

House of Delegates

NO. 102

MESSRS. POLLACK AND SEIGEL—Judicial

By the HOUSE OF DELEGATES, January 17, 1949.

Introduced, read the first time and referred to the Committee on
Judiciary.

By order, F. BYRNE AUSTIN, Chief Clerk.

A BILL

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 containing lead and providing for punishment for non-compliance with such provision.

1 *SECTION 1. Be it enacted by the General Assembly of Mary-*
2 *land, That a new section be and it is hereby added to Article*
3 *27 of the Annotated Code of Maryland (1939 Edition), title*
4 *"Crimes and Punishments," sub-title "Health—Infants," said*
5 *new section to be known as Section 323, and to follow im-*
6 *mediately after Section 322 of said Article and to read as*
7 *follows:*

1 323. (a) It shall be unlawful for any person to manufac-
2 ture, sell, or offer to sell, any toy, plaything, object of furni-
3 ture or other object decorated or covered with a paint or
4 other substance containing any ingredient of a deleterious
5 and poisonous nature, from contact with which, either orally
6 or otherwise, small children are injuriously affected, unless
7 such toy, plaything, object of furniture or other object shall
8 contain a label affixed thereto stating in clear and unam-
9 biguous language that the paint or other decorative or cover-
10 ing substance used thereon contains an ingredient of a dele-
11 terious and poisonous nature, from said contact with which
12 small children are injuriously affected.

14 (b) Every person who violates any provision of this sec-
15 tion shall be deemed guilty of a misdemeanor and shall be
16 punished by a fine not to exceed Five Thousand Dollars or
17 by imprisonment not to exceed three years, or by both.

1 *SEC. 2. And be it further enacted, That this Act shall take*
2 *effect June 1, 1949.*

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1949 Laws of Maryland

WM. PRESTON LANE, JR., GOVERNOR.

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CHAPTER 517

(House Bill 102)

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 substances and providing for punishment for non-compliance with such provision.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That a new section be and it is hereby added 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 and to read as follows:

323. (a) It shall be unlawful for any person to manufacture, sell or offer to sell, any toy or plaything, including children's furniture, decorated or covered with paint or any other material containing lead or other substance of a poisonous nature, from contact with which children may be injuriously affected, unless such article shall contain a label affixed thereto stating in clear and unambiguous language that the said paint, or other material contains lead or other substance of a poisonous nature.

(b) Every person who violates any provision of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed Five Thousand Dollars or by imprisonment not to exceed three years, or by both.

SEC. 2. *And be it further enacted,* That this Act shall take effect June 1, 1949.

Approved April 29, 1949.

CHAPTER 518

(House Bill 107)

AN ACT to add a new section to Article 41 of the Annotated Code of Maryland (1939 Edition and 1947 Supplement), title "Governor—Executive and Administrative Depart-

HOUSE RESOLUTION.

By Messrs. Potts, Lauckford and Sklar:

A House Resolution requesting the Governor to appoint a Commission to study the trade mark law of Maryland and recommend changes therein.

WHEREAS, the present trade mark law of Maryland is archaic and obsolete; and

WHEREAS, the subject of trade marks is not one within the area of general information of most members of the Legislature but is highly specialized; now, therefore, be it

Resolved by the House of Delegates, That the Governor be and he is hereby requested to appoint a Commission to study the law of Maryland relating to trade marks, to make recommendations for such changes as are deemed desirable, and to report by January 1, 1950 to the Governor and the Secretary of State jointly; and be it further

Resolved, That the Chief Clerk of the House be and he is hereby directed to have a copy of this Resolution spread upon the Journal and copies sent to the Governor and the Secretary of State,

Which was read and adopted.

REPORTS OF STANDING COMMITTEES.

Mr. Melnicove, for the Committee on Judiciary, reported favorably, with amendments.

House Bill No. 102 By Messrs. Pollack and Siegel:

Subject: "CRIMES AND PUNISHMENTS", sub title "HEALTH INFANTS", RELATING TO LABELING OF CHILDREN'S FURNITURE AND TOYS WITH PAINT CONTAINING LEAD.

AMENDMENTS TO HOUSE BILL NO. 102

By the Committee:

Amendment No. 1. On line 6 of the title of the printed bill after the word "paint" insert the words "or other material".

Which amendment was read and adopted.

Amendment No. 2. One line 7 of the title of the printed bill after the word "lead" insert the following: "or other poisonous substance".

Which amendment was read and adopted.

