

DEPT. OF LEGISLATIVE REFERENCE
16 FRANCIS STREET
ANNAPOLIS, MARYLAND

REPORT TO
THE GENERAL ASSEMBLY OF 1950

PROPOSED BILLS

VOLUME 1



LEGISLATIVE REFERENCE

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MARYLAND LEGISLATIVE COUNCIL

POISONOUS PAINT

A bill is proposed to repeal Chapter 517 of the Acts of 1949, which requires labels to be put on children's toys or furniture which have paint containing any lead or other poisonous substance. The act seems not to have reached the specific problem at which it was aimed, and the whole problem is to be studied further by the paint industry and public health authorities.

PUBLIC WELFARE

The Legislative Council recommends a bill to add Section 15B to Article 88A of the Annotated Code, making the laws as to a public assistance program conform generally with laws for other types of public welfare programs.

TAXES

The Council suggests a bill to permit any assessment to be abated or any taxes paid to be refunded, if the assessment on such property would not have been levied under the provisions of Chapter 134 of the Acts of 1949. This Act granted a tax exemption to certain property of fraternal organizations and women's clubs, but some of these types of property were assessed before the act was passed, and taxes were paid on some of the assessments.

Another proposed bill would add Section 93A to Article 81 of the Code, to permit tax officials of any State granting reciprocity to Maryland to come into the courts of this State in order to collect taxes lawfully imposed in that other State.

UNEMPLOYMENT COMPENSATION

The Council submits a bill to amend Section 7 of Article 95A, giving employers who were absent in war service credit for such time in the computation of their experience rating for contributions to the unemployment compensation fund. Another proposal would amend Section 11 of Article 95A, providing for separation notices similar to the present accession notices for employees.

WATER RESOURCES

The Legislative Council recommends a bill to amend Section 5 of Article 96B of the Annotated Code, permitting farm ponds to be constructed within certain specifications without being licensed as dams under the Water Resources Act.

Explanation

This bill is recommended by the State Department of Health. It would repeal the Act passed in 1949 requiring that children's furniture and toys shall by a label call attention to the use thereon of any paint or other material containing lead or other poisonous substance. There has been widespread complaint from the manufacturers and vendors of such articles that the law is vaguely drawn and cannot practicably be complied with; they cite that while the paint used on children's furniture and toys is not poisonous, so much depends upon the child's condition and other extraneous factors that it is impossible to warrant that no harm will result. As a result of the discussion over the Act of 1949, the Lead Industries Association has arranged to finance a study of the prevention of lead poisoning in children, at the Johns Hopkins University.

(Item No. 64)

A BILL

ENTITLED

AN ACT to repeal Chapter 517 of the Acts of 1949, entitled "An act to add a new section to Article 27 of the Annotated Code of Maryland (1939 Edition), title "Crimes and Punishments", sub-title "Health—Infants", said new section to be known as Section 323 and to follow immediately after Section 322 of said Article, providing for the labeling of children's furniture and toys decorated with paint or other material containing lead or other poisonous substance and providing for punishment for non-compliance with such provision."

1 WHEREAS, It has been found impractical to apply and en-
2 force the provisions of said Chapter 517; and

3 WHEREAS, the Lead Industries Association has arranged to
4 finance a study of the problem of preventing the lead-poison-
5 ing of children from the use of toys, etc., at the Johns Hop-
6 kins University; and

7 WHEREAS, the State Board of Health has approved the
8 recommendations of certain business associations and manu-
9 facturers that Chapter 517 of the Acts of 1949 be repealed
10 and that no further legislation be enacted on this subject
11 until the study at the Johns Hopkins University has been
12 completed; now therefore

1 SECTION 1. *Be it enacted by the General Assembly of Mary-*
2 *land, That Chapter 517 of the Acts of 1949, entitled "An Act*
3 *to add a new section to Article 27 of the Annotated Code of*
4 *Maryland (1939 Edition), title "Crimes and Punishments",*
5 *sub-title "Health—Infants", said new section to be known as*
6 *Section 323 and to follow immediately after Section 322 of*
7 *said Article, providing for the labeling of children's furniture*
8 *and toys decorated with paint or other material containing*
9 *lead or other poisonous substance and providing for punish-*
10 *ment for non-compliance with such provision" be and it is*
11 *hereby repealed.*

20 (c) The State Department may also, upon its own motion,
21 review any decision of a local welfare department, and may
22 consider any application upon which a decision has not been
23 made by the local department within a reasonable time. The
24 State Department may make such additional investigation
25 as it may deem necessary, and shall make such decision as
26 to the granting of assistance and the amount of assistance
27 to be granted the applicant as in its opinion is justified and
28 in conformity with the rules and regulations of the State De-
29 partment. Applicants or recipients affected by such decisions
30 of the State Department shall, upon request, be given reason-
31 able notice and opportunity for a fair hearing by the State
32 Department.

