



**WHERE WE STAND**  
**Program Book**

**League of Women Voters of Massachusetts**

**Last Updated July 15, 2013**

# **WHERE WE STAND**

## **Program Book of the League of Women Voters of Massachusetts**

**Goals**

**League Action**

**Background**

## Preface

*Where We Stand* is the collection of League of Women Voters of Massachusetts positions, with a brief history and summary of action taken under each position. This edition reflects the state program adopted through the 2013 Convention and includes updates of LWVMA action in each program area. The dates after each position refer to the years in which the positions were adopted. More details about the League process may be found in the background section of each program item.

National positions often used by state and local Leagues are also included in this book. They can be identified by (LWVUS), which appears after the position. The League action referred to in these cases is state League action. For more information about national positions, refer to *Impact on Issues*, LWVUS.

Local Leagues are encouraged to apply the positions in this book to local or regional issues. It is the responsibility of the local League board to determine whether member understanding and agreement exist, and whether the action makes sense in terms of timing, need and effectiveness. Before taking action on regional issues a local League must consult with other Leagues that might be affected. When applying League positions to statewide issues, local Leagues should consult with the state board before taking action.

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# LWVMA PROGRAM

## Government

### Government

#### Goal:

Promote an open governmental system that is representative, accountable and responsive; that has a fair and adequate fiscal basis; that protects individual liberties established by the constitution; and that assures opportunities for citizen participation in government decision-making.... (LWVUS)

### Citizen rights

#### Individual liberties

#### Goal:

Oppose major threats to basic constitutional rights. (LWVUS) (1947)

The League opposes:

- negative oaths
- required publication by candidates of past Communist affiliation
- penalization of schools and colleges for retaining personnel suspected of being subversive

### League action

#### Opposition to negative oaths

The League believes that present statutes (Smith Act, 1940, and the Massachusetts Anti-Anarchy Act of 1929 with its 1948 amendment) protect the state from destruction through subversive activity. Additional legislation would be detrimental to the vigorous expression of opinions necessary to a healthy democracy.

LWVMA opposes legislation that makes certain groups or individuals vulnerable by singling them out for special loyalty oaths. Special negative oaths imply disloyalty and subversion and are an unnecessary duplication of the public servant customary oath to support the constitution and law.

#### Opposition to publication of past Communist affiliation

Massachusetts law prohibits a Communist from holding office. A Communist candidate who conceals such an affiliation is liable to prosecution if elected. The law serves no realistic purpose. Even people who have never been active Communists run a risk of

campaign innuendo or witch hunt because of former friendships or associations.

#### Opposition to penalization of schools and colleges

The League opposes any attempt to force schools or college governing bodies to dismiss personnel on suspicion of subversion or to undertake investigations, which should be the duty of the police or courts.

### Background

Although the situation in this decade is different from that in 1947 when constitutional rights were put on the League program, the League hesitates to drop this position and remains ready to take action if people's liberties in this area are threatened. No bills requiring LWVMA action in this area have been filed since 1961.

- 1970: A task force on individual liberties established by LWVUS at convention recommended that the LWVUS Education Fund sponsor educational programs to alert the public about the erosion of certain constitutional rights.
- 1974: LWVUS convention incorporated into League program action to protect individual liberties established under the constitution.

## County Government and Regional Planning

### Goal:

An effective state government; an intermediate level of government to solve regional problems, either through a revised county structure or an emerging regionalism; regional planning on a statewide basis; high visibility for county and/or regional government; and home rule for counties. (1984)

The League supports:

- redrawing county lines to form more natural and functional regions (1967)
- a county financial year to coincide with the state fiscal year
- fiscal authority for local county advisory (financial) boards
- administrative structures that would deliver services in an accountable and effective manner
- evaluation of existing and potential county services in relation to cost, need, effectiveness and appropriateness to that level of government
- adequate and equitable financial resources to deliver services
- optional forms of county or regional government
- abolition of county government only at local discretion

## County government

### League action

Delegates to the 1981 state convention voted to re-open the position on County Government and Regional Planning for several reasons. Some believed that county government, as structured in Massachusetts, did not meet the needs of the late twentieth century; others felt that it was time to restructure counties; and others felt that services provided by local governments could better be provided on a regional basis. In 1981, the legislature gave fiscal authority to the county advisory boards. An amendment to Proposition 2 ½ limited county expenditures to 2 ½ percent of the previous year's expenditures resulting in cuts in personnel and services raising questions about what services should be provided through county government.

### Advisory (fiscal) boards

Historically, the Massachusetts legislature controlled county finances in return for which legislators had

much control over appointments to county jobs.

Advisory boards were established in all fourteen counties in 1973 with League support.

Representatives from local communities would, for the first time, review county budgets.

Attendance at advisory board meetings, however, was generally poor, and the legislature continued to have influence on personnel appointments. In 1981, the legislature finally ceded fiscal authority to the advisory boards, but smaller communities complain that the budget process is dominated by larger communities because of a population-weighted vote.

### Home Rule Charters

LWVMA supported legislation that allows counties to establish charter commissions. This law permits county officials, advisory boards or voters in the county to submit a charter question to the voters of that county at a statewide election. At the same election, 15 commission members may be elected by districts. If the question is approved, the commission must study the present form of county government, hold regular public hearings and may recommend to voters at the next statewide election one of three model charters, or it may write a special charter that must first be approved by the legislature.

The League encourages members and other citizens to run for election to charter commissions. Local Leagues inform voters about the charter process, observe charter commission meetings, holds citizen information programs about the work of the commission and frequently take positions on commission recommendations.

### Abolition and Restructuring of County Government

For many years, opponents of county government called for its abolition as a wasteful, patronage laden and nearly invisible layer of government. Others advocated restructuring counties to provide for regional programs to deal with such issues as public safety, vocational/agricultural high schools, housing, transportation, growth and land use, water resources and waste, as well as joint purchasing. By 1990, a serious effort had begun to abolish county government, particularly Middlesex and Essex counties which had been accused of mismanagement and were facing fiscal crises. Both former governors William Weld and Paul Cellucci criticized counties as wasteful and ineffective and advocated abolition of that mid-level government. They wanted to transfer most county functions to state agencies and transfer valuable assets such as land and buildings to the Commonwealth.

Chapter 34B of the laws of the Commonwealth establishes procedures for the abolition or restructuring of county government. It is important to

note that abolition or restructuring refer to the government. It wasn't until 1997 that Middlesex county government was finally abolished followed by the abolition of Berkshire, Essex, Hampden and Worcester county governments. Remaining counties are Bristol, Norfolk, Plymouth, Barnstable, Dukes and Nantucket. Suffolk County, which is run by Boston elected officials includes Boston, Revere, Chelsea and Winthrop.

### **Optional Forms**

Voters in Franklin and Hampshire counties adopted Regional Councils of Governments made up of most of the communities within the county. They provide a variety of agreed-upon services: omc; idomg engineering, social services, public safety, planning, mapping, health to name a few that transcend municipal borders with the goals of being more efficient and cost effective. The council of governments under Chapter 34B may impose an assessment on the members based on equalized valuation.

