January 8, 2026

Kevin Atticks, Secretary
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

Formal Request for Reconsideration: Denial of Petition to Repeal COMAR 15.03.08.05Q (EVSE Registration Fee)

Dear Secretary Atticks,

I am writing as a Maryland resident and the petitioner in this matter to formally request that you reconsider and rescind your October 29, 2025 decision to deny the petition to repeal COMAR 15.03.08.05Q. This request is based on documented material errors of fact and law, a direct contradiction of the Department's position by the Department of Legislative Services (DLS), and the Department's own subsequent admissions on December 23, 2025. **Attached for your review are several key documents in which I have highlighted relevant sections in yellow to assist in identifying the specific material errors of fact and law discussed below.**

Administrative integrity requires that a regulation based on a material error of law be repealed. The only way to facilitate the "meaningful dialogue" you have promised, without the shadow of an arbitrary and unjustified $150 fee, is to grant the petition for repeal and begin from a "blank slate."

I. Material Error: The $150 Fee was Not Set by the Legislature

The primary basis for your denial of my petition was the assertion that the $150 fee was a legislative mandate. Your letter stated: "*the legislature, in enacting the Budget Reconciliation and Financing Act (BRFA) of 2025, set this fee*" and that the regulation "*simply mirrored the fee already set forth in the BRFA*."

This premise is demonstrably false.

- **Lack of Statutory Mandate:** The BRFA (Chapter 604, Acts of 2025) does not contain the figure "$150" anywhere in relation to Electric Vehicle Supply Equipment (EVSE).
- **Delegation, Not Mandate:** The BRFA actually **repealed** the specific fee schedule in Agriculture Article § 11-204.7 and replaced it with a grant of discretionary authority, stating the Secretary "*may set reasonable fees*."
- **DLS Validation:** The Department of Legislative Services (DLS) explicitly "**disagrees that the regulation implements fee increases set forth in Chapter 604**" and clarifies that while the Act authorizes fees, the "**regulation [not the law] establishes the specific fees.**"

II. Evidence of Material Error in the Administrative Record

The Department's justification for "no economic impact" appears to have been copied from an unrelated regulation regarding Plant Pest Control (Regulation 15.06.02.06).

- **Incorrect Statutory Citation:** The Department's regulatory filing for Regulation 15.03.08.05 justifies the EVSE fee by citing Agriculture Article § 5-309, claiming the amendment "*mirrors the amendment to Agriculture Article § 5-309 set forth in the [BRFA]*."

- **The "Nursery" Source:** Agriculture Article § 5-309 governs the inspection of **nurseries and plant pest control**, not weights and measures.

- **The Discrepancy:** In the filing for Regulation 15.06.02.06 (Plant Pest Control), the claim that the BRFA "set forth" the fees is correct because the legislature did indeed set specific nursery fees (e.g., $20 for 1 acre) in that section. The Department appears to have used a template meant for strawberry plants and grapevines to justify a fee on EV charging ports. The Department failed to recognize that the law for weights and measures was changed to a discretionary model rather than a fixed mandate.

III. The Dec. 23rd Announcement is an Admission of Discretionary Power

On December 23, 2025, the Department announced a delay in implementation and the creation of new exemptions for multi-family dwellings and fleets.

- **The Implication:** This announcement proves the Department possesses the very discretionary authority it denied having on October 29th. If the $150 fee were truly a legislative mandate "mirrored" from the BRFA, the Department would have no legal power to unilaterally create exemptions via a press release.

- **A Delay is Not a Remedy for an Erroneous Rule:** While the Department may suggest that the recently announced delay provides the relief sought, a temporary stay of enforcement is not a legal remedy for a fundamentally flawed regulation. As long as the $150 fee remains codified in COMAR, it creates a "legal cloud" of future liability that hampers planning and investment. Administrative integrity requires that a regulation based on a material error of law be repealed, not merely paused.

