

The Official Massachusetts

Information



FOR VOTERS

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The 2000 Ballot Questions



Published by
William Francis Galvin
Secretary of the Commonwealth

To receive additional Mail-in Voter Registration Forms, call the Elections Division at (617) 727-2828 or 1-800-462-VOTE.

To vote in the state election, your Mail-in Voter Registration Form *must be postmarked by* **Wednesday, October 18, 2000!**

VOTE
State Election
Tuesday,
November 7, 2000

October						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

A Message From Secretary Galvin...



The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

William Francis Galvin
Secretary of the Commonwealth

Dear Voter,

The Power is Yours!



Elections make decisions that effect our daily lives. This November you will have the power not only to choose national and state leaders, but also to participate directly in the law making process. Important decisions such as:

- Health Care regulation and delivery of service;
- Tax Policy - directly determine tax rates and deductions;
- Crime and Penalties relating to drug-crimes and another question relating to prisoner voting.

These are only a few of the topics before you.

The 2000 Information for Voters booklet as constitutionally required lists the question with a summary, as well as brief arguments for and against the issue. This information will assist you in making a thoughtful decision before you enter your polling place. Unfortunately, the wording of ballot questions is sometimes confusing. This booklet will simplify the task of determining your position.

As the Commonwealth's Chief Public Information Officer, I have also included a listing of helpful numbers and services provided by my office. I strongly urge you to read carefully the enclosed material and even take it into the voting booth if you wish. But, by all means, exercise that most essential right of our democratic system, and vote on Tuesday, November 7. Polling places throughout Massachusetts will be open from 7:00 a.m. until 8:00 p.m. and absentee ballots are easily available.

Very truly yours,

William Francis Galvin
 Secretary of the Commonwealth

P.S. For information regarding **home heating assistance** and **new pharmacy benefits**, please see page 22 of this booklet.

¡Atención, ciudadanos de habla hispana!

La Secretaría de Estado ha publicado este folleto en castellano. Para solicitar ejemplares gratuitos de la versión castellana intitulada Información para votantes, que incluye el texto completo de las propuestas, sírvase llamar a la División de Elecciones al teléfono 617-727-7030 si se encuentra en Boston o, si está fuera del área metropolitana de Boston, sírvase llamar al 1-800-392-6090 (esta llamada es gratuita).

Offices on the Ballot in 2000

This year the following offices will appear on the ballot:

- | | |
|--|---|
| ◆ Electors of President/Vice President (4 years) | ◆ Clerk of Courts (6 years) |
| ◆ U.S. Senator (6 years) | ◆ Register of Deeds (6 years) |
| ◆ U.S. Representative (2 years) | ◆ County Commissioner (Barnstable, Bristol, Norfolk, Plymouth, Dukes Counties only) (4 years) |
| ◆ Governor's Council (2 years) | ◆ Sheriff (Plymouth County) (2 years) Vacancy |
| ◆ State Senator (2 years) | ◆ Register of Probate (Middlesex and Plymouth Counties only) (2 years) Vacancy |
| ◆ State Representative (2 years) | |

How to Register to Vote...

Who may register?

Only a person who is:

- ◆ a **U.S. citizen**, *and*
- ◆ a resident of Massachusetts, *and*
- ◆ 18 years old on or before election day

How can I register to vote?

By Mail: Mail-in registration forms are widely available. To obtain a mail-in registration form please call 617-727-2828 or 1-800-462-VOTE and a form will be sent to you. Mail the completed form to your local city or town hall. You should receive an acknowledgment notice in 2 to 3 weeks. If you do not, please contact your local election office to verify your voting status.

In Person: Go to any registration location and complete an affidavit of registration, which must be answered truthfully under the penalty of perjury. The questions on the affidavit will include your name, residence and date of birth.

At the Registry of Motor Vehicles: Keep your motor voter receipt until you receive confirmation from your local election official. If you do not receive any confirmation, please contact your local election office to verify your voting status.

When and where may I register?

There is no waiting period to be eligible to register to vote. If you move, you may register to vote as soon as you move into your new home.

You may register to vote:

- ◆ in person or by mail, by completing a mail-in registration form and delivering it to your city or town election office, or
- ◆ at any local election office in any city or town in the state and at any registration event you encounter anywhere in Massachusetts, or
- ◆ when applying for or renewing your driver's license at the Registry of Motor Vehicles or when applying for service at a designated voter registration agency.

What must I do if I've changed my address since I registered?

If you have moved, you must register again.

Are there deadlines for registration?

Yes. In order to vote you must be registered:

- ◆ 20 days before all primaries and elections, *and/or*
- ◆ 10 days before a special town meeting.

What should I do if I registered to vote and I have not heard from my local election official?

If you have NOT received confirmation of your voter status from your city or town election official within 2 or 3 weeks from the date you registered, please contact your local election office to verify your voting status.

Voting...

Where will I vote?

Polling places are located in each precinct. Call your local clerk or election commission if you need to find out where your polling place is located. The phone number can be found in the white pages, blue pages or business pages of your telephone book under the name of your city or town. Additionally, all polling places are required by federal law to be accessible to elderly and disabled voters.

When are elections held?

Presidential primaries are held once every four years in March.

State elections occur every other year in even numbered years. The primary is conducted in September and the election in November.

Town elections usually occur every year sometime between February and June. Each town sets its own date.

City elections occur every other year in odd numbered years. The preliminary, if there is one, is held in September or October and the election is held in November.

If I cannot read or write, or read or write in English, can I vote?

Yes, as long as you are registered. You may ask any person of your choice to help you or you may request help from the election officials at the polling place.

At the polls...

Polls must be open from 7:00 a.m. to 8:00 p.m. for state elections; the hours vary for local elections.

Sample ballots and instructions are posted at the polls on election day.

When you enter the polling place give your address and name to the election official at the check-in table. If your name is not on the voters list read on to the next question for instructions.

If you need help, ask an election official for assistance.

Should you spoil your ballot you may request another.

What should I do if my name is not on the voter's list?

Ask the election officer in charge of the polling place to check your registration by looking at the inactive voters list and calling city or town hall.

If that is not successful you may go to your city or town hall to attempt to establish your identity as a registered voter. If the election officers there are satisfied of your registration, you will be given a certificate stating such. You may either vote there by absentee ballot or you may return to your polling place, present the certificate provided at city or town hall and cast your ballot there.

If your registration cannot be verified, you may cast a ballot which is held aside and counted only if the election is very close. This is called an escrow ballot.

How to vote by an Absentee Ballot

Voting by absentee ballot...

You may vote by absentee ballot if you:

- ◆ will be absent from your city or town on election day, and/or
- ◆ have a physical disability that prevents your voting at the polling place, and/or
- ◆ cannot vote at the polls due to religious beliefs.

Applying for an absentee ballot...

All applications for absentee ballots must be made in writing. You must apply for an absentee ballot from your city or town clerk or election commission no later than noon of the day before the election. Applications may be mailed or hand delivered and you may use any form of written communication (letter or postcard) or the official application form.

A family member of a person qualified to vote by absentee ballot may apply in the same manner for you.

To be counted, a completed ballot must be received by the time the polls close on election day.

If you are not able to write, the person assisting you must sign your name as well as their name, address and telephone number. Follow the directions on the brown envelope very carefully.

Requesting to vote by mail...

A ballot will be sent to any address you specify – including your own home. Be sure to apply early.

Include on the application:

- ◆ your name and address as registered,
- ◆ ward and precinct, if you know them,
- ◆ the precise address where the ballot should be sent,
- ◆ the party ballot you wish in a primary, and,
- ◆ your own signature.

Requesting to vote in person...

If you prefer, you may request to vote in person before election day. You may vote at your city or town hall before election day at a time arranged with the clerk, but the application for your ballot must be made no later than noon of the day before the election. A voter may apply for an absentee ballot and then vote over-the-counter during the same visit.

Call the clerk's office to make certain that the absentee ballots are available. Absentee ballots should be available three weeks before an election.

What if I am permanently disabled?

If you are permanently physically disabled and cannot cast your vote at the polling place, you may file a letter from your physician with your city or town clerk, stating that you are permanently unable to cast your vote at the polling place because of physical disability. A completed application for an absentee ballot for you to sign and return will be mailed to you by the city or town clerk at least 28 days before every primary and election.



Earlier Redistricting for State Legislators and Governor's Councillors

Do you approve of the adoption of an amendment to the constitution summarized below, which was approved by the General Court in joint sessions of the two houses on June 9, 1998 (yeas 186 – nays 3); and again on June 28, 2000 (yeas 188 – nays 0)?

WHAT YOUR VOTE WILL DO

A YES VOTE would amend the constitution to require that the periodic redrawing of district boundaries for state legislators and governor's councillors use new census data two years earlier than under the current system.

A NO VOTE would make no change in the current four-year process for redrawing such district boundaries.

SUMMARY

This proposed constitutional amendment would require that new district boundaries for state representatives, state senators, and governor's councillors, which are redrawn every ten years based on the most recent federal census, take effect for the state election held two years after the federal census, rather than the election four years after the census as under the current system.

As required by law, summaries are written by the state Attorney General, and the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

See full text of Question 1 on page 16

ARGUMENTS

IN FAVOR: A "yes" vote would insure equal representation for every citizen of the commonwealth and avoid needless delays in using the most recent census figures for determining state representative, state senate, and executive council districts. If the amendment passes, the Census 2000 figures will be used for the 2002 election. If this amendment is not adopted, we will be using redistricting data which will be up to 14 years out of date. We will almost certainly face a court challenge which is most likely to conclude that the current version of our constitution violates the Equal Protection Clause of the Federal Constitution.

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

Vote "yes" in order to insure equal representation and avoid unnecessary and costly lawsuits.

Authored by:
State Representative Thomas M. Petrolati
Assistant Majority Whip
Chairman, House Committee on Redistricting
State House, Room 478
Boston, MA 02133

AGAINST: There is no organized group urging a "no" vote on Question 1. The following information is provided for the information of voters by the Office of the Secretary of the Commonwealth.

A "no" vote would retain the schedule for use of the recently completed federal census, which would cause its use to be delayed for legislation redistricting purposes by an additional two years.

Although this delay may well be challenged in court under existing law, Legislators would be allowed to keep their existing districts for an additional two years without change.

Authored by:
If no argument is received by the secretary from the principal proponents or opponents of a measure within the time allowed by this section, the secretary shall prepare such argument.
M.G.L. c. 54, §54 (1998 ed.).

2

Voting By Incarcerated Felons

Do you approve of the adoption of an amendment to the constitution summarized below, which was approved by the General Court in joint sessions of the two houses on July 29, 1998 (yeas 155 – nays 34); and again on June 28, 2000 (yeas 144 – nays 45)?

WHAT YOUR VOTE WILL DO

A YES VOTE would amend the constitution to limit the voting rights of incarcerated felons.

A NO VOTE would make no change in the voting rights of incarcerated felons.

SUMMARY

As required by law, summaries are written by the state Attorney General, and the statements describing the effect of a “yes” or “no” vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

This proposed constitutional amendment would prohibit persons who are incarcerated in a correctional facility due to a felony conviction from voting in elections for governor, lieutenant governor, state senator, or state representative. The amendment would also result in such persons being ineligible to vote for governor’s councillor, secretary of state, state treasurer, state auditor, state attorney general, or United States senator or representative in Congress.

