed to invest \$30 million in offshore wind in Maryland as part of its proposed \$7.9 billion takeover of Constellation Energy, which owns Baltimore Gas and Electric, the state's largest utility provider.

LWVMD continues to actively support windpower legislation by testifying in support of the governor's bill during the 2011 General Assembly session, participating in informative seminars and supportive rallies, including one held on the opening day of the 2012 legislative session. In addition, along with other members of the Maryland Wind Energy Coalition, the League signed a letter in January 2012 to the governor supporting his efforts to bring wind energy to the state.

SB 237- Maryland Offshore Wind Energy Act of 2012 will be reported on in the next issue.

Linda Silversmith

TRANSPORTATION

HB 40 (Smigiel et al.) **Transportation - Toll, Fee, or Other Charge Increases - Notice and Public Comment** would require the Maryland Transportation Authority to provide public notice to increase certain tolls, fees, or other charges and to receive comments from the public at the meeting when votes to implement the proposal take place. (hrg 1/25 11 a.m. W&M). Similarly, **SB 62 Maryland Transportation Authority - Fixing or Revising Tolls - Legislative Approval Required** (Stone et al.) would prohibit the Maryland Transportation Authority from fixing or revising a toll unless the General Assembly approves the toll through legislation.

SB 57 (Brochin, Jacobs, Kittleman, and Stone) **Vehicle Laws - Use of Work Zone Speed Control Systems - Presence of Workers Required** alters the definition of "work zone" as it relates to work zone speed control systems that be used only when a worker is present on the roadway, median

divider, or shoulder within or adjacent to the work zone. A similar bill was introduced last year. (B&T)

HB 67/SB 177 (Robinson/(Robey and Klausmeier) **Vehicle Laws - Nonfunctioning Traffic Control Signals - Requirement to Stop** stiffens a provision of the law requiring vehicular traffic to stop and take specified actions when approaching a nonfunctioning traffic control signal. (HB 67 assigned to ENV; SB 177 assigned to JPR)

SB 125 (Chair, Judicial Proceedings Committee, by Request - Departmental - Transportation) **Vehicle Laws - Public Transit Vehicles - Right-of-Way** requires drivers to yield the right-of-way to a public transit vehicle under specified circumstances. The bill also requires the state transit agencies to inform the public through information campaigns. (hrg 2/1 2p.m. JPR)

HB 104 (Malone and Kach) **Motor Vehicles - Use of Wireless Communication Device - Prohibited Acts, Enforcement, and Penalties.** The bill is similar to last year's bill. It would basically tighten up all laws governing the use of wireless devices to make enforcement easier since it wouldn't have to be by secondary offense. (ENV)

SB 185 Motor Vehicles - Child Seating and Safety Seats - Requirements and Prohibition (Forehand et al.) making transporting children safer by requiring a rear-facing child safety seat for children under 2. It requires that a child between age 2 and 8 be in a safety seat, unless the child is at least 4.9" and/or weighs at least 65 lbs. Children under the age of 13 are prohibited from riding in the front seat. (JPR)

Barbara Ditzler

SOCIAL POLICY

HEALTH

The General Assembly passed legislation and funding last year facilitating the organization of the Maryland Health Benefit Exchange. Maryland also received \$6.2 million from the Federal government to set up the exchange, one of the few states to receive such a grant.

Now the General Assembly must implement the 27 recommendations of the Exchange Board. The Exchange Board, chaired by Secretary of Health Joshua Sharfstein, recommended keeping the Small Market Reform market separate from the individual market for the time being. The reasoning behind this is that the small business market and risk pool is well established while the individual market will be in its infancy and the board thought it would be disruptive to combine the markets. Even with this recommendation, business is watching the process carefully. They want separate markets, but they would like to have the individual market as a competitor to the exchange not in the exchange. The board will reassess this recommendation in 2015, but they recommended not expanding the small market criteria prior to 2016.

The Exchange Board has made recommendations delineating when carriers should be required to provide policies through the exchange. There are also several recommendations regarding the navigator tools and the seamlessness for Medicaid recipients, who need to move back and forth between a policy and Medicaid.

The report of the Board can be found on Department of Health and Mental Hygiene website (<http://dhmh.maryland.gov>)

Throughout the summer the medical community, the carriers and the Pharmacy Benefit Manager (PBM) have been in discussion about how to speed up the carrier and PMB required prior authorization process. The Maryland Health Care Commission (MHCC) has issued a report on the implementation of electronic prior authorization which is on the website (<http://mhcc.maryland.gov>).

