

**DEPARTMENT OF AGRICULTURE**  
**Harness Racing Commission**

**NOTICE OF PUBLIC HEARING**

**501 Harness Racing Rules and Regulations**

The Delaware Harness Racing Commission, pursuant to 3 **Del.C.** §10005, proposes to change its Rules 6 and 8. The Commission will hold a public hearing on the proposed rule changes on September 9, 2008. Written comments should be sent to Hugh J. Gallagher, Administrator of Harness Racing, Department of Agriculture, 2320 S. DuPont Highway, Dover, DE 19901. Written comments will be accepted for thirty (30) days from the date of publication in the *Register of Regulations* on August 1, 2008.

The proposed changes are for the purpose of updating Rules 6 and 8 to reflect current policies, practices and procedures. Copies are published online at the Register of Regulations website: [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml). A copy is also available for inspection at the Racing Commission office.

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**DEPARTMENT OF EDUCATION**

The State Board of Education will hold its monthly meeting on Thursday, August 21, 2008 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

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**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**

**Division of Medicaid and Medical Assistance**

**NOTICE OF PUBLIC COMMENT PERIOD**

**20800 Long Term Acute Care Program (SSI)**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend existing rules in the Division of Social Services Manual (DSSM) used to determine eligibility related to Long Term Care, specifically, the Acute Care Program.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Planning & Policy Development Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to 302-255-4425 by August 31, 2008.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

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**DIVISION OF SOCIAL SERVICES**

**NOTICE OF PUBLIC COMMENT PERIOD**

**1000 Responsibility for the Administration of Delaware's Assistance Programs**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and

Social Services (DHSS) / Division of Social Services is proposing to amend policies in the Division of Social Services Manual (DSSM) regarding the *Responsibility for the Administration of Delaware's Assistance Programs and Confidentiality*.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by August 31, 2008.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

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**DIVISION OF SOCIAL SERVICES**  
**NOTICE OF PUBLIC COMMENT PERIOD**

**FOOD STAMP PROGRAM**  
**Citizenship and Alien Status**  
**9007.1 Citizens and Qualified Aliens**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend Food Stamp Program policies in the Division of Social Services Manual (DSSM) regarding *Citizenship and Alien Status*.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by August 31, 2008.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

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**DIVISION OF SOCIAL SERVICES**  
**NOTICE OF PUBLIC COMMENT PERIOD**  
**FOOD STAMP PROGRAM**  
**DSSM 9060, 9068.1 and 9085**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend Food Stamp Program policies in the Division of Social Services Manual (DSSM) regarding *Income Deductions, Certification Period Lengths and Reporting Changes*.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by August 31, 2008.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

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## **DEPARTMENT OF INSURANCE**

### **PUBLIC NOTICE OF PROPOSED CHANGES TO THE DEPARTMENT OF INSURANCE'S REGULATION 301 RELATING TO AUDITED FINANCIAL REPORTS**

INSURANCE COMMISSIONER MATTHEW DENN hereby gives notice of intent to adopt proposed Department of Insurance Regulation 301 relating to audited financial reports and financial statements of insurance companies. The docket number for this proposed amendment is 810.

The purpose of the proposed amendment to Regulation 301 is to update the existing financial report and audit requirements by enacting the Model Regulation, as modified to conform to statutory law. The text of the proposed amendment is reproduced in the August 2008 edition of the Delaware *Register of Regulations*. The text can also be viewed at the Delaware Insurance Commissioner's website at: <http://www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml>.

The Department of Insurance does not plan to hold a public hearing on the proposed changes. Any person can file written comments, suggestions, briefs, compilations of data or other materials concerning the proposed amendments. Any written submission in response to this notice and relevant to the proposed changes must be received by the Department of Insurance no later than 4:00 p.m., Tuesday September 2, 2008, and should be addressed to Mitchell G. Crane, Esquire, Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.739.2021 or email to [mitch.crane@state.de.us](mailto:mitch.crane@state.de.us).

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## **1000 DEPARTMENT OF LABOR**

### **1300 Division of Industrial Affairs**

#### **1310 The Office of Anti-Discrimination**

##### **NOTICE OF PUBLIC HEARING**

#### **1311 Office of Anti-Discrimination Rules and Regulations**

The Secretary of Labor in accordance with 19 *Del.C.* §712(a)(2) has proposed rules and regulations relating to the Delaware Department of Labor's Office of Anti-Discrimination ("Anti-Discrimination Office"). These proposals set forth the Anti-Discrimination Office's procedures for the handling of discrimination charges with coordinated instructions and procedures developed by the Anti-Discrimination Office Administrator and staff ("Rules and Regulations").