See full text of Question 2 on page 16

ARGUMENTS

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

IN FAVOR: A yes vote prevents criminals serving time for a felony conviction from voting in Massachusetts’s elections while in jail.

When someone in Massachusetts is sentenced to jail for committing a felony, we deprive them of their liberty and right to exercise control over their own lives, yet current law allows these same criminals to continue to exercise control over our lives by voting from prison. This amendment will change the law that gives jailed criminals the right to vote. Massachusetts is one of only three states in our nation where felons serving time may vote while in jail. Voting yes on this important question will make the Commonwealth the 48th state to prohibit the practice of allowing convicted criminals to vote from jail. This change discriminates against no one except jailed criminals.

A yes vote will protect democracy’s greatest gift – the right to vote, by reserving it for the law-abiding.

Authored by:

State Representative Francis L. Marini
Massachusetts House Minority Leader
Room 124, State House
Boston, MA 02133-1054
(617) 722-2100

AGAINST: The Constitution of Massachusetts is clear on this point: Citizens retain their right to vote even while incarcerated. The founders of Massachusetts intended this right, and our Supreme Judicial Court affirmed it in 1977. In the history of the Commonwealth, we have never amended our Constitution in order to narrow fundamental rights. There is no reason to do so now.

No one has alleged that prisoner voting has harmed our democracy or social fabric. Very few prisoners vote, and no one claims that prisoner voting has negatively influenced any election. Stripping incarcerated felons of their right to vote serves no public safety function. It will not deter crime, repair the harm done by crime, nor help to rehabilitate prisoners.

The Massachusetts Constitution is the foundation of our state’s democracy. If our Constitution impairs democracy, then we should change it. If not, then we should not tinker with this important document.

Authored by:

Criminal Justice Policy Coalition
99 Chauncy Street, Room 310
Boston, MA 02111
(617) 482-3170



Dog Racing

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 3, 2000?

WHAT YOUR VOTE WILL DO

A YES VOTE would prohibit dog races where betting or wagering occurs.

A NO VOTE would make no change in the laws governing dog racing.

SUMMARY

As required by law, summaries are written by the state Attorney General, and the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

This proposed law would prohibit in Massachusetts any dog racing or racing meeting where any form of betting or wagering on the speed or ability of dogs occurs.

The State Racing Commission would be prohibited from accepting or approving any application or request for racing dates for dog racing.

Any person violating the proposed law could be required to pay a civil penalty of not less than \$20,000 to the State Racing Commission. The penalty would be used for the

Commission's administrative purposes, subject to appropriation by the state Legislature.

All existing provisions of the part of the state's General Laws concerning dog and horse racing meetings would be interpreted as not applying to anything dog-related.

The proposed law would take effect on June 1, 2001. The proposed law states that if any of its parts were declared invalid, the rest of the law would stay in effect.

See full text of Question 3 on page 16

ARGUMENTS IN FAVOR:

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

Your yes vote will:

• **Stop The Killing Of Thousands Of Greyhounds Each Year**
The greyhound racing industry admits to killing thousands of dogs each year nationwide, including in Massachusetts. These dogs are killed when they stop turning a profit.

• **Stop Your Tax Dollars From Subsidizing A Declining Industry**
An increasing amount of your taxes go to subsidize dog racing in Massachusetts, even though state revenues from dog racing have dropped almost 70% in the last decade and jobs have declined steadily. Our tax dollars should not be used to bailout this declining industry.

• **Stop Inhumane Treatment**
Racing greyhounds are locked in crates up to 22 hours every day and are subjected to inhumane conditions that no one would tolerate for their own dog.

Dog racing is illegal in 34 states. The Animal Rescue League, the MSPCA, and every major animal protection group urge you to vote yes on Question 3.

Authored by:

Grey 2K
Box 1606
Jamaica Plain, MA 02130
(617) 666-3526

AGAINST: The proposed law would force the State's two greyhound racetracks to close by June 1, 2001. The measure would destroy a 65-year-old industry, leave thousands unemployed and deprive the Commonwealth of pari-mutuel taxes which have exceeded \$400 million over the last twenty years.

Greyhound racing in Massachusetts has an excellent record. No violations of animal welfare regulations have been documented. Racing is highly regulated by the State Racing Commission, and animal welfare regulations are enforced by state and local police as well as state-approved veterinarians and the MSPCA.

Massachusetts greyhound racing fully complies with the American Veterinary Medical Association definition of animal welfare "...a human responsibility that encompasses all aspects of animal well-being, including proper housing, management, nutrition, disease prevention and treatment, responsible care, humane handling..."

This proposed law would set a dangerous precedent that could lead to the elimination of other animal industries such as livestock and fishing.

Authored by:

Massachusetts Chapter of the American Greyhound Council
229 Western Avenue
Essex, MA 01929
(978) 768-9111

4

QUESTION 4: Law Proposed by Initiative Petition

8

Income Tax Rate Reduction

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 3, 2000?

WHAT YOUR VOTE WILL DO

A YES VOTE would reduce the state personal income tax rate in steps over three years to 5%.

A NO VOTE would make no change in the state income tax laws.

SUMMARY

As required by law, summaries are written by the state Attorney General, and the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

This proposed law would repeal the law setting the state personal income tax rate on Part B taxable income (such as wages and salaries), which was 5.95% as of September 1, 1999, and would set the rate at 5.6% for tax year 2001, 5.3% for tax year 2002, and 5% for tax year 2003 and after. If the Legislature set

a lower rate for any of those years, that lower rate would apply.

The proposed law states that if any of its parts were declared invalid, the other parts would remain in effect.

See full text
of Question 4
on page 16

ARGUMENTS

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

IN FAVOR: Eleven years ago Massachusetts had a fiscal crisis. The Legislature increased taxes, promising this would be temporary and the income tax rate would quickly return to 5 percent.

Since then, state spending has doubled. Huge surpluses help fund the Big Dig and new programs. But the rate is still 5.85 percent.

For working people, this tax rollback is a pay raise; seniors benefit too because the "unearned income" rate tracks the wage rate. Taxpayers can invest in their family's future or favorite charity. Lower taxes protect our state economy.

Still, the best reason to vote yes is to make politicians keep their promise. They should be held to the same standard we teach our children: tell the truth and keep your word.

Ignore scare tactics from special interests: the rate is rolled back gradually. Essential services are secure and Prop 2 1/2 protects property taxes.

Please keep the promise: vote yes.

Authored by:

Tax Rollback Committee
McCormack P.O. Box 1988
Boston, MA 02105
(617) 338-2174

AGAINST: We have a chance today to invest in a strong future for Massachusetts' families, but Question 4 threatens that opportunity. Your "no" vote will keep the state focused on our top priorities — better schools, improved access to health care, and a strong economy.

- We need a healthy, well-educated workforce to be competitive in today's global economy. Question 4 would make it harder to reduce class size, expand early childhood education, fix crumbling schools, or increase access to health care.
- A strong economy has produced a budget surplus in recent years. But we should spend that surplus responsibly, on important priorities like education and health care rather than on a big tax cut for the wealthy.
- Question 4 benefits wealthier people far more than middle-income families, but it does nothing to promote investments or create jobs.

Vote "no" on Question 4. Invest in your future.

Authored by:

Campaign for Massachusetts' Future
37 Temple Place, 3rd floor
Boston, MA 02111
(617) 426-1228

MAJORITY REPORT

The majority of the Joint Committee on Taxation strongly opposes this petition and urges you to vote "NO".

The Cellucci-Swift petition repeats the folly of the late 1980s by irresponsibly embracing a fiscal policy in which the Commonwealth spends beyond its ability to pay. It slashes tax revenues in the Commonwealth by \$2.7 billion over four years with reckless disregard for the state's economy and its continuing financial obligations to fund quality public education, road and bridge repairs, and health care for children and seniors. We choose not to commit the taxpayers to an overzealous schedule of massive tax cuts that lacks the nec-

essary prudence of safely predicting the strength or weakness of the economy and the growing needs of the people over the next four years.

Many committee members support the general content and effect of this petition but oppose its precise language because a similar but more prudent alternative should be offered to the citizens. They specifically support an alternative to reduce the income tax to 5.0 percent automatically but one which is more sensitive to the Commonwealth's economic health and its ability to fulfill its obligations to the people. Such an alternative would offer the same effect of an

MAJORITY REPORT (cont.)

inevitable return to a 5.0% income tax rate and would be achieved by the same content or general idea of phasing in tax cuts but in a way more fiscally responsible by temporarily suspending them if the economy falters. Such an alternative tax cut would retain the sense or gist of the petition but would offer the people a true alternative if they that feel a phased-in tax rate cut of 5.0% is fit to adopt.¹

These members oppose the petition, as drafted, for the same reason Governor Cellucci opposes the petition to refund road tolls and excise taxes: it costs too much, too fast. The Governor’s testimony in opposition to the latter petition undermines his support for his own petition. That is, his petition goes further and faster than the commuter petition. The fiscal year 2001 cost of his plan to cut the income tax is \$135 million while the commuter petition has no revenue impact for that year. In fiscal year 2003, his plan costs \$883 million, 37 percent higher than the commuter petition for the same year at \$645 million. In the first full year of implementation, his plan costs \$1.154 billion, a full 70 percent higher than the commuter petition at \$677 million.

Some members oppose the Cellucci-Swift initiative petition because reducing taxes by \$2.7 billion over four years is simply not affordable. These members argue that the Legislature has already passed 45 tax cuts since 1992 that today are worth \$2.7 billion a year. This record of affordable, targeted tax cuts disproves any claim that the Legislature is unwilling to cut taxes. These members, however, believe it would be fiscally irresponsible to cut taxes another \$2.7 billion over four years in the face of increasing state commit-

ments to education, to expand health care, and to improve our roads and bridges. They believe that it is incumbent on the Legislature to continue these vital investments.

Other members oppose the Cellucci-Swift initiative petition because it is an unfair way to cut taxes. The working and middle class would only reap a fraction of the tax benefit that the wealthy receive, and would drain money that would otherwise be used to improve our schools, health care access, and roads and bridges, and to increase the supply of affordable housing and child care options. These members believe that future tax cuts should be specifically targeted to help the poor and working families who pay a disproportionate share of their income in taxes. They oppose this rate reduction because it provides most of its relief to people in the upper tiers of income.

For all of these reasons, a majority of committee members strongly recommend a “NO” vote on this initiative.

The undersigned members support the majority report on House 4981:

Representatives:

John H. Rogers	Joseph F. Wagner
Philip Travis	J. James Marzilli, Jr.
Daniel F. Keenan	Thomas M. McGee
Charles A. Murphy	Barry R. Finegold
Kathi-Anne Reinstein	

¹The record should reflect that Representative Finegold believes that the House plan should begin in the same year as the initiative petition.

MINORITY REPORT

We write to you to express our full support of House Bill 4981, *An Act to Roll Back the State Income Tax Rate to 5% by the year 2003*. This initiative would keep the promise made to Massachusetts taxpayers in 1989, that the income tax hike would be temporary and the rate on wage and salary income would return to 5 percent when that year’s fiscal crisis was over. The crisis ended almost a decade ago and bonds that were used to pay overdue bills have been paid off. In fact, state spending has doubled since the tax hike took effect and the Commonwealth has since accumulated a “rainy day fund” of more than \$1.4 billion.

The tax rollback is estimated to save taxpayers up to \$1.2 billion when fully implemented. It is conservatively phased in over three years, with the rate dropping to 5.6 percent in 2001, 5.3 percent in 2002, and its original 5 percent in 2003.