Amendment No. 3. Strike out all of Section 323 (a) beginning on line 1 and ending on line 13 inclusive and insert in lieu thereof the following:

"323. (a) It shall be unlawful for any person to manufacture, sell or offer to sell, any toy or plaything, including children's furniture, decorated or covered with paint or any other material containing lead or other substance of a poisonous nature, from contact with which children may be injuriously affected, unless such article shall contain a label affixed thereto stating in clear and unambiguous language that the said paint, or other material contains lead or other substance of a poisonous nature."

Which amendment was read and adopted.

Favorable report adopted.

The bill was read the second time and ordered printed for its third reading.

Mr. Melnicove, for the Committee on Judiciary, reported favorably.

House Bill No. 171 By Mr. Banning:

Subject: "PUBLIC EDUCATION", subtitle "CHAPTER 2. FORMATION OF BOARDS", RELATING TO APPOINTMENT AND TENURE OF THE BOARD OF EDUCATION OF CAROLINE COUNTY.

Favorable report adopted.

The bill was read the second time and ordered printed for its third reading.

Mr. Brinsfield, for the Committee on Chesapeake Bay and Tributaries, reported favorably, with amendments.

House Bill No. 306 By Mr. Hoffman:

Subject: "FISH AND FISHERIES", subtitle "TIDAL WATERS", PROHIBITING USE OF HAUL SEINE IN CERTAIN WATERS IN WICOMICO AND SOMERSET COUNTIES.

AMENDMENTS TO HOUSE BILL NO. 306

By the Committee:

Amendment No. 1. Strike out all of lines 6 to 9 of the title of the printed Bill and insert in lieu thereof the following: "use of haul seines in the waters of Monie Bay, Dames Quarter Creek and their tributaries, between certain points in Somerset County."

Which amendment was read and adopted.

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OF THE SENATE

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Which was read the third time and passed by yeas and nays as follows:

AFFIRMATIVE.

Messrs.—

President, Bailey, Balch, Barton, Beck, Carter, Davis, Della, Dulin, Ellison, Fraley, Goldstein, Hoff, Hofferbert, Guv Johnson, Kimble, McLaughlin, Monroe, O'Neill, Phoebus, Shallcross, Sothoron, Storm, Stromberg, Thomas, Turnbull, White. Total—27.

NEGATIVE—NONE.

Said Bill was then returned to the House of Delegates.

Also,

HOUSE BILL NO. 73—By the Speaker:

Subject: "MOTOR VEHICLES", sub-title "ADMINISTRATION—REGISTRATION—TITLING", RELATING TO APPEALS FROM A REVOCATION OR SUSPENSION OF AN OPERATOR'S OR CHAUFFEUR'S LICENSE.

Which was read the third time and passed by yeas and nays as follows:

AFFIRMATIVE.

Messrs.—

President, Bailey, Balch, Barton, Beck, Carter, Davis, Della, Dulin, Ellison, Fraley, Goldstein, Hoff, Hofferbert, Guv Johnson, Kimble, McLaughlin, Monroe, O'Neill, Phoebus, Shallcross, Sothoron, Storm, Stromberg, Thomas, Turnbull, White. Total—27.

NEGATIVE—NONE.

Said Bill was then returned to the House of Delegates.

Also,

HOUSE BILL NO. 102—By Messrs. Pollack and Seigel:

Subject: "CRIMES AND PUNISHMENTS", sub-title "HEALTH—INFANTS", PROVIDING FOR THE LABELING OF CHILDREN'S FURNITURE.

Which was read the third time and passed by yeas and nays as follows:

AFFIRMATIVE.

Messrs.—

President, Bailey, Balch, Barton, Beck, Carter, Davis, Della, Dulin, Ellison, Fraley, Goldstein, Hoff, Hofferbert, Guv Johnson, Kimble, McLaughlin, Monroe, O'Neill, Phoebus, Shallcross, Sothoron, Storm, Stromberg, Thomas, Turnbull, White. Total—27.

NEGATIVE—NONE

Said Bill was then returned to the House of Delegates.

in Charles County be subject to the joint approval of the Charles County Board of Education and the Building Committee named herein."

Which was read the first time and referred to the Charles County Delegation and Mr. Hance.

Senate Bill No. 383 By Mr. White:

A Bill entitled "An Act to repeal and re-enact, with amendments, Section 140 of Article 52 of the Annotated Code of Maryland (1917 Supplement), title 'Justices of the Peace', sub-title 'Trial Magistrate System', increasing the pay of the substitute magistrates in Wicomico County."