A public hearing will be held before the Director of Industrial Affairs and Anti-Discrimination Office Administrator (collectively the "Department") at 2:00 p.m. on September 24, 2008, in the Department of Labor Fox Valley Annex, 4425 N. Market Street, Wilmington, Delaware 19802 where members of the public can offer comments. Anyone wishing to receive a copy of the proposed Rules and Regulations may obtain a copy from Julie Klein Cutler, Administrator, Office of Anti-Discrimination, Division of Industrial Affairs, Department of Labor, 4425 N. Market Street, Wilmington, Delaware 19802. Persons wishing to submit written comments may forward these to Ms. Cutler at the above address. The final date to receive written comments will be at the public hearing.

The Department will consider making a recommendation to the Secretary following the public hearing.

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## **DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**

### **Division of Fish and Wildlife**

#### **PUBLIC NOTICE**

#### **Title of the Regulations:**

New Non-tidal Finfish Regulation 3311, Freshwater Fisherman Registry.

New Tidal Finfish Regulation 3567, Tidal Water Fisherman Registry.

**Brief Synopsis of the Subject, Substance and Issues:**

These proposed additions to the tidal and non-tidal fishing regulations would enable Delaware to provide a computerized registry of names, addresses, and phone numbers of saltwater anglers to the federal National Marine Fisheries Service so that Delaware may avoid requirements for federal licensing of Delaware saltwater anglers. In order to improve upon present means of determining recreational catch and effort in marine waters, Congress authorized the National Marine Fisheries Service to compile a registry of all anglers fishing in saltwater beginning in 2009 and to begin charging for participation in this registry as of 2011. The fees so generated will be deposited in the federal treasury and not returned to the states according to existing federal plans.

The National Marine Fisheries Service has determined that any state such as Delaware that already has a complete name and address file of marine recreational fishermen via state-issued recreational fishing licenses will be exempt from the federal registry and the federal fees to be imposed. Under Delaware's present fishing license statutory requirements contained in Chapter 5 of 7 Delaware Code, Delaware would be classified by the National Marine Fisheries Service as a non-exempt state because the holder of a recreational boat license may take any number of non-licensed anglers with them on the licensed vessel, thus these unlicensed anglers would not be included in the database of all anglers. In addition, resident senior citizens age 65 and older also are exempt from Delaware recreational fishing license requirements. Therefore, to avoid a federal determination that Delaware is a non-exempt state, this regulation will establish a state-level registration process for all anglers fishing in Delaware at no additional cost to the angler. This new Delaware registration will be known as the F.I.N number (Fisherman Information Network).

All prospective Delaware anglers age of 16 or older, whether they are licensed or not, will be required by this regulation to obtain a F.I.N number on an annual basis before fishing in Delaware's waters. This requirement is similar to a federal registration known as the Hunter Information Program (H.I.P.) for all who intend to hunt migratory birds. This F.I.N. number may be obtained at no cost to the angler by calling a toll free number and providing the required information over the phone or by entering the required information on-line through an internet access portal designated by the Department for this purpose. Each person who requests a F.I.N. number should write this number on his or her Delaware fishing license, or for those who are legally unlicensed, be able to produce this number when challenged by an authorized enforcement agent.

Both the appropriate web site address and toll-free number will be advertised and made readily available to all prospective Delaware anglers. The caller or computer user will be instructed to indicate whether they intend to fish in Delaware's freshwaters, marine (tidal) waters, or both, and then give their name, address, and phone number. Once all Delaware fishermen have obtained a F.I.N. number, Delaware will be able to supply a complete computerized name, address, and telephone number file of saltwater anglers to the National Marine Fisheries Service so that Delaware may be exempt from the federal marine recreational fishing registry and associated federal charges.

**Notice of Public Comment:**

Individuals may address questions to the Fisheries Section, Division of Fish and Wildlife, (302) 739-3441. A public hearing on these proposed regulations will be held in the Department of Natural Resources and Environmental Control Auditorium, at 89 Kings Highway, Dover, DE at 7:00 PM on August 27, 2008. Individuals may present their opinion and evidence either at the hearing or in writing to Lisa Vest, Hearing Officer, Department of Natural Resources and Environmental Control, 89 Kings Highway, Dover, DE 19901 or via e-mail to [Lisa.Vest@state.de.us](mailto:Lisa.Vest@state.de.us). The hearing record will remain open for written or e-mail comments until 4:30 PM August 31, 2008.