33 (d) All decisions of the State Department shall be final
34 and shall be binding upon the local welfare department in-
35 volved and shall be complied with by the local department.

1 SEC. 2. And be it further enacted, That this Act shall take
2 effect June 1, 1950.

The Chairman announced the Rules Committee would meet at 2.15.

At 1.15 P. M. the Council adjourned to meet on Wed., Sept. 7, at 10.00 A. M.

MINUTES

FIFTH MEETING

Baltimore, Md., September 7, 1949.

The Legislative Council held its fifth meeting in the City Council Chamber, City Hall, Baltimore, at 10.00 A. M. on Wednesday, September 7th, 1949. Members present were Mr. Byrnes, presiding, and Messrs. Turnbull, Della, Goldstein, Kimble, McAllister, Hoff, Stromberg, Beck, Sybert, Boone, Chaires, Lotstrand, Lubber, Melnicove, Pumphrey, Ramsburg and Robinson.

Letters were read and referred to the committees as follows:

1. Board of Physical Therapy Examiners, requesting legislation as to examination fees and the use of the term "Doctor of Physical Therapy." (Judiciary Committee)
2. State Department of Health, relating to the use of poisonous paint on children's toys, etc. (Judiciary Committee)
3. Game and Inland Fish Commission, relating to changes in the fees for hunting and fishing licenses. (Finance Committee)
4. Senator John Grason Turnbull, relating to probationary motor vehicle drivers licenses for persons under the age of 25 years. (Judiciary Committee)
5. Senator Louis L. Goldstein, relating to continuous assessments. (Finance Committee)
6. Hon. Paul M. Fletcher, relating to a rebate of taxes paid by fraternal organizations in Allegany County, for 1948 and 1949. (Finance Committee)

A letter also was read from the Hon. Richard W. Case, Chairman of the Tax Survey Commission of 1949, acknowledging copies of letters relating to tax exemptions for the Emory Grove Association and for the Disabled American Veterans.

The Chairman announced the appointment of a committee on Medico-Legal Procedure. The following persons were appointed on this Committee: Messrs. Robinson, Chairman, and Lotstrand, McAllister, Stromberg, Sybert and Turnbull.

Upon motion, the Council adjourned at 11.10 A. M. in order that committee meetings might be held.

5.00 P. M.

Upon the call of the Chairman, the Legislative Council reconvened at 5 P. M. The vote of adjournment was re-considered.

Mr. Lubber, Vice-Chairman of the Budget & Finance Committee submitted the following report of that committee as to Item No. 60:

REPORT OF THE BUDGET AND FINANCE COMMITTEE

September 7, 1949.

To the Members of the Legislative Council:

The Budget and Finance Committee of the Legislative Council at its meeting held on Wednesday, September 7th, 1949, heard

The Council then resumed consideration of the Rules and after completion of the consideration of the Rules, it was ordered that the rules, as amended, be reprinted and sent to all members of the General Assembly.

The Council adjourned to meet on Wednesday, December 21st, at 10.30 A. M.

MINUTES

TWELFTH MEETING

Baltimore, Md., December 21, 1949.

The twelfth meeting of the Legislative Council of Maryland was held in Room 302, City Hall, Baltimore, on Wednesday, December 21st, 1949, at 2.00 P. M.

The following members were present: Mr. Byrnes, Chairman, presiding, and Messrs. Turnbull, Della, Goldstein, Kimble, McAllister, Hoff, Stromberg, Beck, Sybert, Boone, Chaires, Lofstrand, Luber, Melnicove, Ramsburg and Todd.

The Honorable Hall Hammond, Attorney General, appeared before the Council and discussed the proposed bill (Item No. 54), relative to the execution of the death sentence. After discussion, on motion of Mr. Sybert, Mr. Hammond was requested to revise the bill and submit it to the Council prior to its next meeting.

The Secretary submitted the following letters:

1. From Judge E. Paul Mason, suggesting that Section 647A of Article 27, as added by Chapter 757 of 1949, requiring that every indictment for the commission of a criminal offense be furnished the accused, be amended to exempt bastardy, support and similar cases from the provisions of said section. (Item No. 86)

After discussion, the Chairman was requested to discuss the proposal with Judge Mason.