IV. Failure to Conduct Mandated Economic Impact Review

Because the Department falsely claimed the fee was "set in the BRFA," it bypassed its legal obligation to perform a rigorous Economic Impact Analysis.

- **The Fiscal Gap:** DLS found that the $150 fee is expected to generate **$530,000 more in annual revenue** than the General Assembly estimated during the passage of the BRFA.

- **The Impact:** Because this half-million-dollar surplus is a result of **agency choice**, not legislative mandate, the Department's claim that the regulation "has no economic impact" is a material error.

V. Request for Action: A "Blank Slate"

The only legally sound path forward is to **grant the petition for repeal.** Maintaining a $150 fee on the books while promising "dialogue" creates an inherently coercive environment for stakeholders. If the Department is sincere about "meaningful dialogue," it must remove the predetermined $150 figure and begin the rulemaking process anew with a proper economic impact study and a correct citation of the governing law (Ag. Art. § 11-204.7, not § 5-309).

I look forward to your response and a correction of the administrative record to ensure fairness for all Marylanders.

Sincerely,

/s/ Lanny Hartmann

Lanny Hartmann

Enclosures:

1. Department of Agriculture Denial of Petition (October 29, 2025) – **Note: Erroneous "mirroring" claims highlighted in yellow**
2. Department of Legislative Services (DLS) Analysis (Control No. 25-151) – **Note: Relevant disagreements with Department's position highlighted in yellow**
3. MDA Proposed Action on Regulations (Document No. 25-144-P) – **Note: Incorrect statutory citations highlighted in yellow**

cc:
Alison L. Wilkinson, Chief, Weights and Measures
Rachael Jones, Director, Legislation & Government Relations

IN THE MATTER OF:	*	BEFORE THE SECRETARY OF THE MARYLAND DEPARTMENT OF AGRICULTURE
THE PETITION OF LANNY HARTMANN TO REPEAL EVSE FEE UNDER COMAR 15.03.08.05Q	*	

* * * * * * * * * * *

Citing State Gov't Art., § 10-123, Mr. Lanny Hartmann, in a letter dated October 24, 2025, petitioned the Maryland Department of Agriculture (MDA) to "repeal COMAR 15.03.08.05Q ('Electric Vehicle Supply Equipment - $150 per port') or, in the alternative, to amend this regulation to "$0 pending full economic impact review." In his petition, Mr. Hartmann states that repeal is warranted because: (1) "the $150 fee is arbitrary and was adopted without meaningful stakeholder input"; and (2) the Department "incorrectly claimed that "[t]he proposed action has no economic impact,' ignoring pass-through costs to drivers and station closures when operators remove equipment rather than comply with the new fees, reporting, and inspection burdens." Finally, Mr. Hartmann states that MDA "did not properly notify the public of the proposed changes" because the link of the regulation that it posted on its webpage "incorrectly went to a completely unrelated document."

For reasons noted more fully below, I am denying Mr. Hartmann's petition.

Section 10-123 of the State Government Article, the authority that Mr. Hartmann cites in support of his petition, provides:

> (a) An interested person may submit to a unit a petition for the adoption of a regulation.
> (b) Within 60 days after the petition is submitted, the unit shall:
> (1) in writing, deny the petition and state the reasons for the denial; or
> (2) initiate the procedures for adoption of the regulation.

Let me note at the outset that, from a procedural standpoint, I have considered Mr. Hartmann's petition because the repeal of a regulation is, by definition, a regulation. See State Gov't Art., § 10-101(g), which defines the term "regulation" to mean:

> a statement or an amendment or <u>repeal</u> of a statement that: (i) has general application; (ii) has future effect; and (iii) is adopted by a unit to: ... carry out a law that the unit administers...."

(Emphasis supplied.) In petitioning MDA to repeal COMAR 15.03.08.05Q, Mr. Hartmann is petitioning MDA to repeal a statement that has general application, has future effect, and would be adopted to carry out a law that the Department administers. In short, Mr. Hartmann is petitioning "for the adoption of a regulation."