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**Division of Fish and Wildlife**

**PUBLIC NOTICE**

**SAN #2008-10, SAN#2008-11, SAN#2008-12, SAN#2008-13, SAN#2008-14, SAN#200815**

**Title of the Regulation:**

3900 Wildlife Regulations

**Brief Synopsis of the Subject, Substance and Issues:****3.0 Federal Laws and Regulations Adopted (Formerly WR-3)**

This action is needed to establish in regulation the special 1 day waterfowl hunt for youth and disabled hunters and set the minimum participation age at 10 years old to conform to the minimum age for hunter safety certification and to the special 1 day deer hunt for youth and disabled hunters. This action is needed to prohibit the possession and release of mute swans which are a non-native invasive species that can severely damage aquatic ecosystems and drive out native birds.

**5.0 Wild Turkey (Formerly WR-5)**

This action is needed to expand the opportunities for hunters to take a turkey education class and thus become eligible for a Delaware turkey hunting permit. There is a growing desire by non-residents of Delaware to come here to hunt turkeys. At this point in time, they have to travel to Delaware to take the mandatory turkey hunting safety class. This regulatory change will allow hunters to take comparable classes in their home state and then be certified to hunt in Delaware. This action is also needed to establish a youth day for Delaware turkey hunting as is offered for deer and waterfowl hunting. Because of the limited turkey hunting opportunities on public land in Delaware, this day would only apply to private land hunting.

**7.0 Deer (Formerly WR-7)**

This action is needed to correct an omission regarding the Non Resident Quality Buck Deer Tag making it a legally recognized tag. Secondly, this action is needed to clarify that only 2 antlered deer may be killed during a license year and it clarifies legal transportation of deer. Thirdly, children 10 years of age or older may take the Delaware General Hunter Education course and become certified. This regulatory amendment will provide conformity between the minimum age a child can be certified under the Hunter Safety Program and the age at which they may participate in the special Youth Day deer hunt.

**8.0 General Rules and Regulations Governing Land and Waters Administered by the Division (Formerly WR-8)**

As Delaware's population grows and its open space declines, more people are seeking out State Wildlife Areas for outdoor activities that have nothing to do with wildlife. The Division's goal is to accommodate these non-wildlife related activities in so far as they do not disrupt other citizens engaged in wildlife related pursuits on the areas. This action is needed to allow for geocaching on State Wildlife Areas while at the same time, separating it from hunting activity. This separation will prevent conflict and improve safety. Furthermore, this amendment will strengthen the trespass section of Regulation 8.0. The Division publishes annual maps and rules of all State Wildlife Areas. This change will allow for unique Wildlife Area entry restrictions to be published on area maps that will be backed up in regulation.

**20.0 Game Bird Releases (New)**

This action will require that all domestically raised quail, chukar partridge, Hungarian partridge and pheasants released into the wild be fitted with a Division approved leg band. As wild bird numbers decline, more hunters are releasing domestically raised game birds for hunting and dog training purposes. When hunters report harvested bird numbers on Division game surveys, it is unclear how many are wild birds. This makes it difficult to assess wild bird mortality and population levels and adjust hunting seasons and management efforts appropriately. To release banded game birds, a free Division permit will have to be obtained. This permit requirement will assist in determining the locations and numbers of released birds. Game harvest survey questions will be written to distinguish between wild un-banded birds and released banded birds.

**21.0 Guide License Requirements (New)**

This action is needed to define the requirements for a guide license as found in Title 7, Chapter 5. Licenses, of the Delaware Code.

**Notice of Public Comment:**

These regulatory changes will be presented in a series of public hearings on August 25<sup>th</sup>, 2008 beginning at 6:30 p.m., DNREC Auditorium, 89 Kings Highway, Dover, Delaware. The hearing record for these proposed Regulations will remain open until 4:30 P.M., Sunday August 31, 2008. The order of hearings is as follows:

Regulation 3900.3 – Federal Regulations Adopted

Regulation 3900.5 – Wild Turkey

Regulation 3900.7 – Deer

Regulation 3900.8 – General Rules and Regulations Governing Land and Waters Administered by the Division.