The tax increase eleven years ago was caused by overspending during the 1980s. Where the economy was strong, state government grew to a level that could not be sustained when the economy slowed down. The Commonwealth has been making the same mistake, spending an additional billion dol-

lars every year. The alternative to this tax rollback could be another tax increase during the next recession.

We recognize that the only way to control the growth of state government is to keep the surplus money away from the Legislature and instead leave it with its rightful owners. The three-year phase-out supported by Governor Cellucci and the House Minority Leadership is gradual and responsible, while still being a restraint on dangerous overspending.

The varied tax cuts adopted over the past ten years have stimulated the state economy and helped keep it strong and competitive. We cannot conceive of a better time to keep the promise that the income tax increase would be temporary. We recommend adopting this proposal and rolling back the rate to its historic 5 percent.

The undersigned members support the minority report on House 4981:

Senators

Jo Ann Sprague

Representatives

Viriato Manuel deMacedo
David H. Tuttle



Health Insurance and Health Care

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 3, 2000?

WHAT YOUR VOTE WILL DO

A YES VOTE would require health insurance carriers to guarantee certain rights to their patients and providers, and it would prohibit the conversion of non-profit hospitals, HMOs, and health insurers into for-profit entities until a system is created to provide comprehensive health care coverage for all Massachusetts residents.

A NO VOTE would make no change in the laws governing health insurance and health care.

SUMMARY

As required by law, summaries are written by the state Attorney General, and the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

This proposed law would set up a state Health Care Council to review and recommend legislation for a health care system that ensures comprehensive, high quality health care coverage for all Massachusetts residents. Until the Council decided that such a system had been set up, the proposed law would prohibit the conversion of non-profit hospitals, health maintenance organizations (HMOs), and health insurance firms to for-profit status. The proposed law would also require health insurance carriers to provide certain rights to patients and health care professionals, starting January 1, 2001.

The Council would recommend laws to set up, and would decide whether laws had been passed to ensure, a health care system that provides:

- barrier-free access to health care services;
- patients' freedom to choose their health care providers, get second opinions, and appeal denials of care;
- health care professionals' freedom to act solely in the best interest of their patients;
- affordable coverage, with cost increases no greater than national averages;
- preserving and increasing the quality of care and encouraging research;
- at least 90% of all premiums to be used for patient care, public health, and training/research, and no more than 10% for administrative costs, with simpler paperwork and administration;
- a prohibition of financial incentives that limit patient access to health care, and limits on incentives for inappropriate care.

The Council would include 17 members representing health care and other organizations. It would hold public hearings, study proposals, and make recommendations to the state Commissioner of Public Health and the Legislature on laws and other steps needed to set up a system meeting the above requirements. The proposed law would also create a special legislative committee, including legislators and members of the Council, to make recommendations by September 30, 2001, for laws to set up a system meeting the above requirements by July 1, 2002.

Starting January 1, 2001, the proposed law would require health insurance carriers to guarantee certain rights to their insured patients and to health care professionals. These rights would include:

- patients' right to choose all of their health care providers, subject to the approval of a freely chosen primary care provider who has no financial incentive to deny care, and subject to payment of a reasonable extra fee to see a provider outside the carrier's network;
- health care professionals' right to make medical decisions in consultation with their patients;
- patients' right to transitional insurance coverage when they are undergoing a course of treatment from a health care provider whose contract with a carrier is being terminated;
- patients' right to medically necessary referrals to specialists;
- limits on and disclosure of contracts between carriers and health care providers that create financial incentives to delay or limit care or provide inappropriate care;
- health care professionals' right to discuss health benefit plans with insured patients and to advocate on behalf of their patients;
- carriers could not terminate health care providers' contracts without cause;
- patients' right to receive emergency services, subject to authorization procedures, and to be reimbursed when they pay cash for emergency services from providers not affiliated with their carrier;
- utilization review procedures that meet specific standards, including patients' right to appeal to the Commissioner of Public Health;
- in any year at least 90% of a carrier's Massachusetts revenue must be spent on Massachusetts health care, and a carrier that spent more than 10% for non-health care purposes would have to refund the excess to its insured patients. Each carrier would have to report its revenues, premiums, and expenditures to the state Commissioner of Insurance every year.

The proposed law states that it would not interfere with any existing contract, including contract terms (such as automatic renewal or option clauses) that may go into effect after January 1, 2001. The proposed law states that if any of its parts were declared invalid, the rest of the law would stay in effect.

See full text of Question 5 on page 16

ARGUMENTS

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

IN FAVOR: Health care in Massachusetts faces a crisis: costs are out of control, and too many people have no medical insurance or are at risk of losing their coverage. Even those with insurance are often denied access to care or medicines they require, with patients' needs taking second place to an anonymous corporate "bottom line." This initiative would accomplish three goals: it would guarantee that by July 2002 no Massachusetts resident could be denied medical care because of lack of adequate insurance; it would put in place an improved Patients' Bill of Rights to protect patients from HMO excesses and make sure that needed medical services cannot be withheld; and it would prevent for-profit companies from taking over the state's non-profit health care institutions. It would also require that health care expenditures in the Commonwealth be controlled and rise no faster than in the rest of the U.S.

Authored by:
Vote for Health - Yes on 5
Bernard Lown, M.D.
649 Massachusetts Avenue, Suite 8
Cambridge, MA 02139
1-877-769-7176

AGAINST: This measure is poorly written, costly and damaging. That's why it is strongly opposed by a coalition of Massachusetts health care experts, academics, small and large employers, taxpayer groups, civic leaders and health care providers.

In fact, it would undo the broadly supported, comprehensive patients' rights and health care reform law that was approved in July. That's why many original supporters of Question 5 now oppose it.

Independent studies by researchers at Brandeis University, Harvard School of Public Health and other health care experts show that the measure would:

- Eliminate existing protections designed to ensure the quality of health care;
- Create two new government bureaucracies with no limit on their spending;
- Significantly increase health insurance rates for consumers and employers; and
- Potentially cost Massachusetts taxpayers billions of dollars each year.

Vote no on Question 5 - to protect your health care coverage.

Authored by:
NO on 5 Coalition
P.O. Box 190
Boston, MA 02133
1-888-528-9155

6

QUESTION 6: Law Proposed by Initiative Petition

12

Tax Credit for Tolls and Motor Vehicle Excise Taxes

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 3, 2000?

WHAT YOUR VOTE WILL DO

A YES VOTE would allow a state personal income tax or corporate excise tax credit for Massachusetts tolls and motor vehicle excise taxes.

A NO VOTE would make no change in the state tax laws.

SUMMARY

As required by law, summaries are written by the state Attorney General, and the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

See full text
of Question 6
on page 19

This proposed law would allow a state personal income taxpayer a tax credit equal to the amount of tolls the taxpayer paid during the taxable year on all Massachusetts roads, highways, tunnels, and bridges, including the Massachusetts Turnpike and its Boston Extension, the Tobin Bridge, and the Sumner, Callahan, and Ted Williams Tunnels. Also, a corporation would be allowed a credit against its corporate excise taxes in an amount equal to all such tolls paid during the taxable year by the corporation or by its employees in furtherance of the corporation's business.

The proposed law would also allow a state personal income taxpayer a tax credit equal to the amount of excise taxes on registered motor vehicles the taxpayer paid during the taxable year. A corporation would be allowed a credit against its cor-

porate excise taxes in an amount equal to all registered motor vehicle excise taxes the corporation paid during the taxable year.

The tax credits could not be used to reduce a personal income taxpayer's taxes below zero or a corporate excise taxpayer's taxes below the minimum levels set by state law. Any amount of tax credit not usable in a taxable year because of these limits could be carried over and used in later taxable years, for up to ten years.

The proposed law would apply to taxable years beginning on or after January 1, 2001. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

ARGUMENTS

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

IN FAVOR: Your yes vote will end the financial burden of tolls and auto excise taxes.

We pay seven different taxes to drive a car. The excise tax is essentially a tax to park our cars in our own driveways.

The Pike, Tobin Bridge and harbor tunnels were paid off long ago. (The Pike has been paid for six times over.)

Tolls are extremely inefficient and lead to powerful, wasteful bureaucracies. The Turnpike Authority spends as much to operate one road as the highway department does to operate the entire state highway system.

This initiative does not affect local funding, Pike maintenance or Big Dig financing. It will refund your toll and excise tax payments to you as a credit on your state income tax.

We can afford this tax cut. With \$4 billion of cash on hand, strong revenue growth and record surpluses, the impact on state finances will be negligible.

Authored by:

Free the Pike Coalition
One Union Avenue
Sudbury, MA 01776
1-877-768-6557

AGAINST: Question 6 doesn't eliminate tolls in Massachusetts. Instead, it creates a cumbersome, bureaucratic procedure that will make filing taxes more complicated than ever and increase the delays and frustrations of driving in Massachusetts. Drivers will have to follow a complicated and clumsy system to prove the value of the tolls they paid — and have income that is high enough — to get the rebate. Is it worthwhile?

Not when the result would be a missed opportunity to invest in a strong future for Massachusetts' families. We need a healthy, well-educated workforce to be competitive in today's global economy. Question 6 would make it harder to reduce class size, expand early childhood education, fix crumbling schools, or increase access to health care. Don't make the tax code more complicated than it already is. Vote "no" on Question 6 to invest in your future.

Authored by:

Campaign for Massachusetts' Future
37 Temple Place, 3rd floor
Boston, MA 02111
(617) 426-1228

**MAJORITY
REPORT**

A Majority of the Joint Committee on Taxation recommend that the Initiative Petition House 4980, "An Act Regarding Commuter Tax Relief," OUGHT NOT TO PASS.

These two credits merely shift the burden of paying for the Pike from highway users to all state taxpayers. Under House 4980, the Massachusetts Turnpike Authority still collects tolls and keeps the revenue. The state would then refund the tolls to commuters from its general fund. The Turnpike Authority, created to operate as a self-supporting agency, would become integrally tied to state revenues. In effect, the state's general fund then becomes the primary revenue source for the Massachusetts Turnpike Authority and its projects, including the Central Artery/Ted Williams Tunnel Project.

These tax credits are unfair because they will not benefit all commuters equally. Taxpayers who most need to decrease their commuting costs -lower-income workers who drive the state highways daily — will not receive either credit. These are nonrefundable credits. Both credits can reduce corporate or personal tax liability but cannot create a refund for a taxpayer who earns too little to owe taxes. As a result, individuals and corporations with high tax liability will receive the biggest tax break. This is particularly true for the motor vehicles excise credit. Because the motor vehicle excise is based on property value, this tax credit will be most beneficial to people with the most valuable cars.

Taxpayers should be encouraged to use existing commuter tax remedies. Since 1959, Massachusetts has reimbursed resident commuters for fuel excise paid on actual miles driven on the Mass Pike. The state refunds the fuel excise so commuters do not have to pay both tolls and fuel excise tax. Both tolls and fuel excise are used to pay operating and maintenance costs of the roadways. The vast majority of eligible individual taxpayers do not apply for the existing fuel excise refund, although commercial taxpayers regularly claim it. But the fact that the public does not sufficiently utilize an available remedy does not justify creating additional and more costly tax credits. Instead, we should publicize, simplify and encourage the use of the existing fuel excise reimbursement program. Additionally, taxpayers who itemize may be eligible for a personal property deduction for motor vehicle excise. And of course commercial taxpayers already have a business deduction for tolls and motor vehicle excise taxes. Under this petition however, tolls and motor vehicle excise would become a corporate tax credit instead of a tax deduction.