Barnstable county revised its charter in 1988 and established a county government of two branches. The Assembly of Delegates is the legislative branch and the Board of County Commissioners is the executive branch. In 1990, the county was further transformed by the establishment of the Cape Cod Commission, a regional land use and regulatory agency. Barnstable county has submitted a special charter for a Regional Council of Governments to the legislature. To date, the legislature has taken no action.

### **Court system**

The enactment of court reform legislation removed the court system from the jurisdiction of county government and made it a state function. In 1988, League-supported legislation passed which gave the state responsibility for court facilities. There is considerable concern about the poor condition of many court houses and charges that some are unhealthful and unsafe. Counties which have not been abolished still own the courthouses, but the state is responsible for their maintenance under a lease arrangement.

### **Other functions**

Registers of Deeds in all counties continue to be elected by county districts, but all come under the jurisdiction of the Secretary of the Commonwealth. District Attorneys and Registers of Probate are still elected by county. Sheriffs are elected by county and are responsible for the jails, but corrections officers are now state employees. County Commissioners and Treasurers continue to be elected in counties where the government has not been abolished or restructured. Due to high costs and the complexity of managing hospitals, most county hospitals have been

sold or are run by private companies. Although retirement plans for counties which have been abolished are managed by the state, their communities still pick up the costs as unfunded liabilities. The state takes over county roads when counties are abolished.

### **Remaining counties**

At present, there is little or no movement toward abolition Bristol, Dukes, Nantucket, Norfolk, Plymouth, and Suffolk. Barnstable awaits legislative action on its special charter revision; the remaining counties are considered by many to be well run and participate in many regional programs. Voters in those counties do not appear to be in an abolition mood. Governor Mitt Romney did not address the issue of counties in his 2003-04 budget, but may consider it at a later date.

The House of Representatives abolished the Committee on Counties. It assigned its duties to the Local Affairs Committee which is now the Committee on Local, County and Regional Governmental Affairs. The Senate Committee on Counties remains, but rarely meets.

### **Background**

- 1967: Convention delegates voted a two-year study of county government as a follow-up to work done on civil service, executive and legislative branches of state government and home rule. The conclusion was that county government in Massachusetts was neither strong nor visible. There was agreement for change in structure, but only a few Leagues recommended abolition of county government. Members advocated that Massachusetts revise its county system to allow it to work as an intermediate level of government with regional responsibilities.
- 1983: Delegates recommend that a state League task force be established to consider: abolition of county government, optional forms of government for counties and the effectiveness of services and programs offered. Members stressed that before any county could abolish its government, provisions would have to be made for the functions of the registries of deeds and probate, correctional facilities and court buildings. They reaffirmed the need for a middle level of government, but members also supported abolition of county government if voters in the county consented to abolition.

### **Regional government**

#### **League action**

LWVMA supported 1963 legislation that established the Metropolitan Area Planning Council (MAPC) for the Greater Boston area. Leagues outside the Boston

area supported the formation of other regional planning districts or commissions under Chapter 40B of the General Laws or by special legislation which provides that cities and towns may voluntarily become members of a planning district. Most communities realize that the complexity and cost of many programs make regional solutions attractive.

### **Background**

- 1961: Convention adopted a two-year study of regional planning
- 1963: Consensus was reached in support of the establishment of regional planning districts in the state.
- 1983-84: Expansion of the County Government and Regional Planning positions reaffirmed member support of a middle level of government, the concept of regional solutions to shared problems, and the abolition of county government with voter approval.



## Courts

### Goal:

A judicial system that provides equal justice for all through effective, modern administration, qualified judicial personnel, a strengthened probation service, and procedures and practices that ensure due process of law.

### Unified court system (1972)

#### The League supports:

- greater exercise by the Supreme Judicial Court of the powers of general superintendence of the courts for the furtherance of justice and the improvement of administration
- the establishment of an intermediate appellate court (Appeals Court established in 1972)
- strengthened management resources
- state assumption of costs and state fiscal administration
- flexible assignment of judges to equalize the workload

#### League Action

The court reorganization bill (Ch. 478 of the Acts of 1978) provided for state assumption of costs and state fiscal administration of the courts. It provided for a unified trial court consisting of seven divisions (superior, district, probate, juvenile, housing, land and Boston Municipal) to be headed by a chief administrative justice with broad powers. This chief administrative justice, assisted by a non-judicial administrator, oversees a centralized administration and a unified budget. Personnel standards and practices were set. The law included procedures for transfer of judges and other court personnel. The trial de novo system was modified.

LWVMA was instrumental in the passage of this legislation and has continued to be involved with court reorganization, supporting measures to strengthen the unified court system (such as adequate funding) and opposing those that would weaken it (such as removal of large numbers of personnel from the personnel standards requirements).

By 1990, the weak spots in Ch. 478 became evident. Several proposals for improving the administration of the courts were developed. The League played a central role in finding consensus among many of the proponents on the fundamental ingredients of true reform. The League established the Citizen's Coalition for Court Reform, including civic, business and law-related organizations.

The legislation did not include a state takeover of the county-owned courthouses. League members toured

their local courthouses and found many of them in deplorable condition as a result of continuing disputes between county and state officials over levels of maintenance and available state funding for rentals. The League has lobbied in support of bills that would correct this situation by placing the courthouses under state control.

An intermediate appellate court (the Appeals Court) was established in 1972.

### Selection of judges (1972)

#### The League supports:

- a nonpartisan selection system with a nominating commission composed of lawyers and lay members to propose names for all judicial appointments
- mandatory appointment by the governor from among the names proposed
- a requirement that all judges be lawyers and give full time to their jobs
- orientation and in-service training for all judges

#### League Action

The quality of justice, to a large degree, depends upon the quality of the judge. To ensure a qualified and independent judiciary, merit should be the basis for selection. Since 1975, a non-partisan judicial nominating commission of laypersons and lawyers, created by executive order, has recruited and screened candidates for judgeships. LWVMA supports the strengthening of this commission and opposes any effort to elect judges. The League has supported a judicial nominating commission established by amendment to the state constitution. LWVMA does not want the power of confirmation to rest with the Governor's Council.

Legislation effective July 1979 prohibits judges from practicing law while serving as justice.

In-service training for justices is provided by the office of the Chief Administrative Justice.

### Judicial conduct and tenure (1972)

#### The League supports:

- a nonpartisan judicial performance commission composed of judges, lawyers and lay members to receive and investigate complaints from any source about judicial conduct or disability. Upon recommendation of this commission, the Supreme Judicial Court shall have authority for discipline, removal or retirement of judges
- mandatory retirement of judges at age 70 with provision for limited service by recall

### **League Action**

The Commission on Judicial Conduct, established under Ch. 478 and made up of three laypersons, three judges and three lawyers, has the responsibility of investigating a list of complaints which includes misconduct in office, willful or persistent failure to perform duties and habitual intemperance. Because the sensitive work performed by the commission could make it subject to political or public pressure, LWVMA has filed legislation that would protect its existence by making it the product of constitutional amendment rather than statute. The League also supported legislation to improve the process under which the commission works.