However, for the following reasons, while I have determined that Mr. Hartmann's petition should be considered, I have also determined that his petition should be denied and that procedures for

the adoption of a regulation should not be initiated. First, Mr. Hartmann's two primary claims for repealing COMAR 15.03.08.05Q are erroneous; namely, that: (1) the $150 fee per port to register electrical vehicle service equipment set forth in this regulation "is arbitrary"; and (2) MDA "incorrectly" claimed that "the proposed action has no economic impact."

While MDA in certain instances has the statutory authority to set fees by regulation for services it provides, the department, in this instance, did not actually set the fee that Mr. Hartmann is challenging. Rather, the legislature, in enacting the Budget Reconciliation and Financing Act (BRFA) of 2025, set this fee. In other words, MDA's action to amend COMAR 15.03.08.05 to include the $150 per port fee simply mirrored the fee already set forth in the BRFA of 2025. For this reason, MDA was not acting arbitrarily. It was following the law; and, in adopting the $150 per port fee in COMAR 15.03.08.05Q, the same fee set in the BRFA of 2025, this regulation had no further economic impact beyond the BRFA of 2025. In other words, the adoption of this regulation had no economic impact.

Finally, I have determined that Mr. Hartmann's claim that COMAR 15.03.08.05Q should be repealed because the link that MDA provided failed to show the text of the proposed regulation is also without merit. While the link's failure to show the text of the proposed regulation was unfortunate, this does not invalidate or otherwise affect the adoption of COMAR 15.03.08.05Q.

Under State Gov't Art., § 10-112.1, an agency – such as MDA – is directed to publish the text of a proposed regulation on its website. More specifically, subsection (a) of this statute provides;

> Whenever a unit publishes a proposed regulation in the [Maryland] Register in accordance with § 10-112 of this subtitle, the unit shall publish the text of the proposed regulation on the unit's website no later than 3 business days after the date that the proposed action is published in the Register.

However, as provided in subsection (d) of this same statute, "[t]he failure of a unit to publish the text of a regulation in a timely manner . . . may not invalidate or otherwise affect the adoption of the regulation." (Emphasis supplied.) Let me further note that while the Proposed Action amending COMAR 15.03.08.05Q may not have appeared on MDA's website, it did appear in the Maryland Register; and that the publication of the Proposed Action in the Register effectively gave the public and Mr. Hartmann notice of this action.

For the forgoing reasons, Mr. Hartmann's petition is denied.

October 29, 2025

Kevin Atticks
Secretary of Agriculture

Maryland General Assembly
Department of Legislative Services

Proposed Regulation
Department of Agriculture
(DLS Control No. 25-151)

Overview and Legal and Fiscal Impact

This regulation amends the Maryland Department of Agriculture's fee structure for registering each class of weight and measure device used for commercial purposes.

The regulation presents no legal issue of concern.

The fiscal impact of this regulation was largely accounted for in the fiscal and policy note for House Bill 352 of 2025 (Chapter 604, the Budget Reconciliation and Financing Act of 2025). Chapter 604 authorizes the fees established in this regulation. The fees established in this regulation, however, are expected to result in a larger increase in annual special fund revenues than estimated in the fiscal and policy note for House Bill 352 ($530,000 more than estimated, annually beginning in fiscal 2026). The larger amount of revenues also proportionally increases interest earnings from those revenues, which accrue to the general fund.

Regulation of COMAR Affected

Department of Agriculture:
Weights and Measures:
Registration of Commercial Weighing and Measuring Devices: COMAR 15.03.08.05

Legal Analysis

Background

The department's Weights and Measures Program inspects and regulates devices used to determine the quantity of commodities including fuel oil, fuel products, livestock, grain, and food products. Chapter 604 of 2025, the Budget Reconciliation and Financing Act of 2025, repeals statutory fees for registering each weight and measure used for commercial purposes effective June 1, 2025. Instead, the Secretary of Agriculture is authorized to set reasonable registration fees. The Department of Legislative Services notes that while there are registration fees under COMAR 15.03.08.05 (that are being amended by regulation), those fees are outdated (last modified in 2000) and had been superseded by the fees that existed in statute (last modified in 2012) until their repeal.