This exorbitant \$742 million dollar annual revenue loss will jeopardize the health and safety of many citizens. Massachusetts' primary revenue source is the tax on personal income. An annual state expenditure of over \$700 million will have a serious detrimental impact on funding for vital services. The state's general fund money used to repay the tolls will have to be made up from cuts somewhere else. Education, medical care and road and bridge repairs will suffer deep spending cuts. When these and other vital services are decreased or eliminated, all taxpayers lose. The huge cost all citizens would pay in quality of life is completely out of proportion to the small tax benefit only some taxpayers would receive.

These tax credits will cost even more over time. The annual \$742 million dollar revenue loss is a conservative estimate for Tax Year 2002, the first year of implementation. In Tax Year 2003, the estimated revenue loss is \$779 million dollars. And this figure will substantially increase over time, as toll rates rise, highway usage increases and more people learn the credit is available.

These tax credits provide a lot of people with only a little — if any — tax reduction. An average individual filer taking advantage of both credits will only see a few dollars off their tax bill. In sharp contrast, the targeted tax relief measures enacted within the past few years by the legislature provided significant tax relief to most average taxpayers. Tax cuts such as the circuit breaker and the increased earned income credit put real dollars into the hands of senior citizens and the working poor. House 4982 puts very few dollars into any one person's hands.

For these reasons we, the majority of the Joint Committee on Taxation, reject the Initiative Petition House 4980.

The undersigned members support the majority report on House 4980:

Senators

Marian Walsh
Edward J. Clancy, Jr.
Robert A. Antonioni
Robert A. Bernstein
Jo Ann Sprague

Representatives

John H. Rogers
Joseph F. Wagner
Philip Travis
J. James Marzilli, Jr.
Daniel F. Keenan
Charles A. Murphy
Virato Manuel deMacedo
David H. Tuttle



Tax Deduction for Charitable Contributions

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 3, 2000?

WHAT YOUR VOTE WILL DO

A YES VOTE would create a state income tax deduction for charitable contributions.

A NO VOTE would make no change in the state income tax laws.

SUMMARY

As required by law, summaries are written by the state Attorney General, and the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

This proposed law would allow taxpayers who give to charity a state personal income tax deduction for those charitable contributions. A taxpayer could take a deduction from any Part B income, including wages and salaries, of an amount equal to his or her charitable contributions for the year. The taxpayer could take the deduction whether or not the tax-

payer itemized deductions on his or her federal income tax return. The proposed law would apply to any contribution that met the definition of charitable contribution used under federal income tax law. The proposed law would apply to taxable years beginning on or after January 1, 2001.

See full text of Question 7 on page 20

ARGUMENTS

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

IN FAVOR: A yes vote supports a state personal income tax deduction for charitable contributions.

It will enable taxpayers to:

- deduct the full amount of their contribution on both state and federal returns, up to federal limits;
- deduct any contribution that meets the definition of charitable contribution used under federal income tax law;
- take this deduction whether or not they itemize federal deductions; and
- take this deduction on or after January 1, 2001.

Why vote yes?

- This law encourages people to give to charity.
- Massachusetts is one of 8 states that does not allow a charitable deduction from taxable income.
- Massachusetts was recently ranked 48th out of 50 states in the 'generosity index' of the Catalogue for Philanthropy.
- Charitable giving increases with tax incentives.
- This law is expected to generate an additional \$220 million per year in charitable gifts.

Authored by:

The Committee to Encourage Charitable Giving
70 Franklin Street, 3rd Floor
Boston, MA 02110
(617) 261-4840

AGAINST: You should vote "no" on special interest tax breaks that might have little or no benefit to the people of Massachusetts.

- This proposal is written to make it possible for some individuals to avoid their fair share of taxes even if they make a contribution to an out of state institution that brings no benefit to Massachusetts or its citizens.
- There is a vague definition of what is a "charity".
- A recent Wall Street Journal article, (May 5, 2000) documented how the so-called "charitable donation" made to specially created donor-advised mutual funds were being abused by allowing rich individuals to set up their own foundations, take a big tax deduction and ultimately use the "gift" to pay fees or personal expenses of the donor.

Don't be fooled by an appeal to your generosity, which is really intended to create a loophole that will cost Massachusetts taxpayers millions.

Authored by:

State Senator Michael W. Morrissey
State House, Room 413-D
Boston, MA 02133

8

QUESTION 8: Law Proposed by Initiative Petition

15

Drug-Dependency Treatment and Drug-Crime Fines and Forfeitures

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 3, 2000?

WHAT YOUR VOTE WILL DO

A YES VOTE would change state laws governing drug-dependency treatment and fines paid and money and property forfeited in connection with drug crimes.

A NO VOTE would make no change in the laws governing drug-dependency treatment and fines and forfeitures based on drug crimes.

SUMMARY

As required by law, summaries are written by the state Attorney General, and the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

See full text of Question 8 on page 20

This proposed law would create a state Drug Treatment Trust Fund, to be used, subject to appropriation by the state Legislature, solely for the treatment of drug-dependent persons. The Fund would include fines paid under the state's criminal drug laws; money forfeited because of its use in connection with drug crimes; and the proceeds from selling property forfeited because of its use in connection with drug crimes.

The Fund would be administered by the state's Director of Drug Rehabilitation. Money in the Fund would be spent to increase, rather than replace, existing government funding for drug treatment programs. Those programs would be expanded to apply to persons who are at risk of becoming drug-dependent and to include drug abuse prevention through education.

The proposed law would expand eligibility for the program under which a person charged with a drug crime may request a court finding that he is drug-dependent and would benefit from court-monitored treatment. If the court so finds, and the person then successfully completes a treatment program, the criminal charges are dismissed. The proposed law would allow requests to enter this program by persons who are at risk of becoming drug dependent and by persons charged with a first or second offense of manufacturing, distributing, or dispensing a controlled substance, or possessing a controlled substance with the intent to do any of those things, or trafficking 14

to 28 grams of cocaine.

The proposed law would change the state law governing forfeiture of money and property used in connection with drug crimes. Land and buildings could not be forfeited if used in a manner that was merely incidental to a drug crime. The state would have to prove by clear and convincing evidence that money or property was subject to forfeiture, and the property owner could then try to prove by a preponderance of the evidence that the money or property was legally exempt from forfeiture. All forfeited money, instead of being divided between the prosecuting agency and responsible police department and used for law enforcement purposes, would be put in the Fund. All forfeited property, instead of being so divided and used, would be sold and the proceeds put in the Fund.

Records of all state and local forfeiture activities would have to be kept and made public unless harm to law enforcement efforts would result. The state Inspector General could audit and investigate these activities. Any official who concealed or diverted any forfeited money or property could be punished by a fine of up to \$1000, imprisonment for up to one year, or both. The proposed law states that if any of its parts were declared invalid, the rest of the law would remain in effect.

ARGUMENTS IN FAVOR:

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

We now send thousands of drug-dependent offenders to prison, even though treatment is more effective.

Question 8 provides court-supervised treatment instead of prison for a first or second, low-level drug offense. It pays for treatment with fines and property confiscated from drug dealers.

Currently, however, your property can be confiscated without your being convicted of a crime. For example, if your son or daughter is arrested while driving your car, it can be taken and sold — and the police keep the money!

Question 8 protects innocent owners, requires authorities to prove a crime was committed, and directs the money into drug treatment.

Question 8 is supported by:

- three former Attorneys General, Scott Harshbarger, Frank Bellotti, and James Shannon;
- Congressman and former Norfolk County District Attorney William Delahunt;
- the League of Women Voters; and
- many others.

Vote yes on Question 8.

Authored by:

Coalition for Fair Treatment
McCormack P.O. Box 1555
Boston, MA 02104
(617) 330-8777

AGAINST: All eleven Massachusetts District Attorneys join the Massachusetts Chiefs of Police to oppose question eight for these reasons:

Question eight benefits only drug dealers, because it:

- allows those who profit from selling drugs to repeatedly avoid prosecution by electing "treatment", even if they are not themselves actually drug-dependent;
- permits dealers to keep more of their drug-related assets; and
- cripples the ability of the police to investigate narcotics dealing.

Question eight, under the guise of expanding drug treatment, is a major step toward decriminalizing drug dealing, because it gives judges unlimited discretion to dismiss charges against repeat drug dealers and cocaine traffickers following treatment, leaving them with no criminal record;

Question eight effectively nullifies existing laws which provide strict penalties for drug dealers who carry guns;

Question eight deprives state and local law enforcement of virtually all their resources to investigate major drug conspiracies.

Authored by:

Martha Coakley, District Attorney for Middlesex County
President, Massachusetts District Attorneys Association
One Bulfinch Place
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Full Text of 2000 Ballot Questions

QUESTION



EARLIER REDISTRICTING FOR STATE LEGISLATORS AND GOVERNOR'S COUNCILLORS

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION RELATIVE TO THE EFFECTIVE DATE OF STATE LEGISLATIVE AND EXECUTIVE COUNCILLOR REDISTRICTING.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

SECTION 1. Section 1 of Article CI of the Articles of Amendment to the Constitution is hereby amended by striking out the first paragraph, as appearing in section 1 of Article CXVII of said Articles of Amendment, and inserting in place thereof the following paragraph:-

The federal census shall be the basis for determining the representative districts for the ten year period beginning with the first Wednesday in the third January following the taking of said census.

SECTION 2. Section 2 of said Article CI is hereby amended by striking out the first sentence, as appearing in section 2 said Article CXVII, and inserting in place thereof the following sentence:- Said federal census shall likewise be the basis for determining the senatorial districts and also the councillor districts for the ten year period beginning with the first Wednesday in the third January following the taking of said census.

IN JOINT SESSION, June 9, 1998.

The foregoing legislative amendment of the Constitution is agreed to in joint session of the two houses of the General Court, said amendment having received the affirmative votes of a majority of all the members elected; and it is referred to the next General Court in accordance with a provision of the Constitution.

IN JOINT SESSION, June 28, 2000.

The foregoing legislative amendment is agreed to in joint session of the two houses of the General Court, said amendment having received the affirmative votes of a majority of all the members elected; and this fact is hereby certified to the Secretary of the Commonwealth, in accordance with a provision of the Constitution.

QUESTION



VOTING BY INCARCERATED FELONS

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION RELATIVE TO THE RIGHT TO VOTE FOR INCARCERATED PERSONS.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

Article III of the Amendments to the Constitution, as amended, is hereby further amended by inserting after the word "upwards" the following words: , excepting persons who are incarcerated in a correctional facility due to a felony conviction, and,

IN JOINT SESSION, July 29, 1998.

The foregoing legislative amendment of the Constitution is agreed to in joint session of the two houses of the General Court, said amendment having received the affirmative votes of a majority of all the members elected; and it is referred to the next General Court in accordance with a provision of the Constitution.

IN JOINT SESSION, June 28, 2000.

The foregoing legislative amendment is agreed to in joint session of the two houses of the General Court, said amendment having received the affirmative votes of a majority of all the members elected; and this fact is hereby certified to the Secretary of the Commonwealth, in accordance with a provision of the Constitution.