### **Legal counsel for indigent people (1973)**

#### **The League supports:**

- a public defender system with sufficient funding to meet the need for adequate salaries, expanded staff and strengthened administration
- supplementary and coordinated use of assigned counsel with public defenders subject to standardized rules and fees to assure adequate supply of counsel
- reduced fee counsel for the near poor
- greater involvement of the private bar and law schools
- a flexible indigence standard with guidelines so as to neither cut off the needy nor overuse free counsel

### **League Action**

LWVMA has supported legislation that would improve delivery of legal services to people who are poor or who are near poverty, and also worked for the enactment of Ch. 673 of the Acts of 1983, which established the Committee for Public Counsel Services. This committee oversees the work of public and private attorneys who work with people who are indigent, establishes standards, supervises, provides training programs, establishes cost-control procedures and collects data.

### **Pretrial detention (1973)**

#### **The League supports:**

- expanded use of Release on Recognizance (ROR)
- speedy trial
- elimination of the bail bondsman
- court-administered bail

### **League Action**

Bail is intended as insurance that a defendant will appear in court to answer charges. Criteria other than

a person's ability to pay should be used to determine the conditions of the person's release pending trial. LWVMA supported the Bail Reform Act of 1971 with its provisions for presumption in favor of release on personal recognizance, speedy appeal of bail set and retention of the original bail set throughout the appeal process. Although release on recognizance (ROR) is used extensively throughout the state, a significant number of defendants remain who either must depend upon a bail bondsman to provide the money for pre-trial release or must remain in jail while waiting for the trial. Because LWVMA believes that the bail bondsman has no place in the judicial process, it supports greater use of ROR and legislation to establish a court-administered bail system.

The constitutionally guaranteed right to a speedy trial is a response to citizen concern for the protection of society and the protection of individual rights.

### **Probation services (1973)**

#### **The League supports:**

- state recruitment, training, evaluation and supervision of personnel
- an adequate number of probation officers, effective use of personnel and expanded use of paraprofessionals and trained volunteers
- the development of community resources through combined local support and state subsidy

### **League Action:**

Probation is used by the courts for supervisory care of a convicted individual without committing the person to a penal institution. The Probation Law of 1956 (Ch. 731) reorganized probation services statewide, established qualifications for probation officers and established special probation officers for juveniles.

Probation officers are responsible for gathering information about the offender that would help the judge determine the best sentence, as well as conducting investigations to determine bail and indigence. This is in addition to their responsibility to supervise those persons placed on probation. Alternative sentencing programs are the responsibility of probation officers.

LWVMA believes consistent policy and standards and uniform levels of program adequacy necessitate state recruitment, training, evaluation and supervision of personnel, and it helped make these goals achievable through the successful efforts of a coalition, by strengthening the Office of the Commissioner of Probation.

The League supports the availability of service purchase funds so that probation officers are able to

meet those needs of offenders that cannot be met through community services.

## **Indictment (1973)**

### **The League supports:**

- the defendant's option of screening by a preliminary district court hearing, screening by a grand jury or waiver of screening and a plea of guilty
- the defendant's right to examine the transcript of the grand jury proceedings before trial

### **League Action**

Indictment of criminal defendants should be a one-step procedure either through screening by a grand jury or by a preliminary hearing in the district court. The League supported 1976 legislation to eliminate the requirement for indictment by a grand jury and to increase the defendant's rights in grand jury proceedings.

## **Plea bargaining (1974)**

### **The League supports:**

- standardized procedures for negotiations between the prosecution and defense and/or defendant
- approval of a tentative plea agreement by the court followed by formal approval in open court

### **League Action**

Plea bargaining is a useful tool in the judicial process, one that should be controlled and formalized. Plea bargaining allows an overwhelming percentage of criminal cases to be disposed of quickly. Because so many cases are disposed of through the bargained guilty plea, plea bargaining must be conducted in accordance with fair, standardized procedures and the plea agreement must be approved in open court.

## **Juries (1974)**

### **The League supports:**

- use of a uniform, random selection method
- elimination of legal exemptions
- elimination of peremptory challenges
- a statewide, computerized management system
- adequate pay and shorter service
- public education about citizen responsibility to serve
- use of 12-member juries in the superior courts
- use of 6- or 12-member juries in the district courts at the option of the defendant

- use of unanimous verdicts in all criminal cases

### **League Action**

A model jury bill for Middlesex County, which LWVMA supported, was enacted in July 1977. The bill provides that the names of all citizens over 17 years of age, submitted by the cities and towns, make up the jury pool from which jurors are selected randomly. The only legal exemptions apply to felons and to people with incapacities that would prohibit performance of jury duty. Jurors serve for one day or for one trial. Employers pay full salary to employees for the first three days. People who are self-employed, retired or homemakers are reimbursed for expenses. After three days, every juror is paid \$50 per day by the court.

The League and other supporters of the model jury system worked to expand the system throughout the state. These efforts were successful in 1982.

## **Sentencing**

### **The League supports:**

- use of adequate and accurate information about the defendant (1974)
- required training, shared experience and continuing education for judges about sentencing (1974)
- legislative criteria and guidelines for sentencing (1974)
- more sentencing alternatives (1974)
- written reasons for sentencing (1974)
- the use of a prison sentence for: offenders who commit violent crimes against the person, habitual criminals, a sanction of last resort (1985)
- the use of adequately funded and supervised alternative punishments for: offenders who commit nonviolent crimes, first offenders, nonhabitual offenders, offenders who commit minor crimes, offenders where mitigating circumstances exist (1985)
- sentence lengths that encourage rehabilitation and reintegration into society (1985)

### **The League opposes:**

- indeterminate sentences (1974)
- the death penalty (1985)

### **League Action**

Judges should have the prime responsibility for sentencing, but judicial discretion should be limited by sentencing standards. LWVMA has supported the presumptive mode of sentencing, which presumes that the sentence for a particular crime will fall within

a certain range. The judge has the discretion to impose a sentence within that range or, considering mitigating or aggravating circumstances, may sentence outside the range and state the reasons for this decision in writing. LWVMA opposes mandatory sentence proposals because they leave the judge no room for discretion.

LWVMA has supported legislation that provides for alternative sanctions for people convicted of nonviolent crimes. Many district courts utilize community services or monetary penalties as alternative sanctions.

LWVMA recognizes that purely punitive or over-long sentences can jeopardize rehabilitation and reintegration and has lobbied for reasonable prison sentences.

In 1985 LWVMA reached a strong consensus in opposition to the death penalty and has testified in opposition each year.

### **Merger of probate, juvenile and district court functions as they affect the family (1974)**

#### **The League supports:**

- court consolidation so that jurisdiction over family matters is no longer fragmented

#### **Until such time as court consolidation is accomplished, the League will work for:**

- coordinated efforts among courts and agencies in dealing with family-related problems
- continued support for the measures outlined in the existing corrections position
- keeping status offenses under the jurisdiction of the court
- special training for juvenile judges who would hear only juvenile cases

#### **League Action**

The League is concerned about the fragmented approach to settling problems involving children and the family, and it supports legislation to improve record-keeping in the probate court and other measures to facilitate integration of information.