Summary of Regulation

The regulation (1) establishes increased fees for certain classes of commercial weights and measures (increased in comparison to those previously in statute); (2) establishes fees for certain new classes/types of commercial weights and measures (that were not a part of the fee schedule in statute), most notably for electric vehicle service equipment; and (3) sets the newly-authorized late registration fee. See **Exhibit 1**, below in the Fiscal Analysis for the specific fees that are increased and established under the regulation.

Legal Issues

The regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The department cites §§ 11-203 and 11-204.7 of the Agriculture Article as statutory authority for the regulation. Although not cited by the department, § 11-204.2 of the Agriculture Article is also relevant. Section 11-203 requires the Secretary of Agriculture to adopt regulations, specifications, tolerances, and other technical requirements for regulated weights and measures and requires these the specifications, tolerances, and other technical requirements for commercial weighing and measuring devices to be those adopted by the National Conference on Weights and Measures and included in the National Institute of Standards and Technology (NIST) Handbook 44, as amended. The NIST handbook includes standards for electronic vehicle fueling systems. Section 11-204.2 requires weights and measures used for buying and selling any commodity or object to be registered with the Secretary. Section 11-204.7 authorizes the Secretary to set reasonable fees for registering each weight and measure used for commercial purposes.

With the addition of § 11-204.2 of the Agriculture Article, the cited authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

The fiscal impact of this regulation was largely accounted for in the fiscal and policy note for House Bill 352 of 2025 (Chapter 604, the Budget Reconciliation and Financing Act of 2025). Chapter 604 authorizes the fees established in this regulation. The fees established in this regulation, however, are expected to result in a larger increase in annual special fund revenues than estimated in the fiscal and policy note for House Bill 352 ($530,000 more than estimated, annually beginning in fiscal 2026). The larger amount of revenues also proportionally increases interest earnings from those revenues, which accrue to the general fund.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has no impact on State or local governments because the regulation mirrors a statutory change under Chapter 604. DLS disagrees that the

regulation mirrors the statutory change under Chapter 604 and that it has *no* impact on State government.

The regulation does not mirror a change in Chapter 604. Rather, it establishes a registration fee schedule for commercial weights and measures and a newly authorized late registration fee, pursuant to authority given to the Secretary of Agriculture under Chapter 604. Chapter 604 repealed an existing registration fee schedule in statute and established authorizations in statute for the Secretary to set reasonable registration fees for commercial weights and measures and a fee for late registration.

An increase in special fund revenues from fees established by the Secretary pursuant to the authority provided under Chapter 604 was accounted for in the fiscal and policy note for House Bill 352 through an estimate based on projected budgetary needs of the department's Weights and Measures Program. The specific fees were not known at the time but were expected to be increased in comparison to the repealed statutory fees to sufficiently fund the program. The specific fees set in this regulation, however, are expected to result in a larger increase in special fund revenues than estimated in the fiscal and policy note for House Bill 352.

The fiscal and policy note for House Bill 352 estimated that special fund revenues would increase by $1.0 million annually beginning in fiscal 2026. The estimate (1) assumed the Secretary would set registration fees (and the newly authorized late registration fee) at a level that would generate enough new special fund revenue to sustain the Weights and Measures Program in the immediate future and (2) was based on the expected balance of special funds available to the program at the end of fiscal 2025 and projected revenues and expenditures in fiscal 2026 and future years. The fiscal and policy note also indicated that general fund revenues would increase minimally beginning in fiscal 2026 due to interest earnings generated by the new revenue, which accrue to the general fund pursuant to § 8 of Chapter 717 of 2024 and § 6-226(a)(2) of the State Finance and Procurement Article.