The Patient Protection and Affordable Care Act (PPACA) requires electronic implementation by 2015, but the MHCC is recommending speedier implementation since physicians are moving to electronic health records and electronic prescribing. The MHCC recommendation is that the carriers and PBMs respond electronically to preauthorization requests by December, 2012. Another recommendation requires real-time approval by July, 2013. The carriers and the PBMs have agreed to the time frame but they want a voluntary system, while the medical community wants to have everyone in the program and regulatory enforcement for the MHCC, so they can't drop out if they don't implement the requirements.

There was a required legislative audit of the Maryland Board of Physicians (MBOP) this summer which netted 43 recommendations for change. Because of the number of recommendations and the retirement of the executive director, it is likely that Secretary Sharfstein will ask for any change in legislation and/or regulations to be put off for a year. The Secretary has asked for an independent review of the MBOP to assess the recommendations and changes that could be made to the Board.

There are several public health issues which are likely to be before the legislature this year. A ban on minors using Tanning beds will be back. Howard County already has passed legislation and now so has California.

Vinnie DeMarco's group is likely to ask for an increase in the tobacco tax or to at least have applied to smokeless tobacco and cigars. President of the Senate Thomas "Mike" Miller is usually opposed to this because of the tobacco farmers in his district.

Child Safety seats will also be back for corrective language. There likely will be three parts to the legislation: Children two and under should face the rear of the vehicle; elimination of the current weight requirements for booster seats; and all children 13 and under should be in the back seat. Europe has required children to face the rear until they are two for many years, however our seat manufacturers have been slow to make the required seats.

The budget situation always affects Medicaid expenditures, so this is an issue to watch carefully as the budget is discussed.

There are three Marijuana bills anticipated this year. The summer work study group did not come up with a single recommendation, so the bills are split between the two different recommendations. One would assign medical marijuana distribution solely to academic institutions, while the other would permit physicians to recommend its use as treatment and establish state-regulated growers and distributors. It is not known if the universities would take the chance of losing their federal funding because distribution would still violate federal law.

Neilson Andrews

HIGHER EDUCATION/IMMIGRATION

After extended debate, the General Assembly passed the DREAM (Development, Relief and Education for Alien Minors) Act. On May 10, 2011, Governor O'Malley signed a law providing in-state tuition rates to undocumented immigrant individuals with the following stipulations:

- The immigrant must have attended a Maryland high school for three years.
- The student must have graduated or obtained a general education degree (GED).
- Parents of these students must have filed Maryland tax returns for the past three years.
- Students must enroll at a community college within four years of graduation.
- Students must obtain an associate degree or complete 60 credits before transferring to a public four-year institution.
- Parents or guardians of these students must file Maryland tax returns after graduation and while they are in attendance at a community college or institution of higher education.
- If the student is not a permanent resident, he/she must agree to apply within 30 days of becoming eligible.
- These individuals may not be counted as in-state students at these educational institutions.
- When required, individuals must register with the Selective Service System.
- The in-state tuition provision also applies to active or honorably discharged military personnel who attended Maryland high schools or live in the state as well as selected members of the National Guard.

In July 2011, opponents collected more than twice the number of petition signatures to place the new law on the 2012 general election ballot as a popular referendum while delaying the implementation. Of the 156,211 signatures, somewhere between 110,000 and 132,000 signatures were obtained using a website named MDPetitions.com to generate pre-printed petition forms. Initially, Casa de Maryland challenged the validity of this methodology and later argued that the legislation is an appropriations bill and not subject to referendum. A hearing on the case is scheduled before the Anne Arundel County District Court on Jan. 27, 2012.

As a result of these activities, four bills have now been filed in the General Assembly:

- **HB 27** (Parrott) / **SB 91** (Jacobs plus 2) **Election Law – Petitions – Confidentiality** would prohibit the inspection of a petition unless required for judicial review and would not allow the disclosure of personal information.
- **HB 41** (Smigiel plus 9) **Election Law – Petitions – Public Verification and Counting of Signatures** would require the process of verifying and counting petition signatures to be open to the public.
- **HB 42** (Smigiel plus 9) **Election Law – Petitions – Resubmission of Signatures** would authorize an individual whose petition signature was not validated to resubmit.

Diana Haskell

EDUCATION

To date the few K-12 Education bills introduced deal primarily with administrative technicalities with one exception.

Throughout the fall, leadership of the General Assembly has announced several times that the major K-12 education issue to be considered by the 2012 session will be resolving the problems that have arisen in enforcing Maintenance of Effort provisions in the education funding law. To date only one bill has been introduced dealing with this issue.

HB 118 - Education - Retiree Health Savings - Maintenance of Effort (Anderson at the request of the Baltimore City Administration) would add an exclusion to the items that must be counted in determining a county's highest local appropriation for the prior fiscal year. HB 118 would require that reduction in the cost of health benefits for retired employees of the county school board should be excluded from the calculation.