Divorce, custody, guardianship, adoption and nonsupport are under the jurisdiction of the Probate and Family Court Department of the Trial Court of Massachusetts. The Juvenile Court Department, also a division of the Trial Court of Massachusetts, has jurisdiction over delinquency, Children in Need of Services (CHINS) and Care and Protection petitions.

1973 legislation (Ch. 1073) decriminalized acts by children considered stubborn, wayward, truant or run-away. The law provides that a person in authority

(police officer, parent, guardian, superintendent) may apply for a court petition alleging that a child is in need of services. These children can then be referred to the Office of Social Services. Ch. 1076, which provides for Children in Need of Care and Protection, operates in the same manner. Funding to implement these laws is inadequate and there is a dire lack of facilities to provide the needed care.

### **Family law (1977)**

#### **The League supports:**

- the legal right of adoptees to know their origins under the following conditions: the court directs that medical records of biological parents and general statements regarding heritage be provided the court, at the request of an adoptee who has reached the age of majority and with the consent of the biological parents, provides information to the adoptee regarding the identity of the biological parents
- the same waiting period for all grounds for divorce
- need and ability to pay as the basis for decisions on questions of alimony, property settlement and child support
- statewide, uniform guidelines for alimony and child support
- mandatory separate counsel or advocate for children when custody is an issue in contested divorce actions
- community property measures

#### **League Action**

LWVMA supports legislation that would give adoptees the right to know their origins if the consent of the natural parent is obtained. The League has also supported the Uniform Child Custody Jurisdiction legislation and legislation that would simplify the process of equalizing property rights.

#### **Background**

- 1971-75: League members studied the Massachusetts court system as a continuation of their study of the structure of state government. Arousing citizen interest in the problems and needs of the courts and those whom the courts serve was also a concern. Members agreed that through a more unified judicial system, improved provisions for selection and tenure of judges, and ensured access to the legal process, Massachusetts courts would better serve the needs of all the people.
- 1977: Family law positions were adopted at convention.

- 1983-84: Alternative Solutions to Over-Crowded Prisons, a one-year study, was adopted at LWVMA convention. Members agreed that prisons should be used for offenders who commit violent crimes, for habitual criminals, or as a sanction of last resort, and that prisons should be recognized as the most severe punishment for the most serious crimes. For most other offenders a range of adequately funded and supervised alternatives to incarceration would offer better and more cost-effective opportunities for rehabilitation and for tailoring the punishment to fit the crime. Members agreed that long prison sentences jeopardize rehabilitation and reintegration into society, and that these sentences are not a deterrent to crime. While those offenders convicted of the most heinous crimes need to be institutionalized for life, it was recognized that over 90 percent of those incarcerated will return to society.
- 1983: A study of the death penalty was undertaken. Consensus was clearly in opposition to any death penalty.

## Elections & Voting Rights

### Goal

**Protect the right to vote of every citizen. (LWVUS) (1970)**

Voting rights are defined by the Voting Rights Acts of 1965 and 1970 and include all necessary action from registration through tabulating election results. LWVMA worked for lowering the voting age to 19 and then to 18. (1970-1971) LWVMA supported absentee voting for primaries (as was in effect for general elections). LWVMA worked for clarification of wording and summaries of ballot questions. LWVMA worked for extended and uniform polling hours.

**The League of Women Voters of the United States believes that voting is a fundamental citizen's right that must be guaranteed. (LWVUS) (1982)**

The 1986 LWVUS Convention affirmed an essential element for protecting the right to vote was encouraging participation in the political process. The 1990 convention affirmed that the LWVUS should continue emphasis on protecting the right to vote by working to increase voter participation. LWVMA reaffirmed that.

The LWVMA was active in pushing for passage of the National Voter Registration Act (NVRA) commonly called the Motor Voter Act. (1989-93) The League then pushed for passage in Massachusetts for effective enabling legislation to enact the law here. LWVMA has monitored the effectiveness of the Act.

LWVMA has supported efforts to increase the accessibility of registration and voting for people with disabilities.

LWVMA has supported legislation and procedures to clarify and make more available voting registration, including mail-in registration. LWVMA, as well as local Leagues, has run registration drives. LWVMA promotes universal registration as well as high school registration drives.

LWVMA consistently runs get out the vote drives. A sample of such a campaign slogan is: 'It's about your children's education, your taxes, your Social Security, your Medicare and your safe streets. It's about you and your family. Vote.'

LWVMA has supported legislation to remove administrative obstacles to voting and/or registration.

LWVMA has two workshops aimed at increasing participation in voting and in the political process, especially among the underrepresented. One is titled 'Empowering People through the Vote'. The other is entitled 'Empowering People through Advocacy'.

**Congressional districts and government legislative bodies should be apportioned substantially on population. The League is convinced that this standard, established by the Supreme Court, should be maintained and that the U.S. Constitution should not be amended to allow for consideration of factors other than population in apportionment. (LWVUS) (1966, 1982)** Supported, and some monitoring, by LWVMA.

**Goal: Improve methods of financing political campaigns should ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office and allow maximum citizen participation in the political process. (LWVUS) (1974, 1982)**

In 1975 LWVMA successfully supported legislation to establish the Office of Campaign and Political Finance which monitors compliance with reporting rules. The act provided money for partially financing campaigns with a voluntary \$1 add-on to the income tax form. It also sets limits to individual contributions.

In 1980 LWVMA successfully supported a bill to prevent private use of residual campaign funds.

In 1998 LWVMA successfully supported a Campaign Finance ballot question which passed with two thirds of the voters agreeing on public financing of campaigns of candidates who agreed to total spending limits as well as further limiting the amount and source of individual donations.

LWVMA has worked to reduce the influence of Political Action Committees (PACs) and lobbyist donors.

**The League of Women Voters of the United States believes that democratic government depends upon the informed and active participation of its citizens at all levels of government. The League further believes that governmental bodies must protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible. (LWVUS) (1984).**

LWVMA supported the passage of the Massachusetts Open Meeting Law. LWVMA then published a booklet which was given to many government officials and has been available to all which outlines the provisions of the law.

In 1991, LWVMA, following a similar position by the national League, decided to oppose term limits. Opposition is based on League positions and principles favoring open governmental system that is effective and visible, is representative, accountable and responsible. LWVMA was one in a lawsuit

claiming that the no term limits was unconstitutional. We won the lawsuit.

### **VOTING SYSTEMS (2005)**

**GOAL:** Voting systems should be easy to use, administer and understand, encourage high voter turnout, encourage real discussion on issues, promote minority representation, and encourage candidates to run.

When electing someone to a single executive office at the state level, such as governor or attorney general, including primary and general elections, the voting system should require the winner to obtain a majority of the votes.

The League supports instant runoff voting. Cost and complexity make two-round runoff not acceptable.