The increased and added fees established by this regulation are expected to result in an annual increase in special fund revenues of $1.5 million beginning in fiscal 2026 (as shown in **Exhibit 1**), which is $530,000 higher than the estimate in the fiscal and policy note for House Bill 352. The larger special fund revenue increase also results in a proportionally larger general fund revenue increase from interest earnings on those special fund revenues, which accrue to the general fund.

The estimate shown in Exhibit 1 is based on the revenue estimated to be generated under the fee schedule established in this regulation in comparison to the revenue that would have been generated under the statutory fee schedule that was repealed by Chapter 604, had it still been in effect in fiscal 2026. (As referenced in the Legal Analysis, the current fee schedule in regulation is outdated and is not currently used by the Weights and Measures Program.)

Exhibit 1
Fee Amounts and Estimated FY 2026 Revenue Increase

Device/Fee Type	No. of Devices	No. of Locations	Statutory Fees Repealed by Chapter 604	Fees Proposed in this Regulation	Estimated Revenue Increase
Scale 0 - 100 lbs	15,506	3,117	$20 per device (maximum of $375); $50 per location	$25 per device (no maximum); $75 per location	$215,390
Scale > 100 - 2,000 lbs	1,388		$60	$100	55,520
Scale > 2,000 lbs	779		$100	$125	19,475
Vehicle scale	707		$250	$350	70,700
Belt conveyor scale	23		$300	$350	1,150
Railroad track scale	14		$300	$350	700
Retail motor fuel dispenser meter < 20 gpm	42,980	2,057	$12.50 per device; $50 per location	$20 per device; $75 per location	373,775
Retail motor fuel dispenser meter ≥ 20 gpm	817		$45	$65	16,340
Bulk petroleum fuel vehicle mounted meter ≥ 20 gpm (referred to under repealed statutory fee schedule as Bulk petroleum fuel meter of 20 - 150 gpm)*	841		$50	$100	42,050
Bulk petroleum fuel meter stationary (referred to under repealed statutory fee schedule as Bulk petroleum fuel meter of ≥ 150 gpm)*	413		$85	$100	6,195
Liquified petroleum meter ≤ 3/4 inch	323		$75	$100	8,075
Liquified petroleum meter 3/4 - 2 inch	395		$75	$125	19,750
Liquified petroleum meter > 2 inch	30		$75	$150	2,250
Grain moisture meter	73		$100	$150	3,650
Point of sale system	1,000		$100	$125	25,000
Retail DEF dispenser (new category)	250			$20	5,000
Electric vehicle service equipment (new category)	3,900			$150	585,000

Mass flow meter (new category)	15	$330	4,950
Delinquent account fee - 30 days past due (new category)	600	$125	75,000
Total			**$1,529,970**

Note: The device and location numbers are from the Weights and Measures Program's database, with the exception of the device numbers for the new device/fee categories (the four at the bottom of the table), which are Weights and Measures Program estimates.

*The Weights and Measures Program indicates that the changes in the descriptions of these categories are intended to be clarifying.

DEF: Diesel Exhaust Fluid
gpm: gallons per minute
lbs: pounds

Source: Maryland Department of Agriculture; Department of Legislative Services

Impact on Budget

While there is no direct impact on the State operating or capital budget, additional special fund revenues may be brought into the operating budget via budget amendment and, therefore, be available to be expended.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State because the regulation implements the same fee increases set forth in Chapter 604. DLS (1) disagrees that the regulation implements fee increases set forth in Chapter 604 and (2) concurs that the regulation has minimal or no economic impact on small businesses in the State.

As discussed above, Chapter 604 does not establish specific registration fees for commercial weights and measures – it only authorizes the Secretary to set reasonable registration fees and a late registration fee. This regulation establishes the specific fees, pursuant to the authority provided under Chapter 604.