QUESTION



DOG RACING

AN ACT RELATIVE TO DOG RACING IN THE COMMONWEALTH

Be it enacted by the people and by their authority, as follows:

SECTION 1. Said Chapter 128A of the General Laws is hereby amended by adding after section 14D the following section:-

Section 14E. Notwithstanding the provisions of this chapter or any general or special law to the contrary, no dog racing or racing meeting where any form of betting or wagering on the speed or ability of dogs occurs shall be conducted or permitted in this commonwealth and the commission is hereby prohibited from accepting or approving any application or request for racing dates for dog racing.

Any person violating any provision of this section relative to dog racing shall be subject to a civil penalty of not less than twenty thousand dollars which shall be payable to the commission and used for administrative purposes of the commission subject to appropriation.

All other provisions of this Chapter shall be construed as if they contain no references to dogs, dog racing or dog races.

SECTION 2.

The several provisions of this Act are independent and severable and the invalidity, if any, of any part or feature thereof shall not affect or render the remainder of the Act invalid or inoperative.

QUESTION



INCOME TAX RATE REDUCTION

An Initiative Petition for a Law to Roll Back the State Income Tax Rate to 5 percent by the year 2003

SECTION 1. Section four of chapter sixty-two of the General Laws as appearing in the 1996 Official Edition, is hereby amended by striking out paragraph (b) and inserting in place

thereof a new paragraph: --

(b) For taxable years commencing on or after January first, two thousand and one and before January first, two thousand and two, Part B taxable income shall be taxed at the lowest rate otherwise set by law for such years or portion thereof but not to exceed 5.60 percent. For taxable years commencing on or after January first, two thousand and two and before January first, two thousand and three, Part B taxable income shall be taxed at the lowest rate otherwise set by law for such years or portion thereof but not to exceed 5.30 percent. For taxable years commencing on or after January first, two thousand and three, Part B taxable income shall be taxed at the lowest rate otherwise set by law for such years or portion thereof but not to exceed 5.00 percent.

SECTION 2. The provisions of this law are severable, and if any clause, sentence, paragraph or section of this chapter, or an application thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or application adjudged invalid.

QUESTION



HEALTH INSURANCE AND HEALTH CARE

"AN ACT TO PROTECT THE RIGHTS OF PATIENTS AND TO PROMOTE ACCESS TO QUALITY HEALTH CARE FOR ALL RESIDENTS OF THE COMMONWEALTH"

Be it enacted by the People, and by their authority, as follows:

SECTION 1.

Whereas, Massachusetts residents are entitled to and desire a system of health care that has the needs of patients as its central purpose and priority;

Whereas, the quality and availability of health care services and treatments is threatened by unreasonable restrictions on patient choice and interference with medical decision making;

Whereas, the affordability of health care is jeopardized by continued increases in health insurance costs and by reductions in health plan coverage, and many Massachusetts residents are uninsured or underinsured;

Therefore, it is the purpose of this act to ensure that there will be access to health care for all Massachusetts residents, including strong patient protections and a bill of patients' rights.

SECTION 2. Chapter 111 of the General Laws is hereby amended by inserting after section 1 the following new sections:--

Section 1C. There shall be established a patient-centered system of health care that will ensure comprehensive, high quality care and health coverage for all residents of the commonwealth, to be in effect no later than July first, 2002. To establish such system, there is hereby created a health care council that shall consist of seventeen members to be appointed by the commissioner of public health and shall serve without compensation. The members shall include moral, academic and community leaders, health care advocates, consumers, providers and third-party payors and shall include at least one member from each of the following organizations selected from nominations by such organizations: Ad Hoc Committee to Defend Health Care, American Association of Retired Persons, American Federation of Labor-Congress of Industrial Organizations, Blue Cross and Blue Shield of Massachusetts, Health Care for All, Massachusetts Association of Health Maintenance Organizations, Massachusetts Business Roundtable, MassCARE, Massachusetts Hospital Association, Massachusetts League of Community Health Centers, Massachusetts Medical Society, Massachusetts Nurses Association, Massachusetts Public Interest Research Group, and Massachusetts Senior Action Council. The council shall allow for public participation, including but not limited to the holding of at least four public hearings in different regions of the commonwealth. The council shall study various health care proposals, and make recommendations to the commissioner and the legislature on a plan for the establishment of health care policies, laws, and other mechanisms to ensure that the following requirements are met:

- (a) access shall be provided to health care services for all Massachusetts residents and barriers eliminated to such services, medications, and supplies necessary for the prevention, diagnosis, treatment, rehabilitation, and palliation of physical and mental illness;
- (b) patients shall be guaranteed the right to freely choose their health care providers, to have a second medical opinion and to appeal denials of care; and the clinical freedom of physicians, nurses and other health professionals to act solely in the best interests of their patients shall be assured;
- (c) affordable health care coverage shall be ensured to all Massachusetts residents, with health care expenditures that rise no faster than those of the nation as a whole;
- (d) the high quality of health care in Massachusetts shall be preserved and promoted; and the well-being of medical research, training, and innovation shall be protected and fostered;
- (e) no less than ninety percent of all payments made for health care coverage shall be used for patient care, public health, or the furtherance of medical skill and knowledge, and no more than ten percent of such payments shall be used for administrative costs or any other purpose; and the paperwork and administrative tasks of patients, hospitals and health care professionals shall be simplified; and
- (f) no financial incentives shall be permitted that limit patient access to health care services and medications that are appropriate or necessary, and incentives, direct or indirect, that promote the provision of inappropriate care which does not benefit patients shall be minimized.

The council shall review proposed and enacted health care legislation in the Commonwealth and make recommendations to the commissioner as to whether such legislation meets the requirements of this section.

Section 1D. Notwithstanding any general or special law to the contrary, until such time as the health care council established pursuant to section one C determines that the requirements set out in said section one C have been met, there shall be a moratorium on the conversion of non-profit hospitals, non-profit health maintenance organizations, and non-profit health insurance firms to entities owned and operated for profit. Notwithstanding any general or special law to the contrary, until such time as determination is made, the commissioner and the commissioner of insurance, as appropriate, shall not grant, renew, convert or otherwise provide a license to any such entity that attempts to undergo such a conversion.

SECTION 3. The General Laws are hereby amended by inserting after chapter 176N the following chapter:

Chapter 176O: Patients' Bill of Rights

Section 1. The purpose of this chapter is to protect the rights of patients and to strengthen the relationship between patients and their physicians, nurses, and other health care professionals. To achieve these goals, this chapter, which ap-

plies to all health insurance carriers, including health insurance plans, blue cross and blue shield plans, health maintenance organizations, and preferred provider plans, establishes, as more specifically detailed in the following sections, the right of patients to choose their health care professionals, health care facilities, and other health care providers; the right of health care professionals to make all medical decisions in consultation with their patients; the right to continuity of care during the course of treatment; the right to a referral to a specialist if such a referral is a medical necessity; a limitation on and the requirement of open disclosure of financial incentives in contracts between carriers and health care professionals; protection of the right of health care professionals to discuss provisions of health benefit plans with insured patients; prohibition of termination of health care professionals by carriers without cause; the right to receive emergency services; the right to clear utilization review programs that include the right to a second opinion and the right to appeal an adverse determination to the commissioner of public health, and a requirement that at least ninety percent of the premiums of carriers be spent on patient care.

Section 2. Notwithstanding any provisions to the contrary of sections 108 to 111, inclusive, of chapter 175 of the General Laws, of chapter 176A of the General Laws, of chapter 176B of the General Laws, of chapter 176G of the General Laws, and of chapter 176I of the General Laws, or of any other special or general law, the provisions of this chapter shall apply to all insurers licensed or otherwise authorized to transact accident or health insurance under said chapter 175; a non-profit hospital service corporation organized under said chapter 176A; a non-profit medical service corporation organized under said chapter 176B; all health maintenance organizations organized under said chapter 176G; and all organizations entering into a preferred provider arrangement under said chapter 176I; but not including an employer purchasing coverage or acting on behalf of its employees or the employees of one or more subsidiaries or affiliated corporations of the employer.

The provisions of this chapter shall be administered by the division of insurance.

Section 3. As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

"Benefits", health care services and medications to which an insured patient is entitled under the terms of the health benefits plan.

"Carrier", an insurer licensed or otherwise authorized to transact accident or health insurance under chapter 175; a non-profit hospital service corporation organized under chapter 176A; a non-profit medical service corporation organized under chapter 176B; a health maintenance organization organized under chapter 176G; and an organization entering into a preferred provider arrangement under chapter 176I; but not including an employer purchasing coverage or acting on behalf of its employees or the employees of one or more subsidiaries or affiliated corporations of the employer.

"Commissioner", the commissioner of the division of insurance.

"Emergency services" and "emergency care", services provided in or by a hospital emergency facility or a free standing emergency care facility after the development of a medical condition, whether physical or mental, manifesting itself by symptoms of sufficient severity that the absence of prompt medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine, to result in placing the member's or another person's health in serious jeopardy, serious impairment to body function, or serious dysfunction of any body organ or part.

"Facility", an institution providing health care services or a health care setting, including, but not limited to, hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory and imaging centers, and rehabilitation and other therapeutic health settings.

"Health benefit plan", a policy, contract, certificate or agreement entered into, offered or issued by a carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services.

"Health care professional", a physician or other health care practitioner licensed, accredited or professionally certified to perform specified health services consistent with law.

"Health care provider" or "provider", a health care professional or a facility.

"Health care services", services for the diagnosis, prevention, treatment, cure or relief of a health condition, illness, injury or disease.

"Insured Patient", an enrollee, covered person, insured, member, policyholder or subscriber of a carrier, including an individual whose eligibility as an insured of a carrier is in dispute or under review, or any other individual whose care may be subject to review by a utilization review program or entity as de-

scribed under other provisions of this chapter.

“Massachusetts care share”, the percentage obtained by dividing Massachusetts-associated health care expenditures of a carrier by its Massachusetts-associated revenue for a calendar year.

“Medical necessity”, medical care, which is consistent with generally accepted principles of professional medical practice.

“Network”, a grouping of health care providers who contract with a carrier to provide services to insured patients covered by any or all of the carrier’s plans, policies, contracts or other arrangements.

“Person”, an individual, a corporation, a partnership, and association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity or combination of the foregoing.

“Second opinion”, an opportunity or requirement to obtain a clinical evaluation by a provider other than the one originally making a recommendation for a proposed health service to assess the clinical necessity and appropriateness of the initial proposed health service.

“Specialist”, a health care provider that has adequate expertise through appropriate training, experience, and certification to provide high quality medical care for the treatment of a specific disease or condition.

“Utilization review”, a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Such techniques may include, but are not limited to, ambulatory review, prospective review, second opinion, certification, concurrent review, case management, discharge planning or retrospective review.

“Utilization review organization”, an entity that conducts utilization review, other than a carrier performing utilization review for its own health benefit plans.

Section 4. (a) All insured patients shall have the right to choose their health care professionals, health care facilities; and other health care providers; provided, however, that in accordance with the terms of the health benefit plan, such choice may be subject to the approval of a primary health care provider that has no financial incentives to deny care and that is freely chosen by the insured patient.

(b) An insured patient shall have the right to select an obstetrician or gynecologist as her primary care physician and, whether or not an insured patient has so selected an obstetrician or a gynecologist as her primary care physician, such insured patient may visit an obstetrician or a gynecologist without the approval of her primary care physician.

(c) Insured patients may be required to pay a reasonable additional fee if they choose health care professionals pursuant to this section that are not within their carrier’s network.