## **Executive branch**

### **Goal:**

An effective state government; a strong executive branch with lines of authority and responsibility clearly defined. (1963)

### **The League supports:**

- the power of the governor to reorganize the executive departments
- the right of the governor to appoint policy-making department heads whose terms will be concurrent with the governor's
- abolition of the Governor's Council
- a shortened ballot

## **League action**

### **Governor's Council (Executive Council)**

This eight-member appendage to the governor's office has the power to approve judicial appointments and gubernatorial pardons and to authorize expenditures from the treasury. The League was instrumental, in 1964, in the successful campaign to reduce the powers of the council to those granted in the constitution and to permit the governor to seek advisory opinions from the Massachusetts Supreme Judicial Court without consent of the council. This curbing of powers was accomplished after an initiative petition involving two signature drives, cooperative efforts with other civic groups, an attempt at legislative enactment (which failed by a tie vote), a statewide political campaign, and legal action before the Supreme Court.

A legislative amendment to the constitution abolishing the Governor's Council was part of the judicial reform package submitted to the governor in 1975. LWVMA supported the proposal and sponsored an unsuccessful bill that would have created a judicial nominating commission. Later, a judicial nominating commission was appointed by

the governor and continues to function as an appointed body.

Measures to amend the constitution to remove the Governor's Council's most important power, confirmation of judicial appointments, also failed. Senate confirmation could supplant council approval if further ratification were deemed necessary. The council's other duties could be absorbed by the executive branch.

Proposals for a constitutional amendment to abolish the Governor's Council or to limit its powers were supported by the League. The League opposes legislation to restore the Council's former statutory powers.

### **Shortened ballot**

The League would like the ballot to be shortened by making the offices of secretary of state and treasurer appointed positions. League members agreed that the positions of attorney general and auditor should remain independently elected. It was felt that the attorney general serves more as a chief law enforcement officer in the Commonwealth than as legal advisor to the governor and that the auditor is a necessary check on the administration's expenditure of money appropriated by the Legislature. The offices of secretary of state and treasurer are administrative positions rather than policy-making ones, although the treasurer does make policy by making decisions on investments. An election for these positions results in office-holders who owe no allegiance to the governor and who may act as political rivals, creating dissension within the executive branch.

### **Cabinet**

A 1966 amendment allowed the governor to submit plans for reorganizing state departments and agencies to the Legislature. The reorganization plan, which established a cabinet form of government in the Commonwealth's executive branch, became effective in 1971. The sprawling structure of some 300 executive agencies was streamlined by assigning each agency, according to function, a particular secretariat. An amendment allows the governor to reorganize state departments and agencies, subject to legislative approval. There are 10 cabinet offices: Administration and Finance, Communities and Development, Consumer Affairs, Economic Affairs, Elder Affairs, Environmental Affairs, Human Services, Labor, Public Safety, and Transportation and Construction. In 1980 the Office of Educational Affairs was abolished; in 1990 the Office of Energy Resources was abolished and its functions transferred as a division in the Office of Consumer Affairs.

### **Rules and regulations**

To maintain clear lines of authority and responsibility in the executive branch, LWVMA opposes measures that would require legislative approval of rules and

regulations promulgated by public agencies. For several years legislation was filed to require such legislative approval. To avoid a cumbersome and time-consuming process, the League supports legislation that would require the filing of a "statement of intent" with all legislation so that executive departments, when drafting rules and regulations, would have a clear idea of the intent of the Legislature. The League would prefer to have the Legislature and the agencies work together to develop the regulations. Local Leagues have used this position to encourage establishment of clear lines of executive authority.

### **Sunset laws**

The League supports bills, called Sunset Laws, that would require periodic review by the Legislature of the functions and services of state agencies. The Legislature would determine whether an agency should be continued or abolished.

### **Impoundment of funds**

The governor, in 1975, ordered that a portion of appropriated state funds for human services and educational needs not be expended. The funds had been included in a budget prepared by the executive branch and appropriated by action of the Legislature. The League believes the issues of whether programs are unnecessary or ineffective and whether there are insufficient funds are matters to be determined through the budget process after review by both the agencies involved and the Legislature. The governor has the power to veto appropriations before a budget is passed. The League supports legislation to control the impoundment of funds.

### **Background**

- 1961-63: The Constitutional Revision Committee focused on the League's efforts to strengthen the office of the governor. The Massachusetts constitution served as a model for the federal constitution. However members felt that a constitution written when the rule of royal governors created a distrust and fear of executive powers does not reflect the current situation. The magnitude, variety and scope of governmental powers requires an executive branch with clearly defined lines of responsibility and which is responsive to the people served.
- 1963-65: Structure of Government study considered methods of amending the state constitution. LWVMA came to no definitive position on method preferred and continues to consider all three

methods—legislative amendment, initiative petition and constitutional convention—whenever a change is needed. Political feasibility will dictate the choice. The League successfully campaigned for the following structural changes:

- 1964: The term of office for the governor and other constitutional officers was lengthened by constitutional amendment from two to four years, the gubernatorial election to take place in even off-presidential years.
- 1966: Joint election of the governor and lieutenant governor was approved in a statewide referendum.
- 1967: The Legislature approved an act establishing terms concurrent with the governor's for the appointed heads of certain departments and agencies.

## **Fiscal policy**

### **Goal:**

A state and local tax structure that will have an equitable impact on taxpayers and adequately support state services with consideration of the effect on the state and local economies; distribution of state aid in a manner that will equalize municipal resources; a comprehensive state budget system that will provide a basis for the evaluation of the cost and effectiveness of current state programs and long-range capital expenditures; up-to-date, uniform and accurate property valuation; and efficient management of the revenue collection systems. (1969-1979, 1992-93)

### **The Fiscal Relationship between the State and Local governments (2008) ...**

The League of Women Voters of Massachusetts believes that the Fiscal Relationship between the state and local government should incorporate and balance the following principles:

- **Equitability:** The Massachusetts LWV currently has positions that support the distribution of state funds in a manner that helps to equalize the resources of different municipalities. The equitability principle reinforces this position and its importance was affirmed (2008).
- **Flexibility in local spending:** Many municipal spending decisions are controlled either by state mandates or through laws that restrict municipal spending choices. This



principle would support allowing municipalities to have more control over local spending decisions, in light of the lack of equitability in state revenue distribution.

- Flexibility in local revenue-raising: Currently Massachusetts municipalities have very few options for raising revenue locally. This principle would support allowing municipalities more flexibility in raising revenue, in light of the lack of equitability in state revenue distribution.
- Dependability: A dependable budget relationship between the state and municipalities would ensure that state aid to municipalities is consistent and predictable year to year. On balance, dependability is of lesser importance than the other principles.

The League of Women Voters of Massachusetts supports changes in state laws to ease the financial burden on municipalities in the areas of:

- Municipal employee health insurance
- Municipal employee pensions

### **Tax structure**

The Leagues' opposition to "new local non-property taxes by state wide mandate or local option (1993) was eliminated (2008).

Proposals for new local non property taxes by state wide mandate or local option will be evaluated based on principles" in Fiscal Relationship section.