DLS concurs that the regulation has minimal or no economic impact on small businesses in the State because the small business impact of the increased/added fees has already been broadly accounted for in the fiscal and policy note for House Bill 352. In the fiscal and policy note, DLS concurred with the Administration's assessment that the bill overall (which had many more provisions than the weights and measures fee provisions) would have a meaningful impact on small businesses, including the potential for increased costs for small businesses due to various fee and penalty provisions in the bill applied to programs administered by the department and the Maryland Department of the Environment.

Contact Information

Legal Analysis: Dominic Gilani – (410) 946/(301) 970-5350
Fiscal Analysis: Beatrice Amoateng – (410) 946/(301) 970-5510

MARYLAND REGISTER

Proposed Action on Regulations

Date Filed with AELR Committee	**Date Filed with Division of State Documents**
June 20, 2025	**Document Number** 25-144-P **Date of Publication in MD Register**

1. Desired date of publication in Maryland Register: July 11, 2025

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
15	03	08	05

3. Promulgating Authority

Maryland Department of Agriculture

4. Name of Regulations Coordinator

Natalie Watson

Telephone Number

410-841-5829

Mailing Address

50 Harry S. Truman Parkway
Annapolis, Maryland 21401

Email

natalie.watson@maryland.gov

5. Name of Person to Call About this Document

Alison Wilkinson, Chief of Weights and Measures

Telephone Number

410-841-2706

Mailing Address

50 Harry S. Truman Parkway
Annapolis, Maryland 21401

Email

alison.wilkinson@maryland.gov

6. Check applicable items:

	New Regulations
X	Amendments to Existing Regulations
	Repeal of Existing Regulations
	Recodification
	Incorporation by Reference of Documents Requiring DSD Approval

7. Is there Emergency text that is identical to this Proposal:

___ Yes _X_ No

8. Incorporation by Reference

	Incorporation by Reference (IBR) approval form(s) attached and 16 copies of documents proposed for incorporation submitted to DSD. (Submit 16 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

	OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland
	OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Thomas F. Filbert, Assistant Attorney General, telephone #410-841-5895, on June 20, 2025. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Steven A. Connelly

Title

Deputy Secretary

Telephone No.

410-841-5881

Date

June 20, 2025

Title 15

MARYLAND DEPARTMENT OF AGRICULTURE

Subtitle 03 WEIGHTS AND MEASURES

15.03.08 Registration of Commercial Weighing and Measures Devices

Authority: Agriculture Article, §§ 11-203 and 11-204.7, Annotated Code of Maryland

Notice of Proposed Action

[25-144-P]

The Maryland Department of Agriculture proposes to:
amend Regulation .05 under COMAR 15.03.08 Registration of Commercial Weighing and Measuring Devices.

Statement of Purpose

The purpose of this action is to implement new legislation increasing certain fees related to classes of weights and measures.

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 Alison L. Wilkinson, Chief of Weights and Measures, Maryland Department of Agriculture, 50 Harry S Truman Parkway Annapolis, Maryland 21401, or call (410) 841-2706, or email to alison.wilkinson@maryland.gov. Comments will be accepted through August 18, 2025. A public hearing has not been scheduled.

STEVEN A. CONNELLY
Deputy Secretary

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: **FY 2026**

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Special Fund - The Weights and Measures Fund.