Early in December Senator Miller also stated that changes in the maintenance of effort provision might be tied to proposed changes in which governmental level is responsible for the funding of teacher pensions. HB 118 does not include this aspect.

Lois Stoner

DRUGS

Although LWVMD does not yet have any positions concerning use of illegal drugs, *Report from State Circle* will be watching drug legislation this year as the State League is about to conclude a two-year study of drug use and abuse in Maryland. Expected is legislation aimed at legalizing marijuana for medical use.

One such bill, **HB 15** (Glenn) **Maryland Medical Marijuana Act**, was pre-filed in November, but to date has no co-sponsors, nor a hearing date. It would authorize the use of marijuana under “specified circumstances”, repeal criminal provisions for medical use and apparently make unnecessary the use of sickness as an affirmative defense. It also would require the Department of Mental Health and Hygiene to adopt regulations governing use before September 1.

Press reports indicate that there are differences of opinion on how medical marijuana would be regulated and by whom. A 22-member group, headed by Dr. Joshua M. Sharfstein, secretary of the state Department of Health and Mental Hygiene, split almost evenly between two proposals. One would treat marijuana as an investigational drug and would designate an educational research institution to dispense it only to selected patients. The second plan is a more liberal approach, mirroring an earlier proposal that cleared the Senate last year. It would allow doctors to prescribe medical marijuana to some patients and establish a plan for a network of state-sanctioned dispensaries and growers. Both plans would have strict oversight from the state health department. These issues will undoubtedly be explored in future filings.

Two other drug related bills have been filed. **HB 96** (Anderson plus 30) **Criminal Procedure Law – Probation Before Judgment – Subsequent Controlled Substance Crime** would authorize a court to impose probation before judgment if a defendant is required to graduate from drug court as a condition of probation. A hearing is scheduled before the Judiciary Committee at 1 p.m. February 7. **SB 76** (Kelley plus five) **Criminal Law – Controlled Dangerous Substances – Research – Cannabinoids** would authorize research into chemical compounds which are starting to be widely used but which are not designated as controlled substances under existing law. JUD will hold a hearing February 2 at 1 p.m.

Marcia Reinke

MARRIAGE EQUALITY

A marriage equality bill will be introduced this week as part of the Governor’s legislative package. Governor O’Malley has made passage of a same sex marriage bill a priority this year.

Two coalitions have been formed recently: Marylanders for Marriage Equality, includes civil

rights groups such as the American Civil Liberties Union and the Baltimore NAACP and labor unions; the opposition group, the Maryland Marriage Alliance, is a faith based coalition. It is felt by both sides that if marriage equality passes, it will be petitioned to referendum and placed on the 2012 ballot for voters to decide.

According to House Speaker Michael Busch this year's bill will be assigned to two House committees – the Judiciary Committee and the Health and Government Operations Committee.

Sherry Hyman

CHILDREN'S ISSUES

Possibly as a result of the scandals in Pennsylvania, child safety issues are important at the beginning of the session. **HB 122** (Aumann et al.)/**SB 139** (Jacobs et al.) requires that a person with permanent care, custody or responsibility for supervision of a minor notify law enforcement within 24 hours if a child under the age of 13 is missing or within 48 hours if a young person over the age of 12 is missing. In the first case, the responsible adult may be charged with a felony and subject to imprisonment and a \$10,000 fine or both. In the case of a child over 12, the adult has the responsibility to notify police if the child has a mental or physical illness, or there are other conditions suggesting that the disappearance is suspicious, or previous abuse reports have been filed. Two other bills with similar provisions, but different age requirements and time lines, have also been introduced. These are HB18 by Del. Howard and HB 20 by Del. Kelley, et. al. Both of these bills treat failure to report disappearance of a child within specified time limits as a felony.

Another bill, **SB 63**, sponsored by Sen. Kelley et al. provides that additional government employees such as medical examiners and parole and probation officers, are now required to report suspected child abuse and neglect. At present, required reporters include health practitioners, police officers, educators and human service workers, all of whom are subject to civil penalties for failure to report. **SB 140**, sponsored by Sen. Jacobs, et. al., adds possible imprisonment up to one year to the civil penalties already available to punish those who might be convicted of willful failure to report. Clergy are exempted from reporting requirements.

The Maryland Department of Education, (MSDE) administers the income-eligible subsidy program for day care fees. Due to a miscalculation of the amount of federal aid available for this program, MSDE has had to institute a waiting list for eligible families. As a result, approximately 900 qualified families in the State are unable to obtain state subsidies to pay the cost of day care for their children, with unknown impact on the financial situation of many low-income families. It is not clear how this situation will be resolved.

Debbie Ehrenstein