#### ***The League supports:***

- the use of certain commonly accepted criteria in judging taxes, particularly equitability, economic effect, flexibility, ease and cost of collection, and adequacy of yield (1967, 1979, 1993)
- a greater reliance on state-collected taxes to reduce the burden on the property tax (1970)
- enforcement of taxing income-producing properties of tax-exempt institutions (1970)
- an income tax with a graduated rate applied to income from all sources (1970)
- equal deductions and exemptions for earned and unearned income (enacted, 1967)
- a tax on rental income (enacted, 1971)
- preferential treatment for long-term capital gains for income tax purposes (1992)
- a capital gains tax that gives preferential treatment to the gain received from the sale of a primary residence (1992)

- an increase in revenue from the sales tax by broadening its base; continued provision for exemption of necessities such as food and medication, and clothing with a lower limit (1970, 1993)
- the application of "sunset" provisions to sales tax exemptions, for the purpose of providing periodic legislative review as to whether these exemptions reflect the criteria of equitability, economic effect, ease and cost of collections, and adequacy of yield (1993)
- the broadening of the sales tax to include certain non-essential services sold to individuals when taxing those services would meet LWVMA criteria and when the greater burden would fall on those most able to pay (1993)
- a modification in the estate tax to provide for a full exemption for the surviving spouse (enacted 1992)
- a modification in the estate tax to increase the level of no-tax status to correspond more closely to the federal exemption, and to make this level subject to periodic review (enacted 1992)
- increased taxes on liquor and cigarettes (1979)
- user fees (1979)

#### ***The League opposes:***

- a general sales tax (1970)
- adoption of new, local non-property taxes by state-wide mandate or local option (1993)

#### ***League action***

When the League developed its fiscal policy positions in the late 1960s and early 1970s, the state relied heavily on property taxes to fund essential municipal services. The League's principal concerns were that property taxes be reduced by a greater reliance on state taxes, and that the reduction takes place in a way in which municipalities with the poorest local tax bases would receive the most aid.

During the late 1970s and 1980s many of the League's original goals were met. Property taxes have substantially declined as a share of total state and local taxes, while reliance on income and sales taxes has increased. This shift has occurred because of the ceiling imposed on property taxes in 1980 by Proposition 2 1/2 and the subsequent increase in state financial aid to cities and towns, and because of the economic prosperity of the state during the late 1970s and early 1980s, which caused substantial growth in state personal income and sales tax revenues.

Some aspects of the state's tax system do not meet the League's criteria of equitability:

- The classification of the income tax, and the flat rates imposed on each class, prevent graduated rates that would better reflect taxpayers' ability to pay.
- Some sales tax exemptions cause undesirable losses in state tax revenues while granting privileged exemptions to favored individuals and businesses.
- Some cities and towns are not receiving the state aid that their circumstances warrant, principally because of the change to a needs-based formula with high save-harmless floors and minimum per capita increases.

The League has taken action in support of new state taxes because members recognize their responsibilities to provide adequate revenues to pay for the service programs they urge the Legislature to provide.

Based on consensus reached in 1992 on modification to the estate tax, the League was able to take immediate action by supporting legislation that would modify the estate tax in two areas that correspond to the League's new position.

The League supported the new provision for a full marital exemption for the surviving spouse (enacted 1992, became effective July 1, 1994) because it was cost effective, allowed for the retention of the graduated rate structure, and enabled the Legislature to retain its authority over the terms of the tax.

## **Earmarking Revenues**

*The League opposes:*

- earmarking specific revenues for specific purposes (1992)

*If an earmarking measure were proposed, the League would support:*

- that it be statutory instead of constitutional (1992)
- that it be subject to periodic review (1992)
- that it be subject to "sunset" provisions that limit the duration of such designation and allow the reversion of the earmarked revenues to the general fund (1992)

## **Tax and spending limits (1980)**

*The League opposes:*

- constitutional amendments to impose tax and spending limits

The League will evaluate statutory tax and spending limits at the state and local levels by applying the following criteria:

*Tax and spending limits should:*

- allow a community to meet its own public service requirements
- recognize and provide for varying fiscal situations
- encourage good fiscal planning
- meet commonly accepted criteria used in judging taxes
- allow for proper budget procedures

*and spending limits should not:*

- be borne unduly by the poor
- cause detrimental changes in the balance of power between state and local government
- encourage spending and taxing up to the limit

## **League Action**

Although League members do not favor limits in general, it was agreed that determining criteria by which to judge them gave flexibility to the League. Such action could prevent the adoption, through referendum, of strict limits with potential crippling effects on state and local government. League members oppose setting tax and spending limits through constitutional amendment. The constitution should continue to be a broad framework for legislative action and is not a suitable vehicle through which to set tax or spending limits.

The statute known as Proposition 2 1/2 (1980 ballot) failed to meet League criteria and the League vigorously but unsuccessfully opposed it. Proposition 2 1/2 allows overrides at the local level when funding for local needs is insufficient. Local League boards are encouraged to study any override proposal and determine whether to take a position.

Proposition 2 1/2 limits the property tax levy in two ways: 1) The maximum levy allowed is 2 1/2 percent of the total market value of real and personal property; and 2) the levy cannot increase in any year more than 2 1/2 percent of the previous year's levy plus an allowance for new growth from new construction or new accounts.

Proposition 2 1/2 also cut the motor vehicle excise rate from \$66/1000 value to \$25/1000. This caused a significant drop in the second largest local tax revenue account.

In the early 1980s, the Massachusetts economy was healthy and expanding. Increased state tax collections allowed for increases in local aid to offset some of the loss of local tax revenue under Proposition 2 1/2. By the late 1980s state revenue growth had slowed, school enrollment was climbing, the annual inflation rate was at 5 to 6 percent, and the fixed costs of

operating municipal government had increased dramatically. State aid, which had been increasing annually, became an uncertain source of local revenue. More communities were faced with the choice of cutting services or trying to override Proposition 2 1/2.

Many local Leagues, concerned by substantial cuts in essential services such as education and fire and police protection, examined override proposals and took action in support of them. Others opted to undertake voter service projects to inform voters about the choices.

The League supported legislation designed to relieve the burden of Proposition 2 1/2 on local governments, such as the proposal to tie the tax limit to the Consumer Price Index rather than the arbitrary and unreasonable 2 1/2 percent.

### **State mandates (1979)**

#### *The League supports:*

- realistic fiscal notes on any enacted legislation that would have an impact on local budgets
- a requirement for a greater-than-majority vote of the Legislature for passage of major unfunded state-mandated programs
- adequate levels of state funding for state-mandated programs

#### *The League opposes:*

- absolute prohibition of state-mandated programs

#### *League Action*

During the League's 1977-79 Financing Government Study, members examined the issue of state mandates and agreed that, in most cases, the state should not require cities and towns to perform functions that require the use of local tax dollars. Members also agreed, however, that the state has a legitimate interest in setting standards for many areas (education, safety, fire and police, for example) within local administration, and that state mandates are the only way such essential services will be provided throughout the state. Agreement was reached that fiscal notes should be enacted with any legislation that would have an impact on a local budget, that passage of major unfunded state-mandated programs should require a greater-than-majority vote of the Legislature, and that adequate levels of state funding for state-mandated programs should be provided. Proposition 2 1/2 requires full funding of all new state-mandated programs, unless voted by unanimous vote.