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

The amendment to Regulation 15.03.08.05, increasing certain fees related to weights and measures, mirrors the amendment to Agriculture Article § 5-309 set forth in the Budget Reconciliation and Financing Act of 2025. See Ch. 604, Acts of 2025.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

The amendment to Regulation 15.03.08.05, increasing certain fees related to weights and measures, simply implements the same fee increases for these persons set forth in the Budget Reconciliation and Financing Act of 2025. See Ch. 604, Acts of 2025

G. Small Business Worksheet:

1a. Intended Beneficiaries. Who are the intended beneficiaries of the proposed regulation? HOUSEHOLDS AND BUSINESSES BENEFIT FROM THE PROPOSED ACTION BECAUSE ITS MODEST ADJUSTMENT IN FEES – WHICH MIRROR THE MODEST ADJUSTMENT IN FEES CALLED-FOR IN RECENTLY ENACTED LEGISLATION – WILL ASSIST MDA IN CONTINUING ITS STATUTORY MISSION PERTAINING TO THE REGULATION OF COMMERCIAL WEIGHING AND MEASURING DEVICES. SEE BUDGET RECONCILIATION AND FINANCING ACT OF 2025. Are these intended beneficiaries primarily households or businesses?

1b. Intended Beneficiaries: Households. If households are the primary intended beneficiaries, will the proposal affect their income or purchasing power such that the volume or patterns of their consumer spending will change? THE PROPOSAL WILL NOT AFFECT HOUSEHOLD PURCHASING POWER SUCH THAT THE VOLUME AND PATTERNS OF THEIR CONSUMER SPENDING CHANGES. If so, what directions of change would you anticipate? Will these expected spending changes have a disproportionate impact on small businesses? Can you descriptively identify the industries or types of

business activities that are impacted? BUSINESSES THAT UTILIZE COMMERICIAL WEIGHING AND MEASURING DEVICES.

1c. Intended Beneficiaries: Businesses. If businesses are the intended beneficiaries, identify the businesses by industry or by types of business activities. BUSINESSES THAT UTILIZE COMMERICIAL WEIGHING AND MEASURING DEVICES.
How will businesses be impacted? Are these Maryland establishments disproportionately small businesses? THESE PERSONS WILL BE SUBJECT TO A MODEST FEE INCREASE AS CALLED-FOR IN RECENT ENACTED LEGISLATION. If so, how will these Maryland small businesses be affected? THEY WILL BE SUBJECT TO A MODES FEE INCREASE. Can you identify or estimate the present number of small businesses affected? Can you estimate the present total payroll or total employment of small businesses affected?

2a. Other Direct or Indirect Impacts: Adverse. Businesses may not be the intended beneficiaries of the proposal. Instead, the proposal may direct or otherwise cause businesses to incur additional expenses of doing business in Maryland. Does this proposal require Maryland businesses to respond in such a fashion that they will incur additional work-time costs or monetary costs in order to comply? BUSINESSES WILL NOT BE REQUIRED TO RESPOND TO THE FEE ADJUSTMENT IN SUCH A FASHION THAT THEY WILL INCUR ADDITIONAL WORK-TIME COSTS OR MONETARY COSTS IN ORDER TO COMPLY. Describe how Maryland establishments may be adversely affected. THEY WILL NOT BE ADVERSELY AFFECTED. THE FEE INCREASES IN THE PROPOSED ACTION MIRROR THE INCREASES SET FORTH IN RECENLTY ENACTED LEGISLATION. Will Maryland small businesses bear a disproportionate financial burden or suffer consequences that affect their ability to compete? NO. Can you estimate the possible number of Maryland small businesses adversely affected? (Note that small business compliance costs in the area of regulation are the sum of out-of-pocket (cash) costs plus time costs — usually expressed as payroll, akin to calculations for legislative fiscal notes. Precise compliance costs may be difficult to estimate, but the general nature of procedures that businesses must accomplish to comply can be described.)

2b. Other Direct or Indirect Impacts: Positive. Maryland businesses may positively benefit by means other than or in addition to changed consumer spending patterns. How may Maryland businesses be positively impacted by this initiative? THE MODEST FEE INCREASES IN THE PROPOSED ACTION – WHICH MIRROR THE FEE INCREASES CALLED-FOR IN RECENTLY ENACTED LEGISLATION – WILL ASSIST MDA IN CONTINUING ITS STATUTORY MISSION PERTAINING TO THE REGULATION OF COMMERICIAL WEIGHING AND MEASURING DEVICES.
Will Maryland small businesses share proportionately or disproportionately in these gains? YES. Can you estimate the possible number of Maryland small businesses positively affected?