Section 5. An attending health care professional, in consultation with the insured patient, shall make all decisions, consistent with generally accepted principles of professional medical practice, regarding medical treatment, including provision of durable medical equipment, medications, and lengths of hospital stay, to be provided to such insured patient under his supervision or control. Nothing in this section shall be construed as altering, affecting or modifying either the obligations of any carrier or the terms and conditions of any agreement between either the attending health care professional or the insured patient and any carrier.

Section 6. If an insured patient is undergoing a course of treatment from a health care provider at the time when a contract between a carrier and such health care provider is terminated for reasons other than fraud or failure to meet applicable quality standards, the carrier shall continue to provide coverage to such insured patient of health care services from such health care provider for a transitional period of 90 days following such termination; provided, however, that if the insured patient has been admitted to a facility, or has entered the second trimester of pregnancy, or has a terminal illness, such transitional period shall continue until the insured patient no longer has the medical necessity of remaining an inpatient, is no longer pregnant, or no longer needs treatment in conjunction with such terminal illness, respectively; provided, further, that nothing in this section shall be construed to require the coverage of health care services which would not have been covered if the contract between the carrier and the health care provider had not been terminated; and provided, further, that the health care provider shall agree to continue to accept reimbursement at the rates in effect prior to the start of the transitional period and shall adhere to the quality standards and other policies and procedures of the health benefit plan.

Section 7. All insured patients shall have the right to a referral to a specialist for the treatment of a disease or condition that as a medical necessity needs to be treated by a specialist; provided, however, that in accordance with the terms of the health benefit plan, such specialist may be required to develop a treatment plan subject to the approval of a primary health care provider and utilization review procedures of the carrier; provided, further, that such specialist shall provide the primary care provider with all necessary medical information, including but not limited to regular updates on the specialty care provided; and provided further patients with chronic conditions may get a standing referral that needs to be renewed every six months or annually as may be agreed to by the primary care provider.

Section 8. (a) No contract between a carrier and a licensed health care provider or health care provider group shall contain any incentive plan that includes a specific payment made to a health care provider as an inducement to reduce, delay or limit specific, medically necessary services covered by the contract. Health care professionals shall not profit from provision of covered services that are not medically necessary and appropriate. Carriers and health care providers shall not profit from denial or withholding of covered services that are medically necessary and appropriate.

(b) All financial incentive arrangements among health care providers and carriers other than basic salaries and fringe benefits shall be fully disclosed and available for inspection by the insured patients.

Section 9. No carrier shall refuse to contract with or compensate for covered services with an otherwise eligible health care professional or nonparticipating health care professional because such health care professional has in good faith communicated with or advocated on behalf of one or more of his current, former or prospective insured patients regarding the provisions, terms or requirements of the health benefit plans of the carrier, or the provider payment methodology of the carrier, as they relate to the needs of the insured patients of the health care professional. Nothing in this section shall be construed to preclude a carrier from requiring a health care professional to withhold confidential specific compensation amounts.

Section 10. No carrier shall make a contract with a health care provider that includes a provision permitting termination of the health care provider without cause. If a carrier terminates a contract with a health care provider, it shall provide a written statement to the health care provider of the reason for such termination.

Section 11. (a) A health benefit plan shall cover emergency services provided to insured patients; provided, however, that for treatment or diagnostic workup beyond stabilization for transfer, stabilization for discharge or admission, the carrier may require a hospital emergency department to call the physician on-call designated by the carrier for authorization, and provided, further, that such authorization shall be deemed granted if the carrier has not responded to said call within thirty minutes. Notwithstanding the foregoing provisions, in the event the emergency physician and the primary care physician or the physician designated by the carrier do not agree on what constitutes appropriate medical treatment, the opinion of the emergency physician shall prevail and such treatment shall be considered emergency care as defined herein; provided, however, that such treatment is consistent with generally accepted principles of professional medical practice. Consistent with the foregoing, carriers may enter into contracts with network hospitals or emergency physician groups or both for the provision of emergency services.

(b) Every carrier shall clearly state in its brochures, contracts, policy manuals and all printed materials distributed to members that such members have the option of calling the local pre-hospital emergency medical service system by dialing the emergency telephone access number 911, or its local equivalent, whenever an enrollee is confronted with a life or limb threatening emergency. No member shall in any way be discouraged from using the local pre-hospital emergency medical service system, the 911 telephone number, or the local equivalent, or be denied coverage for medical and transportation expenses incurred as a result of such use in a life or limb threatening emergency.

(c) Every carrier shall provide or arrange for the payment of cash benefits to an insured patient when the patient obtains emergency care from a provider not normally affiliated with the carrier; provided that amounts charged by the provider are reasonable; and provided further that the insured patient paid the provider himself.

Section 12. Utilization review conducted by a carrier or a utilization review organization shall meet, at a minimum, the following standards:

(a) any such entity shall conduct its utilization review program pursuant to a written plan;

- (b) any such program shall be under the supervision of a physician and shall be staffed by appropriately trained and qualified licensed health care professionals;
- (c) any such entity shall have a documented process to review and evaluate the effectiveness of its utilization review program;
- (d) any such entity shall adopt utilization review criteria and conduct all utilization review activities pursuant to those criteria. Said criteria shall be, to the maximum extent feasible, scientifically derived and evidence-based and shall be developed with the input of participating physicians;
- (e) any such program shall allow an insured patient, if he disagrees with the conclusions of the utilization review, to have a second medical opinion with a physician selected by the insured patient, and to have the decision of the program reconsidered in light of such second medical opinion;
- (f) any such entity shall have a documented process to ensure that utilization review criteria are applied consistently;
- (g) any such entity shall make utilization review determinations on a timely basis; and
- (h) any such program shall allow an insured patient, if he disagrees with the final conclusions of the utilization review, to appeal the final conclusion to the commissioner of public health; and if said commissioner finds that the decision was contrary to the reasonable medical needs of the patient or was arbitrary or capricious, he shall order the carrier to provide the medical treatment in dispute to the insured patient.

Section 13. (a) The Massachusetts care share for a carrier in the commonwealth shall be no less than 90 percent, and non-health expenditures associated with insured patients residing in Massachusetts shall not exceed ten percent of Massachusetts-associated revenue for each calendar year. The commissioner shall promulgate regulations that make fair and equitable determinations about what constitutes health and non-health expenditures.

(b) Each carrier operating in the commonwealth shall report annually to the commissioner its total revenues, Massachusetts-associated revenue, total premiums, Massachusetts premiums, total health expenditures, Massachusetts-associated health expenditures, total non-health expenditures, care share, and Massachusetts care share. The commissioner shall issue regulations specifying the methods for calculating the information to be reported in accordance with this section. The commissioner shall publish annually the care share and the Massachusetts care share of each carrier doing business in the commonwealth. All written materials used for advertising and marketing health benefit plans to prospective insured patients or groups shall include a statement of the carrier's care share and its Massachusetts care share.

(c) Any carrier that fails to comply with the provisions of this section shall refund to its insured patients the amount by which such carrier's Massachusetts non-health expenditures exceeded ten percent. The refund payable for any calendar year shall be paid on or before June thirtieth of the next calendar year. A carrier that reports a Massachusetts care share below 90 percent may, upon written notice to the commissioner, pay the refund owed by reducing the total premiums payable by its insured patients for the calendar year in which the shortfall is reported by an amount equal to the refundable amount.

(d) Each calendar year, the commissioner shall audit the books and records of a random sample of no less than ten percent of carriers that have more than twenty-five thousand persons insured under blanket or group insurance policies. The commissioner may appoint an independent auditor to conduct the audit, subject to the control and supervision of the commissioner, and shall assess each insurer a fee to pay the reasonable costs of such audit.

SECTION 4. There is hereby created a special legislative committee to study and recommend the establishment of a patient-centered system of health care that ensures comprehensive, high quality care and health coverage for all residents, to be in effect no later than July first, 2002, consisting of five members of the house of representatives to be appointed by the speaker of the house of representatives, three members of the senate to be appointed by the president of the senate, and the members of the health care council established in section one C of chapter 111 of the General Laws. The members shall receive no compensation for the performance of their duties on the special committee. The special committee shall hold public hearings, study various health care proposals, and make recommendations for the establishment of a system of health care conforming to the requirements of said section one C of said chapter 111. The members of the special committee shall be appointed no later than January tenth, 2001 and shall file their report, together with recommended legislation, with the clerks of the senate and the house of representatives no later than September 30, 2001.

SECTION 5. No provision of this act shall be interpreted as applying to, affecting, amending, or otherwise impairing the provisions of any contract in effect prior to the effective date of this act or as applying to, affecting, amending, or otherwise impairing an automatic renewal provision, option clause, or other provision of such an existing contract that goes into effect on or after the effective date of this act.

SECTION 6. The provisions of this act are severable, and if any provision of this act is found to be unconstitutional, contrary to law, or otherwise invalid by a court of competent jurisdiction, then the other provisions of this act shall continue to be in effect.

SECTION 7. Unless provided otherwise herein, the provisions of this act shall take effect as of January first, 2001.

QUESTION


TAX CREDIT FOR TOLLS AND MOTOR VEHICLE EXCISE TAXES

COMMUTER TAX RELIEF ACT

BE IT ENACTED BY THE PEOPLE AND BY THEIR AUTHORITY:

SECTION 1. Chapter 62, Section 6 of the General Laws is hereby amended by inserting at the end thereof, the following

new subsection:

(k) (1) A credit shall be allowed against the tax liability imposed by this chapter, subject to the limitation set forth in paragraph (3) of this subsection (k), such credit to be in an amount equal to 100% of the tolls paid by the taxpayer in such taxable year. As used in this subsection (k), the term "tolls" shall mean amounts paid by any person for the use of the Turnpike, the Boston Extension, the Tobin Bridge, the Metropolitan Highway System, the Sumner Tunnel, the Callahan Tunnel, the Ted Williams Tunnel, and all approach roads leading thereto, or any other road, highway, tunnel or bridge in the Commonwealth to which the public has the right of motor vehicle access. As used in this subsection (k), the "Turnpike", the "Boston Extension", the "Tobin Bridge", the "Metropolitan Highway System", the "Sumner Tunnel", the "Callahan Tunnel", and the "Ted Williams Tunnel" shall have the same meanings as the definitions set forth in M.G.L. c. 81A, section 3.

(2) A credit shall be allowed against the tax liability imposed by this chapter, subject to the limitation set forth in paragraph (3) of this subsection (k), such credit to be in an amount equal to 100% of the excise tax on registered motor vehicles paid by the taxpayer in such taxable year pursuant to M.G.L. c. 60A.

(3) The total credit amount allowable under this subsection (k) in any taxable year shall be no greater than the amount that, after allowing all other deductions and credits under this chapter, would reduce the tax liabilities imposed by this chapter to zero for such taxable year. Any taxpayer entitled to a credit under this subsection (k) but for this paragraph (3) may carry over and apply to such taxpayer's tax liability under this chapter for any subsequent taxable year, not to exceed ten taxable years, the portion of that credit, as reduced from year to year, which was not allowed by the application of this paragraph (3).