### **Distribution of state aid (1971)**

#### *The League supports:*

- distribution of state aid to cities and towns on an equalizing basis for public education and other municipal services
- continuation of state categorical grants for special programs, with the distribution of such funds on an equalizing basis

#### *League Action*

As the League has supported increased state aid to cities and towns to decrease reliance on the property tax, it has, at the same time, supported the concept that all state aid should work towards equalizing the ability of cities and towns to finance schools and other municipal services. Only by such equalizing distributions will the large discrepancies in the ability of cities and towns to raise property tax revenue, and thus adequately support both education and municipal services, be mitigated.

Since the enactment of Proposition 2 1/2, increasing amounts of state aid have been distributed to cities and towns, but the League remains concerned about distribution methods. No single formula has been proposed that meets League criteria. The League believes that state aid should be allocated by two separate formulas that function independently and are funded separately—one for education and another for municipal services. These two formulas would be used to determine all aid for education and for municipal services, not just the new increment that is added each year. Only in this way will state aid serve an equalizing purpose.

For aid to education, the League supported the use of the revised (1978) Ch. 70 formula. Increased state funding up to 50 percent on a statewide average is a goal yet to be reached. The League has filed a bill to make a change in the Ch. 70 formula to invert the fraction local equalized valuation per capita over state equalized valuation per capita. Because this change would give every community some increased aid when funding is increased, the League believes it would help eliminate the need for any save-harmless provision. The change would also make the formula simpler and easier to understand.

In 1971, the League developed the Equalizing Municipal Grant formula, for the distribution of municipal aid. This formula is used by the state to distribute lottery funds. The League would support the use of this formula for the distribution of local aid in conjunction with a revised Ch. 70 formula.

### **Property tax administration**

#### *The League supports:*

- a method of levying the property tax to allow different tax burdens on different types of property (classification) with local flexibility within a range established by legislation (1980)

- the use of up-to-date and uniformly accurate property valuations to ensure that state aid distribution formulas and assessments, using local valuations as their base, are fair (1970)
- strengthened and improved assessment procedures at both the state and local levels of government (1970)
- state publication of an up-to-date manual of assessment guidelines (1970)
- state-established qualification standards for those performing the assessment of property on both the state and local levels (1970)

### ***League Action***

**Classification:** The expected shift in the tax burden as a result of the implementation of the 1974 Sudbury decision, which required all communities to assess all classes of property at 100 percent valuation, led to the passage, in 1978, of the classification amendment. The League could not take a position on the initiative but did hold information meetings.

In 1980, as part of its study on tax limits, League members agreed that different tax burdens could be imposed on different classes of property as long as there was local flexibility. Local Leagues are encouraged to monitor classification hearings and keep the public informed.

**Assessment:** Because property taxes are based on assessment, local assessment procedures must be fair and equitable. The requirement that cities and towns revalue every three years, in addition to the training and certification of assessors and the efforts of the state Department of Revenue and the State Assessors Association, has advanced the quality of property tax administration. The League supports these programs and cooperative efforts to enable small towns to hire professional assessors, as well as improvements to the equalized valuation procedure by the Department of Revenue and a computer-assisted mass appraisal system at the state level.

### **State budgetary procedures**

#### ***The League supports (2008) ...***

- Transparency\* in the state budget and the budget process (2008).
- Timeliness\*\* in the fiscal relationship between the state and municipalities.

\*A transparent state budget would be clearly written, unambiguous and understandable for the general public. In addition, a transparent budget process would allow the general public to see how the budget is created. \*\* For example, timeliness would encourage the state to provide firm information on state aid to municipalities earlier in the budget cycle.”

#### ***The League supports (1969):***

- a comprehensive budget system
- identification of expenditures in terms of the services to be performed
- evaluation of governmental programs in relation to needs
- informed action by the Legislature and interested citizen groups
- long-range planning
- adequate accounting and auditing systems

### ***League Action***

The budget process affects all areas of League concern. The League supports a comprehensive budget system that will provide a continuous evaluation of the costs and effectiveness of state spending programs, and improved methods for judging priorities for operating programs and capital needs. The League worked for passage of legislation requiring an annual tax expenditure budget. This was accomplished by the provisions of Ch. 611 of the Acts of 1983.

Tax expenditures are special provisions in the tax code, such as deductions, credits, incentives or loopholes, or any provision that varies from the normal structure of the tax. They result in a loss of revenue to the state. A tax expenditure budget lists these special provisions for each tax and estimates the amount of revenue lost. It is an extremely useful tool to evaluate tax decisions and policies.

### **Background**

- 1962: Ballot initiative for a constitutional amendment allowing a graduated income tax, strongly supported by LWVMA, was defeated by the voters.
- 1962: Opposition to the general sales tax and support of a graduated income tax, LWVMA’s two major fiscal policy positions prior to this time, were dropped at convention.
- 1965-67: Public Education study touched on financing of education and aroused member interest in the total financial picture of the Commonwealth.
- 1967: Fiscal Policy study was adopted at Convention.
- 1967-69: Members endorsed criteria for judging taxes, equitability being of prime importance and adopted support for comprehensive budgeting.

- 1969: In the third year of the study, LWVMA evaluated the effect of the property tax on individual taxpayers, older cities and the quality of municipal services. Consensus was reached in support of greater reliance on state-collected taxes in order to decrease the burden of the property tax. Consensus was also reached, again, on support of a graduated income tax and opposition to the general sales tax (on food and medicine). Other positions included support for a tax on rental income (enacted in 1971) and support for better enforcement of the property tax on income-producing real estate of tax-exempt institutions.
- 1970: Study of state aid to cities and towns, to learn how the increased revenue resulting from greater use of state taxes should be distributed, resulted in support for equalized funding.
- 1971 Members agreed that reliance on state taxes should increase to reduce reliance on property taxes. LWVMA developed a formula, the Equalizing Municipal Grant (EMG) for the distribution of state aid. Although not used for its original purpose, the formula was added to the lottery bill and is used as the distribution formula for that portion of the lottery revenue given to municipalities.
- 1977-79: Financing Government Study reevaluated the Commonwealth's fiscal policies and their effects on the state economy. Members continued to support more revenue from a graduated income tax, a sales tax with a broader base, and increased liquor, cigarette and gasoline taxes. Members agreed that state-mandated programs neither could nor should be prohibited. Consensus was reached that realistic fiscal notes be required on any bill passed by the Legislature that would have an impact on local budgets.
- 1980: Consensus on tax and spending limits was reached. Members were opposed to amending the constitution to impose tax and spending limits. To maintain some flexibility in regard to statutory limits, however, agreement was reached on criteria by which to evaluate them. Members agreed to support classified property taxes.
- 1991-93: Leagues reporting consensus positions on the estate tax were unanimous in their support of a full exemption for the surviving spouse. It was felt that the current Massachusetts estate tax falls inequitably on middle income surviving spouses whose

major asset is often the family residence. The economic and behavioral impacts of the discrepancy between Massachusetts and other states were also seen as undesirable.