3. Long-Term Impacts. There are instances where the longer run economic impact effect from regulations differ significantly from immediate impact. For example, regulations may impose immediate burdens on Maryland small businesses to comply, but the overall restructuring of the industry as a consequence of monitoring and compliance may provide offsetting benefits to the affected small businesses in subsequent years. Can you identify any long run economic impact effects on Maryland small businesses that over time (a) may compound or further aggravate the initial

economic impact described above, or (b) may mitigate or offset the initial economic impact described above? THE MODEST FEE INCREASES IN THE PROPOSED ACTION – WHICH MIRROR THE FEE INCREASES CALLED-FOR IN RECENTLY ENACTED LEGISLATION – WILL NOT RESULT IN ANY SUCH LONG RUN ECONOMIC IMPACT EFFECTS ON MARYLAND SMALL BUSINESSES.

4. Estimates of Economic Impact. State Government Article, §2-1505.2 requires that an agency include estimates, as appropriate, directly relating to: (1) cost of providing goods and services; (2) effect on the work force; (3) effect on the cost of housing; (4) efficiency in production and marketing; (5) capital investment, taxation, competition, and economic development; and (6) consumer choice. THE MODEST FEE INCREASES IN THE PROPOSED ACTION – WHICH MIRROR THE FEE INCREASES CALLED-FOR IN RECENTLY ENACTED LEGISLATION – WILL HAVE NO IMPACT ON ANY OF THE SIX AFOREMENTIONED ITEMS.

Title 15 MARYLAND DEPARTMENT OF AGRICULTURE

Subtitle 03 Weights and Measures

Chapter 08 Registration of Commercial Weighing and Measuring Devices

Authority: Agriculture Article, §11-204.7, Annotated Code of Maryland

.05 Fees for Classes of Weights and Measures

The Department's fees for registering each class of weight and measure used for commercial purposes under this subtitle are as follows:

A. Scale with a capacity of up to 100 pounds [(maximum fee per location $175.00) — $14**]** *$25*; *for each scale, plus $75 for each business location;*

B. Scale with a capacity of more than 100 pounds, up to 2,000 pounds —$**[**40**]** *100*;

C. Scale with a capacity of more than 2,000 pounds — $[75**]** *125*;

D. Belt conveyor scale — $[300**]** *350*;

E. Railroad track scale — $[300**]** *350*;

F. Vehicle scale — $[150**]** *350*;

G. Grain moisture meter — $[50**]**; *150;*

H. Retail motor fuel dispenser meter of under 20 gallons per minute [(maximum fee per location: $275) — $15] - *$20 each for each meter, plus $75.00 per business location;*

I. Retail motor fuel dispenser meter of 20 gallons per minute or more — $[35**]** *65*;

J. Retail DEF dispensers - $20 per meter;

K. Bulk petroleum fuel *vehicle mounted meter* of 20 gallons per minute *or more* [up to 150 gallons per minute — $35] $100;

L. Bulk petroleum fuel meter stationary [over 150 gallons per minute — $70**]** *$100*;

M. Liquefied petroleum meter of 3/4 inch diameter or less — $[50**]** *100*;

N. Liquefied petroleum gas meter [of greater than] 3/4 inch – *2 inch diameter* — $[75**]** *125*;

O. Liquefied petroleum gas meters greater than 2 inch diameter - $150;

P. Point of sale system, as defined by the National Institute of Standards and Technology (NIST) Handbook 44, connected to a weighing or measuring device (per business location) - $125.00;

Q. Electrical Vehicle Service Equipment - $150 per port;

R. Mass Flow Meters - $330 per meter;

S. Device registration fee 30 days or more delinquent - $125.00 per account;