SECTION 2. Chapter 63 of the General Laws shall be amended by adding Section 31H, which shall read as follows:

Section 31H. Toll credit and registered motor vehicles excise tax credit for corporations

(a) A domestic or foreign corporation shall be allowed a credit against its excise due under this chapter, subject to the limitations set forth in subsection (c), in an amount equal to 100% of the tolls paid or incurred during the taxable year by the corporation or by its employees in furtherance of the business of the corporation. As used in this subsection (a), the term "tolls" shall mean amounts paid by any person for the use of the Turnpike, the Boston Extension, the Tobin Bridge, the Metropolitan Highway System, the Sumner Tunnel, the Callahan Tunnel, the Ted Williams Tunnel, and all approach roads leading thereto or any other road, highway, tunnel or bridge in the Commonwealth to which the public has the right of motor vehicle access. As used in this subsection (a), the "Turnpike", the "Boston Extension", the "Tobin Bridge", the "Metropolitan Highway System", the "Sumner Tunnel", the "Callahan Tunnel", and the "Ted Williams Tunnel" shall have the same meanings as the definitions set forth in M.G. L. c. 81A, section 3.

(b) A domestic or foreign corporation shall be allowed a credit against its excise due under this chapter, subject to the limitations set forth in subsection (c), in an amount equal to 100% of the excise tax on registered motor vehicles paid by the taxpayer in such taxable year pursuant to M.G. L. c. 60A.

(c) After allowing all other deductions and credits under this chapter, the total credit amount allowed under this section thirty-one H for any taxable year shall

not reduce the excise to less than the amount due under section thirty-two (b), thirty-nine (b) or sixty-seven and under any act in addition thereto. The limitation provided under section thirty-two C shall also apply to any credit allowed under this section thirty-one H. Any corporation may carry over and apply to its excise for any subsequent tax year, not to exceed ten taxable years, the portion of that credit, as reduced from year to year, which was not allowed by the application of this subsection (c).

SECTION 3. The provisions to this Act shall apply to tax years beginning on or after January 1, 2001.

SECTION 4. The provisions of this law are severable, and if any clause, sentence, paragraph or section of this law or an application thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or application adjudged invalid and such clause, sentence, paragraph, section or application shall be reformed and construed so that it would be valid to the maximum extent permitted.

QUESTION 7 TAX DEDUCTION FOR CHARITABLE CONTRIBUTIONS



AN INITIATIVE TO ENCOURAGE CHARITABLE GIVING

Be it enacted by the People and by their Authority:

SECTION 1. The purpose of this law is to encourage the people of Massachusetts in their support of charitable organizations through charitable giving.

SECTION 2. Whereas taxpayers should be allowed a deduction for charitable contributions, chapter 62 of the General Laws shall be amended by adding the following new section:

“Sec. 6I. Each taxpayer shall be allowed a deduction in determining the Part B taxable income, in addition to the deductions under Section 3, in an amount equal to the taxpayer’s charitable contributions for the year, as defined under the Code and without regard to whether the taxpayer elected to itemize deductions on his or her federal income tax return.”

SECTION 3 The provisions of this act shall apply to taxable years beginning on or after January 1, 2001.

QUESTION 8 DRUG-DEPENDENCY TREATMENT AND DRUG-CRIME FINES AND FORFEITURES



AN ACT TO EXPAND THE SCOPE OF THE COMMONWEALTH’S DRUG TREATMENT PROGRAM AND PROVIDE FUNDING THROUGH FINES FOR DRUG VIOLATIONS AND THE FORFEITURE OF ASSETS USED IN CONNECTION WITH DRUG OFFENSES.

Be it enacted by the People, and by their authority, as follows:

SECTION 1. (a) It is hereby declared the policy of the Commonwealth that individuals who abuse controlled substances, or who are at significant risk of becoming such abusers, should have recourse to meaningful and effective treatment and that the funding for such treatment should, to the maximum extent feasible, be derived from those who violate the laws of the Commonwealth relative to controlled substances. Accordingly, it is the purpose of this act to promote the public health and welfare by assuring that drug treatment programs be made available to those in need and that fines in drug cases, the proceeds derived from the forfeiture of assets that are clearly shown to have been used in the commission of drug violations, as well as certain other revenues, be paid into a fund dedicated to such drug treatment programs, subject to appropriation.

(b) This act is declared to be remedial. In order to more fully accomplish its purpose, it is to be liberally construed and administered. The provisions of this act shall be deemed severable, and if any part of this act shall be adjudged unconstitutional or invalid, such judgment shall not affect other valid parts thereof.

SECTION 2. Chapter 10 of the General Laws is hereby amended by inserting after section 35T, as appearing in the 1998 Official Edition, the following section: --

Section 35U. There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Massachusetts Drug Treatment Trust Fund, to be administered and utilized by the commissioner of public health for the purposes set forth in chapter one hundred eleven E. Said fund shall consist of all funds received by the commonwealth from the following sources: proceeds under the provisions of paragraph (d) of section forty-seven of chapter 94C; fines paid under the provisions of sections thirty-two to forty, inclusive, of said chapter 94C; and appropriations, gifts, grants, or donations to

said fund from public or private sources for the purposes of said fund as set out in said chapter one hundred eleven E. The state treasurer shall not deposit said revenues in, or transfer said revenues to, the General Fund or any other fund other than the Massachusetts Drug Treatment Trust Fund, subject to appropriation. The state treasurer shall deposit monies in said fund in accordance with the provisions of section 34 and 34A of chapter 29 in such manner as will secure the highest interest rate available consistent with the safety of the fund. Subject to appropriation, said fund shall be expended only for the purposes stated in chapter one hundred eleven E at the direction of the commissioner of public health, and any unexpended balances shall be redeposited, as herein provided, for further use consistent with this section.

SECTION 3. Chapter 111E of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting in section 1, after line 43, the following: --

“Fund”, the Massachusetts Drug Treatment Trust Fund established pursuant to section thirty-five U of chapter ten.

SECTION 4. Said chapter 111E of the General Laws is hereby amended by striking out the definition of “Drug dependent person” in lines 18 to 22, inclusive, of section 1, as appearing in the 1998 Official Edition, and inserting in place thereof the following: --

“Drug dependent person”, a person who is unable to function effectively and whose inability to do so causes, or results from, the use of a drug other than alcohol, tobacco or lawful beverages containing caffeine, and other than from a medically prescribed drug when such drug is medically indicated and the intake is proportioned to the medical need, or a person who is at risk of becoming drug dependent, as defined herein.

SECTION 5. Said chapter 111E of the General Laws is hereby further amended by inserting in section 2, after line 8, as appearing in the 1998 Official Edition, the following: --

Subject to appropriation, the director, with the approval of the commissioner, may expend amounts contained in the Fund solely for treatment. Expenditures from the Fund for such purposes shall complement and not replace existing local, state, or federal drug treatment-related funding.

The director may request, and shall receive, from any department, division, board, bureau, commission, or agency of the state or of any political subdivision thereof such cooperation and data as will enable him to properly carry out his activities here under.

SECTION 6. Said chapter 111E of the General Laws is hereby further amended by inserting after the word “plan” in the first sentence of section 4 the following: --

to prevent drug abuse through the education of persons who are at risk of becoming drug dependent and

SECTION 7. Said chapter 111E of the General Laws is hereby further amended by striking the last sentence of section 4 and inserting in place thereof the following: --

The plan shall include a detailed estimate of the cost of its implementation, an estimate of the monies to be accumulated in the Fund, and an estimate of the extent to which other funds, property or services may be available from the commonwealth or any of its political subdivisions, the federal government or any private source.

SECTION 8. Said chapter 111E of the General Laws is hereby further amended by striking from section 10 the first paragraph and inserting in place thereof the following: --

Any defendant who is charged with a drug offense shall, upon being brought before the court on such charge, be informed that he is entitled to request an examination to determine whether or not he is a drug dependent person who would benefit by treatment, and that if he chooses to exercise such right he must do so in writing no less than five days before trial.

SECTION 9. Said chapter 111E of the General Laws is hereby further amended by striking from section 10 the last sentence and inserting in place thereof the following: --

The provisions of this section shall not apply to a person charged with violating sections thirty-two to thirty-two G, inclusive, of chapter ninety-four C of the General Laws; provided, however, notwithstanding the provisions of section 32H of said chapter 94C or any other law to the contrary, the provisions of this section shall apply to a person charged with a first or second offense of paragraph (a) of section 32 of chapter 94C or a first offense of paragraph (b) of said section 32, a first or second offense of paragraph (a) of section 32A of chapter 94C or a first offense of paragraph (b) of said section 32A, a first or second offense of paragraph (c) of section 32A of chapter 94C or a first of-

fense of paragraph (d) of said section 32A, a first or second offense of paragraph (a) of section 32B of chapter 94C or a first offense of paragraph (b) of said section 32B, a first or second offense of paragraph (a) of section 32C of chapter 94C or a first offense of paragraph (b) of said section 32C, a first or second offense of paragraph (a) of section 32D of chapter 94C or a first offense of paragraph (b) of said section of 32D, and a first or second offense of paragraph (1) of subsection (b) of section 32E of chapter 94C.

SECTION 10. Chapter 94C of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out paragraph (7) of subsection (a) of section 47 and inserting in place thereof the following: --

(7) All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenances or improvements thereto, which is used in any manner that is not merely incidental to the commission or the facilitation of the commission of a violation of any provision of section thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F, thirty-two G, thirty-two I, thirty-two J or forty.

SECTION 11. Said chapter 94C of the General Laws is hereby further amended by inserting before the first paragraph of subsection (d) of section 47 the numerical designation "(1)" and by striking everything appearing in said subsection (d) after the second sentence of the first paragraph and inserting in place thereof the following: --

In all such suits where the property is claimed by any person, other than the commonwealth, the commonwealth shall have the burden of proving to the court by clear and convincing evidence that the property is forfeitable pursuant to paragraph (3), (5), or (7) of said subsection (a). The owner of said conveyance or real property, or other person claiming thereunder shall have the burden of proof by a preponderance of the evidence as to any applicable exceptions set forth in subsections (c) and (i). The court shall order the commonwealth to give notice by certified or registered mail to the owner of said conveyance, real property, moneys or other things of value and to such other persons as appear to have an interest therein, and the court shall promptly, but not less than two weeks after notice, hold a hearing on the petition. Upon the motion of the owner of said conveyance, real property, moneys or other things of value, the court may continue the hearing on the petition pending the outcome of any criminal trial related to the violation of this chapter. At such hearing the court shall hear evidence and make conclusions of law, and shall thereupon issue a final order, from which the parties shall have a right of appeal.

(2) In all such suits where a final order results in a forfeiture, said final order shall provide for disposition of said conveyance, real property, or any other thing of value by the commonwealth or any subdivision thereof in any manner not prohibited by law which is reasonably calculated to yield the greatest cash proceeds, including sale at public auction or by competitive bidding.

(3) All conveyances, real property, moneys or any other things of value received by the attorney general, a district attorney, any state or local police department or any other state or local law enforcement agency under the laws of the United States authorizing the transfer of all or a portion of property forfeited under the drug enforcement laws of the United States shall be received on account of the Massachusetts Drug Treatment Trust Fund established by section 35U of chapter ten of the General Laws, and for no other purpose or account. Said conveyances, real property or any other things of value received by local police departments or other local law enforcement agencies, the attorney general, a district attorney, state police and other state law enforcement agencies shall be referred to and disposed of by the office of seized property management within the division of capital asset management and maintenance as further provided in this section. To the extent necessary for state or local law enforcement agencies to receive an equitable share of all forms of property forfeited under the drug enforcement laws of the United States and consistent with state drug law enforcement policies and objectives, the attorney general, a district attorney, state or local police departments and any other state or local law enforcement agencies are encouraged and directed to seek equitable shares of all such federally forfeited property and to cooperate with federal law enforcement agencies in all cases in which, in the opinion of the responsible state or local official, such cooperation is in the interests of the commonwealth.