2. From Hon. John N. Newcomer, member of the House of Delegates from Washington County, requesting that a State-wide day-light savings bill be prepared for the next session of the General Assembly. (Item No. 87)

After discussion, it was ordered that the bill be prepared for introduction by Mr. Newcomer and not as a Legislative Council bill.

3. From Arthur B. Price, suggesting that certain changes be made in the law as to replevin. (Item No. 88) This item was referred to the Judiciary Committee.
4. From Mr. Bradley T. J. Mettee, Jr., suggesting legislation to authorize the County Commissioners of the several counties to establish boards of recreation. (Item No. 89) This item was referred to the Judiciary Committee.
5. From the members of the History Group of the Community Study Workshop of the Baltimore Public Schools, urging that steps be taken to protect Blackiston's Island from further erosion. (Item No. 90)

It was suggested that a joint resolution be prepared for submission to the General Assembly to request the proper State agency or agencies to take whatever steps may be necessary to prevent further erosion at Blackiston's Island, if possible.

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Mr. Lubert, Vice-Chairman of the Budget and Finance Committee, submitted the following report:

REPORT OF THE BUDGET AND FINANCE COMMITTEE

December 21, 1949.

To the Members of the Legislative Council:

The Budget and Finance Committee met on Wednesday, December 21st, 1949, with the following members present: Mr. Lubert, Vice-Chairman, presiding, and Messrs. Ramsburg, Beck, Stromberg, Boone, Goldstein, Todd and Kimble.

The Committee considered the several items on its agenda and makes the following report:

Item No.

76—Exemption of State and local governments from the Fair Trade Act.

Favorable Report.

40—Motor Vehicle Inspections.

The Committee recommends in lieu of the proposal submitted to the Council that the Council endorse in principle the establishment of State-operated motor vehicle inspection stations and further recommends that the Chairman of the Council appoint a committee from among its members to confer with the Commissioner of Motor Vehicles as to the details of such a plan and the preparation of a bill to carry it into effect.

Respectfully submitted,

JOHN C. LUBERT, Vice Chairman.

After discussion, on motion of Mr. Lubert, this report was adopted and it was ordered that a bill be prepared to make effective Item No. 76, for introduction at the 1950 session.

The Chairman announced the appointment of the following committee in accordance with the recommendation as to Item No. 40:

Mr. Lubert, Mr. Stromberg, Mr. Chaires, Mr. Kimble, Mr. Boone and Mr. Goldstein.

Mr. Sybert, Chairman of the Judiciary Committee, then submitted the following report:

REPORT OF THE JUDICIARY COMMITTEE

December 21, 1949.

To the Members of the Legislative Council:

The Judiciary Committee met on Wednesday, December 21st, at 10.30 A. M., with the following members present: Mr. Sybert, Chairman, presiding, and Messrs. Della, Hoff, Lolstrand, Chaires, Melnicove, Turnbull, McAllister and Byrnes.

The Committee gave careful consideration to a number of Items which had been referred to it and begs to submit the following report:

Item No.

73—Licensing of Child Care Agencies.

Favorable Report, with amendments,
on proposed bill. (1950 Session)

64--Repeal of Chapter 517 of the Acts of 1949, relative to poisonous paint on toys.

Favorable Report. (1950 Session).

42--Confiscation of gambling monies.

Favorable Report, with amendments, on proposed bill. (1950 Session)

Respectfully submitted.

C. FERDINAND SYBERT, *Chairman.*

After discussion, on motion of Mr. Sybert, the above recommendations were approved and bills ordered prepared for the 1950 session.

Senator Kimble called attention to the decision of the Court of Appeals, holding invalid the law relating to strip mining in Allegany County and requested the Legislative Council to approve the preparation and introduction of a bill at the 1950 session to make the strip-mining law State-wide in its effect. (Item No. 91)

On motion, this recommendation was approved for the 1950 session.

The Council then took up for final consideration bills which had been prepared on the following items:

Item No. 50--Lobbying. After discussion, on motion of Mr. Stromberg, the bill as submitted was approved, with the incorporation of an amendment to provide that no State officer or employee should be permitted to act as legislative agent for compensation.

Items 63(1) and (2), relating to Physical Therapy, Items 65(1) and (2), relating to non-resident hunting and fishing licenses, Item No. 66, relating to probationary motor vehicle licenses for minors, and Item No. 84, relating to reciprocity in the collection of income taxes and other taxes, were all approved for introduction at the 1950 session.

After discussion, it was decided that Rule No. 61(5) of the House Rules should be amended to provide that the motion as to the previous question be not debatable.

The Council then adjourned to meet on Wednesday, January 11th, 1950, at 10:30 A. M.

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