Regulation 3900.20 – Game Bird Releases

Regulation 3900.21 – Guide License Requirements

Written comments for the hearing record should be addressed to Kenneth Reynolds, 6180 Hay Point Landing Road, Smyrna, DE 19977 or to [Kenneth.Reynolds@state.de.us](mailto:Kenneth.Reynolds@state.de.us). The record will remain open for written public comment until 4:30 P.M. August 31, 2008.

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**DEPARTMENT OF STATE**  
**Division of Professional Regulation**  
**2500 BOARD OF PODIATRY**

**PUBLIC NOTICE**

The Board of Podiatry (“Board”) was established to protect the public from unsafe practices and from occupational practices, which tend to reduce competition or fix the price of services rendered by the professions under its purview. The Board was further established to maintain minimum standards of practitioner competency and delivery of services to the public. The Board is authorized by 24 *Del.C.* §506(a)(1) to make, adopt, amend, and repeal regulations as necessary to effectuate those objectives.

Pursuant to 24 *Del.C.* §3706(a)(1), the Board has proposed amendments to its regulation section 5.0. Specifically, the proposed changes to section **5.0 Licenses (In-Training, Lapse/Renewal, Inactive)** create a mandatory audit of all late-renewed licensees to verify compliance with the continuing education requirement. Other grammatical, typographic, or stylistic changes are also included.

In compliance with 29 *Del.C.* §10115, notice of the public hearing and a copy of the proposed regulatory changes was published in the Delaware *Register of Regulations*, Volume 11, Issue 10, at page 1352 on April 1, 2008. The public hearing was originally scheduled for Thursday, July 17, 2008. That hearing has been rescheduled. **The public hearing will now take place on Thursday, September 18, 2008 at 5:00 p.m. in the second floor Conference Room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware 19904.**

The Board will receive and consider input in writing from any person concerning the proposed regulations. Written comments should be submitted to the Board care of David Mangler at the above address. The final date to submit written comments shall be at the public hearing. Anyone wishing to obtain a copy of the proposed regulations or to make comments at the public hearing should contact David Mangler at the above address or by calling (302) 744-4500.

The Board will consider promulgating the proposed regulations immediately following the public hearing.

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**Human Relations Commission**  
**NOTICE OF PUBLIC HEARING**  
**1501 Equal Accommodations Regulations**  
**1502 Fair Housing Regulations**

The State Human Relations Commission, in accordance with 29 **Del.C.** Chapter 101 and 6 **Del.C.** §4506, proposes amendments to the Equal Accommodations Regulations. The changes are required to clarify hearing procedures and to comply with changes to "The Delaware Equal Accommodations Law" 6 **Del.C.** Chapter 45, and 31 **Del.C.** Chapter 30, and other items.

The Commission also proposes amendments to the Fair Housing Regulations. The changes are required to clarify hearing procedures and to comply with changes to "The Delaware Fair Housing Act" 6 **Del.C.** Chapter 46, and 31 **Del.C.** Chapter 30, and other items.

A public hearing is scheduled for Thursday, September 11, 2008 at 7:00 p.m. in the second floor Conference Room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware 19904, where members of the public may offer comments. The Commission will receive and consider input in writing from any person concerning the proposed regulations. Written comments should be submitted to the Commission care of Sheryl A. Paquette, Division of Human Relations, 861 Silver Lake Blvd., Suite 205, Dover, DE 19904. The final date to submit written comments shall be at the public hearing. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from Sheryl A. Paquette, Division of Human Relations, 861 Silver Lake Blvd., Suite 205, Dover, DE 19904, (302) 739-4567.

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## **DEPARTMENT OF TRANSPORTATION DIVISION OF MOTOR VEHICLES**

### **NOTICE OF PUBLIC COMMENT PERIOD 2222 School Bus Driver Qualifications and Endorsements**

The Delaware Division of Motor Vehicles gives notice of intent to adopt proposed Division of Motor Vehicles Regulation 2222 relating to school bus driver qualifications and endorsements.

Any person who wishes to make written suggestions, briefs or other written materials concerning this proposed new regulation must submit the same to Scott Vien, CDL Program Manager, Delaware Division of Motor Vehicles, P.O. Box 698, Dover, Delaware 19903, or by fax to (302) 739-2602 by August 31, 2008.

**12 DE Reg. 255 (08/01/08)**

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