(4) All moneys and the proceeds of any sale of property pursuant to a final order under paragraph (2) of this subsection and all moneys and the proceeds of any such sale of transferred property under paragraph (3) of this subsection shall be remitted to the state treasurer for the benefit of said Massachusetts Drug Treatment Trust Fund.

SECTION 12. Said section 47 of chapter 94C of the General Laws is further amended, by striking out subsection (e) and inserting in place thereof the following: --

(e) Persons making final disposition or destruction of any property pursuant to court order under this chapter shall report, under oath, to the court the exact circumstances of said disposition or destruction. Any state or municipal officer, department, or agency having custody of any property subject to forfeiture under this chapter or having disposed of said property shall keep and maintain full and complete records showing from whom it received said property, under what authority it held or received or disposed of said property, to whom it delivered said property, the date and manner of destruction or disposition of said property, the exact kinds, quantities and forms of said property, and the proceeds obtained upon disposition of said property. The inspector general shall promulgate regulations pursuant to chapter 30A prescribing the form, content, maintenance and availability of said records. All such records shall be open to the public except in specific cases where disclosure will prejudice the possibility of effective law enforcement. Said inspector general may supervise, coordinate, and conduct audits and investigations, when necessary, relating to the administration of this section by any state or municipal officer, department, or agency having custody or having disposed of any property subject to forfeiture under this chapter.

SECTION 13. Said section 47 of chapter 94C of the General Laws is further amended, by striking out paragraph two of subsection (f) and inserting in place thereof the following: --

(2) There shall be created within the division of capital asset management and maintenance an office of seized property management to which the attorney general, a district attorney, state police or other state or local law enforcement agencies shall refer any conveyances, real property, and any furnishings, equipment and related personal property located therein, or any other things of value for which seizure or forfeiture is sought. The office of seized property management shall be authorized to preserve and manage such property in a reasonable fashion and to enter into contracts to preserve and manage such property. Said office is further authorized to dispose of such property upon a judgement ordering forfeiture issued pursuant to the provisions of subsection (d), and to dispose of conveyances, real property, or any other things of value received by the attorney general, a district attorney, state police and other state or local law enforcement agencies under the laws of the United States and referred to said office pursuant to paragraph (3) of subsection (d). All such dispositions by said office shall be made in any manner not prohibited by law which is reasonably calculated to yield the greatest cash proceeds, including sale at public auction or by competitive bidding. Subject to appropriation, the proceeds of any such disposition may be used to pay the reasonable expenses related to the storage, maintenance, management, and disposition of the property and the balance thereof shall be remitted to the state treasurer for the benefit of the Massachusetts Drug Treatment Trust Fund established pursuant to section 35U of chapter ten. Subject to appropriation, said office may receive funding from said Massachusetts Drug Treatment Trust Fund through a portion of the proceeds of each sale of such managed property.

SECTION 14. Said section 47 of chapter 94C of the General Laws is further amended, by adding after subsection (j) the following: --

(k) Notwithstanding any special or general law to the contrary, whoever, acting under color of official title or position, takes any action to conceal, withhold, retain, divert or otherwise prevent any moneys, conveyances, real property, or any other things of value forfeited under this section or forfeited and transferred to a state or local agency under the laws of the United States, from being disposed of in accordance with the provisions of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment in a jail or house of correction for not more than one year, or both.

SECTION 15. This act shall not apply to any convictions entered, sentences imposed or asset forfeitures finally adjudicated prior to the effective date of this act. On and after the effective date of this act, the provisions of this act shall apply to (a) all funds derived from proceedings under section 47 of chapter 94C of the General Laws, (b) all money or other property forfeited to the United States under the drug enforcement laws of the United States and received by State or local law enforcement agencies from the Federal government under any forfeiture sharing program, and (c) all criminal and civil fines paid under the provisions of sections 32 to 40, inclusive, of said chapter 94C, irrespective of when such proceedings under said section 47, federal forfeitures or prosecutions under said sections 32 to 40, inclusive, may have been commenced.

New pharmacy benefits

Important New Pharmacy Benefits Available to Massachusetts Citizens

- Open to all seniors 65 and older and certain non-senior disabled persons;
- Comprehensive prescription drug benefits beginning April 1, 2001;
- Premiums and deductions on a sliding scale.

For further information call Citizen Information



Service at 1-800-392-6090 or Executive Office of Elder Affairs, Senior Pharmacy Program at 1-800-953-3305.

Home heating assistance

Winter Is Coming!

Fuel assistance is once again available for homeowners and renters needing help in paying high winter heating costs in Massachusetts. The federal government annually determines allocation of fuel subsidies to states.

In Massachusetts, the Bureau of Energy Programs within the Department of Housing and Community Development oversees and distributes this fuel assistance to local administering



agencies. These groups are made up of over 30 non-profit organizations and are under contract with the state to determine actual eligibility and disburse the financial assistance (whose amounts change yearly). The local agency will then make payments toward the heating bills to the primary heat source vendor (oil, propane, wood or coal dealer, gas or electric utility). Eligibility is based on annualized household income and the number of members in the household. Call the Bureau of Energy Programs at 1-800-632-8175 or Citizen Information Service at 1-800-392-6090 to find out where to apply.

Consumer complaints about home heating problems can be reported to the Attorney General's Office, Consumer Protection Division at 617-727-8400.

Services of the Secretary of the Commonwealth of Massachusetts

- ◆ ***Citizen Information Service*** functions as the primary information and referral agency for the state, offering data on state programs and agencies. CIS attempts to answer all requests, by providing either direct assistance or an immediate referral to the appropriate agency. The division is also an affiliate of the Massachusetts State Data Center and provides assistance in locating and understanding data of the U.S. Bureau of the Census. As part of its goal to make state government more accessible to the public, CIS has established a publication series on specific topics of interest, including:
 - *The Citizens' Guide to State Services: A Selective Listing of Government Agencies and Programs*, with addresses, phone numbers and agency descriptions, \$15 plus \$3.50 shipping cost. Available from the State House Bookstore, see below.
 - *Your State Legislators*, with addresses, phone numbers, committee assignments, of state senators and representatives as well as an alphabetized listing of the cities and towns with corresponding legislators, \$4 plus \$2.20 shipping cost. Available from the State House Bookstore, see below.
 - *Welcome to Massachusetts: A Practical Guide to Living in the State*, free.
 - *Automobile Insurance Discounts*, up-to-date information available for Massachusetts drivers, free.
 - *Your Automobile Excise Tax*, free.
 - *Property Tax Exemptions for Elders, Surviving Spouses and Minors*, free.
 - *How to Obtain a Marriage License*, free.
 - *Safe and Sanitary Housing for Massachusetts Residents*, tenant and landlord rights, free.
 - *Veterans Laws and Benefits Guide*, free.
 - *Massachusetts Facts: A Review of the History, Government and Symbols of the State*, for junior high to high school age students, free.

Citizen Information Service can be contacted at (617) 727-7030 or 1-800-392-6090 (toll-free in Massachusetts only), website: www.state.ma.us/sec/cis, where many of the above documents are available for viewing.
- ◆ The ***Elections Division*** administers all state elections, provides information on voting, and supplies election materials to the public, candidates and government officials. (617) 727-2828 or 1-800-462-VOTE, website: www.state.ma.us/sec/ele
- ◆ The ***Securities Division*** endeavors to protect Massachusetts investors by licensing the sale of securities, requiring that high-risk securities be registered, investigating complaints, and taking appropriate enforcement and disciplinary actions. (617) 727-3548 or 1-800-269-5428, website: www.state.ma.us/sec/sct
- ◆ The ***Public Records Division*** maintains, preserves and makes accessible government records, enforces lobbyist and disclosure laws and records all gubernatorial appointments and commissions. (617) 727-2832, website: www.state.ma.us/sec/pre
- ◆ The ***Massachusetts Archives*** collects, catalogs, and preserves records of enduring value from nearly 375 years of state government. It serves as a vital resource to scholars, genealogists, and students and as an advisor to the historical records community in Massachusetts. (617) 727-2816, website: www.state.ma.us/sec/arc
- ◆ The ***Commonwealth Museum*** brings Massachusetts history alive through exhibits, outreach and student programs and publications. (617) 727-2816, website: www.state.ma.us/sec/mus
- ◆ The ***Massachusetts Historical Commission*** is the state agency responsible for historical preservation in the Commonwealth. It offers assistance to communities in listing properties with the National Register of Historic Places and establishing local historic districts. (617) 727-8470, website: www.state.ma.us/sec/mhc
- ◆ The ***State Bookstore*** offers a wide range of books and pamphlets published by the Secretary of the Commonwealth and other state agencies, including the Code of Massachusetts Regulations. A free Bookstore Catalog is available. (617) 727-2834, website: www.state.ma.us/sec/spr
- ◆ The ***Regional Office's*** in Springfield and Fall River offer many of the services provided by the Boston office and brings state government closer to the citizens of Massachusetts. Springfield, (413) 784-1378, website: www.state.ma.us/sec/wes; Fall River (508) 646-1374.
- ◆ The ***Corporations Division*** is responsible for registering all Massachusetts profit and nonprofit corporations and providing immediate summary information about more than 250,000 corporations doing business in the state. (617) 727-2850 or (617) 727-9640, website: www.state.ma.us/sec/cor
- ◆ Other divisions include the ***State Records Center***, website: www.state.ma.us/sec/rec, ***State Publications and Regulations***, website: www.state.ma.us/sec/spr, and ***State House Tours***, website: www.state.ma.us/sec/trs.

Tear out and take to the polls.

Voter Checklist

BALLOT QUESTIONS

- Question 1 Yes No
- Question 2 Yes No
- Question 3 Yes No
- Question 4 Yes No

- Question 5 Yes No
- Question 6 Yes No
- Question 7 Yes No
- Question 8 Yes No

Offices on the ballot in 2000 appear in the following order:

BALLOT OFFICES


- Electors of President/Vice President: _____
- U.S. Senator: _____
- U.S. Representative: _____
- Governor's Council: _____
- State Senator: _____
- State Representative: _____
- Clerk of Courts: _____

- Register of Deeds: _____
- County Commissioner - Barnstable, Bristol, Norfolk, and Plymouth Counties only (two to be elected).
Dukes County only (three to be elected): _____
- Sheriff (Plymouth County) Vacancy: _____
- Register of Probate (Middlesex and Plymouth Counties only) Vacancy: _____

INFORMATION FOR VOTERS

is sent to voters by mail to residential addresses, to voters residing in group quarters and to convenient public locations throughout the Commonwealth. Limited additional copies may be obtained at local city and town halls and some libraries, or by calling Secretary Galvin's Elections Division at (617) 727-2828 or 1-800-462-VOTE; or Citizen Information Service at (617) 727-7030 (TTY also) in the Boston area or 1-800-392-6090 (toll free in Massachusetts only, TTY also). Be sure to visit our web site at www.state.ma.us/sec/

The Spanish edition of *Information for Voters* and a large print edition for the visually impaired are also available at the same phone numbers. An audiotape is also available from the Braille and Talking Book Library in Watertown at 1-800-852-3133.

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Boston, MA 02133

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