Which was read the first time and referred to the Wicomico County Delegation.

Senate Bill No. 384 By Mr. White:

A Bill entitled "An Act to repeal and re-enact, with amendments, Section 139 (b) (6) of Article 24 of the Annotated Code of Maryland (1917 Supplement), title 'Alcoholic Beverages', sub-title 'County Dispensaries', relating to the compensation of members of the Liquor Control Board in Wicomico County."

Which was read the first time and referred to the Wicomico County Delegation.

HOUSE BILLS RETURNED FROM THE SENATE.

House Bill No. 10 By the Speaker:

Subject: "HEALTH", sub-title "STATE BOARD OF HEALTH", ELIMINATING THE PROVISION REQUIRING CERTAIN REGULATIONS TO BE PUBLISHED IN A DAILY NEWS PAPER PUBLISHED IN BALTIMORE CITY.

Endorsed, read the third time and passed by yeas and nays.

House Bill No. 259 By Mr. McGrath:

Subject: "TO DECLARE THE SANCTION OF THE GENERAL ASSEMBLY OF MARYLAND TO ANY GIFTS, REQUESTS, DEVISES, GRANTS, SALES, LEASES, CONVEYANCES OR DEEDS TO AND FROM ANY PERSONS OR BODY CORPORATE TO AND FOR THE USE OF THE CONVENTION OF THE PROTESTANT EPISCOPAL CHURCH."

Endorsed, read the third time and passed by yeas and nays.

House Joint Resolution No. 5 By Mr. Geraghty:

Subject: "RELATING TO POISONOUS FUMES DISCHARGED BY INDUSTRIAL PLANTS."

Endorsed, read the third time and passed by yeas and nays.

THIRD READING BILLS.

The Speaker laid before the House, bills for a third reading as follows:

House Bill No. 102 By Messrs. Pollack and Siegel:

Subject: "CRIMES AND PUNISHMENTS", subtitle "HEALTH—INFANTS", PROVIDING FOR LABELING OF CHILDREN'S FURNITURE DECORATED WITH PAINT CONTAINING LEAD.

Which was read the third time and passed by yeas and nays as follows:

AFFIRMATIVE.

Messrs.—

Speaker, Guyther, Mattingly, Harris, Jester, Lankford, Lowman, McNulty, Wigley, Stromeyer, Tyler, Hall, Hance, Cooksey, Winkler, Beckwith, Boone, Ensor, Menchline, Rockenbaugh, Warren, Chaires, Lowe, Nelson, Hoffman, Todd, Ward, Brinsfield, Horner, Malkus, Webb, Benson, Jackson, Scarborough, Burch, McGrath, McElish, Pumphrey, Steward, Wilkinson, Baker, Walls, Dennis, Richardson, Shockley, Alexander, Derr, Hauver, Payne, Hamsburg, Virts, Baldwin, Burkins, De Rau, James, Banning, McDaniel, Bertorelli, Duffy, Kosakowski, Milanicz, Mrozinaki, Silk, Ament, McKewen, Murphy, Schueler, Valls, Weintraub, Albers, Buffington, Dempsey, Dippel, O'Malley, Tawney, Melnicove, Pollack, Robinson, Shapiro, Siegel, Sklar, Argabright, Bandiere, Geraghty, Kennedy, Luber, Preston, Baynes, Curry, Davis, Griffin, Meyers, W. W., Thommen, Ankeney, Bloom, Downey, Hicks, Huyett, Nowcomer, Clark, Hyde, King, Lofstrand, Reeves, Rush, Cook, Fey, Geppert, Reed, See, Whitworth, Barnes, Hahn, Six, Smith, Carr, Messick, Nock, Potts, White, Coddington, McIntire, Myers, J. C.

Total—123

NEGATIVE—NONE.

Said bill was then sent to the Senate.

House Bill No. 171—By Mr. Banning:

Subject: "PUBLIC EDUCATION", subtitle "CHAPTER 2, FORMATION OF BOARDS", RELATING TO APPOINTMENT AND TENURE OF THE BOARD OF EDUCATION OF CAROLINE COUNTY.

Which was read the third time and passed by yeas and nays as follows:

AFFIRMATIVE.

Messrs.—

Speaker, Guyther, Mattingly, Harris, Jester, Lankford, Lowman, McNulty, Wigley, Stromeyer, Tyler, Hall, Hance, Cooksey, Winkler, Beckwith, Boone,