There was a strong consensus in support of an increase of no-tax status. Most League specifically recommended an increase to \$600,000; a few mentioned a lower level (\$350,000-\$400,000), "periodic review" or use of an "adjustment factor."

Study of the taxes on capital gains reaffirmed our position supporting the graduated income tax. Most Leagues agreed that if all income were lumped together and taxed at graduated rates, higher income people would pay a higher rate of capital gains than lower income people who also report capital gains. However, the Leagues reporting agreed that preferential treatment should be given to long term capital gains for income tax purposes and to the gain received from the sale of a primary residence.

LWVMA supports maintaining the flexibility of revenues by limiting the dedication of specific taxes and fees for specific purposes. The League believes that the Legislature should set program priorities through the budgetary process and that any program worthy of funding should be able to withstand the annual appropriation process.

Members expressed concern about the degree to which the concept of earmarking undermines a thoughtful, deliberative public policy decision process, particularly if it is constitutional rather than statutory. Rather than making the Legislature and executive branch more responsible to public concerns, earmarking may remove them from true accountability for budgetary decisions. The proliferation of dedicated revenues ties legislators to past decisions, jeopardizing funding of emerging needs.

The strongest argument for earmarking is the political one that it may appear to be the only way to raise needed new revenue. However, League members recognized that there is no assurance that new revenues will actually lead to the increased spending desired in the earmarked category, since even earmarked revenues are subject to approbation by the Legislature.

In year two of the study, the Leagues reporting expressed concern that new, local non-property taxes would increase the existing fiscal disparities among the cities and towns. In addition, Leagues were concerned about the difficulties and costs of administering additional local taxes and about the border problems that these taxes could cause.

Local Leagues reaffirmed their support for existing LWVMA positions calling for a greater reliance on state-collected taxes to reduce the burdens of the property tax, and for a distribution of state aid to

cities and towns in a manner that will equalize municipal resources. Leagues also expressed support for changes in Proposition 2 1/2 that would make this measure more flexible, such as indexing the allowable annual increase to an inflation factor.

In supporting the extension of the sales tax to selected services, League stated that those services that must be consumed by people of modest means should not be taxed, while those principally consumed by the wealthy (e.g., entertainment events, landscaping, and decorating) might be acceptable for taxation.

Leagues also expressed concern about the impact of sales taxes on services sold to businesses. They feared that businesses would simply pass the costs of such a tax on to consumers and that the competitiveness of Massachusetts suppliers of services would be lessened. On the other hand, some Leagues expressed interest in a regional (e.g., new England states) approach to sales tax on services sold to businesses as this would keep Massachusetts competitive in New England.

## Home rule

### Goal:

An effective state government; home rule for Massachusetts cities and towns in local matters. (1966)

### The League supports:

- constitutional home rule for Massachusetts cities and towns (adopted 1966)
- sharing of functions among all levels of government
- right of federal, state and regional governments to set standards of performance in broad areas of public concern
- cost-sharing by all levels of government to implement standards
- statutory implementation of home rule

## League action

### Home rule amendment

LWVMA supported passage of the home rule constitutional amendment in 1966. The people of every city and town were granted the right of self-government in local matters, limited only by the constitution and the standards and requirements established by state law. The amendment allows communities to adopt, revise or amend an existing charter under specific procedures. It put the responsibility for local government on the local level. Applying the Home Rule and Public Personnel positions, local Leagues can support removing their local personnel systems from state civil service, provided the local system is based on merit principles.

At the same time, specific restrictions were placed on the powers of cities and towns and the power of the General Court to legislate through general laws was affirmed. This was important for continuity of function throughout the state and for setting standards of performance in broad areas of public concern such as education, housing, health, public safety and the environment. The Anti-Snob Zoning Act (Ch. 774 of the Acts of 1969) and the hazardous waste sitting legislation of 1980 are examples of the state setting standards of performance in broad areas of public concern.

### Cost-sharing

The League finds it irresponsible for one level of government to force expensive programs on another level, and therefore, to implement standards, supports cost-sharing by all levels of government. Cost-sharing should develop a sense of responsibility, involvement and participation at each level of government. LWVMA supports adequate funding by the state for state-mandated programs. (See Fiscal Policy section)

### Implementation

In the late 1960s, the Special Home Rule Commission recommended legislation to facilitate the use of home rule, but the General Court did not accept any of its proposals. The governor, in 1975, established a home rule committee to explore ways to strengthen implementation of home rule. The committee, on which the League was represented, reviewed the state statutes governing municipal affairs and recommended a number of changes. The Legislature, however, has been reluctant to relinquish its authority in local matters. As a result, a disproportionate number of bills dealt with in the Legislature are so-called home rule bills, i.e. bylaw changes and matters passed by city councils or town meetings. Many of these matters should not have to go before the Legislature.

### Charter Commissions

Since the adoption of the home rule amendment, local League action has focused primarily on charter commissions. Often as a result of League action, many cities and towns have made use of home rule powers and elected charter commissions to frame or revise local constitutions. The success rate for new charters or charter revisions is not high. Voters often seem reluctant to make what seem to be drastic changes. It appears that charter commissions often recommend too many changes, creating local opposition. Changes often can be effected by new town by-laws or city ordinances.

Legislation has been enacted to improve procedures related to adopting and revising local constitutions. A League-supported amendment, which increased the time period allowed for a charter commission to submit a charter from 10 to 18 months, was approved by the voters in 1978.

## Background

- 1965: Home rule study was adopted. Members became aware of the problems of intergovernmental relationships, and the need for strong, effective local and state government.
- 1966: Consensus was reached regarding the need for increased home rule for cities and towns in purely local matters.

## Legislature

### Goal:

An effective state government; a strong and highly visible legislative branch, districted on the basis of population into contiguous, compact, single-member districts by an appointed, bipartisan commission and that maintains its traditional role as a democratic forum. (1967)

### The League supports:

- single-member districts to carry out the one-person, one-vote concept (effected 1974)
- an appointed, bipartisan districting commission (1973)
- a smaller membership in the House of Representatives (reduction by at least one-third of the 240 members) (effected 1978)
- a salary level high enough to attract and keep qualified legislators (1967)
- the principle of free petition with some modification in procedures for handling bills during the second year of the biennium (1967)
- strict adherence to the rules of late filing
- joint committees organized to reflect major areas of legislative concern with majority and minority parties making their own committee assignments (1967)
- adequate legal and research help
- the Legislative Research Bureau (1967)
- legislative procedures and a calendar that promote both efficiency and democracy (1988)
- a requirement that the Legislature prorogue (adjourn) no later than the election in state election years (1988)

### The League opposes:

- limiting the legislative session to less than seven months (1988)
- a filing fee (1967)

## League action

Much about the Legislature has changed since the League completed its study in 1965: sessions are longer, more legislators consider themselves full-time, more bills are filed, issues are more complex and technical, more women and minorities hold office. Massachusetts is one of nine states with Legislatures that may be considered full-time.

### Staff and office space

Since the reduction in the size of the House of Representatives in 1978, each representative has an office, secretarial assistance, at least one aide and a higher salary. For many years, senators have had adequate office space and staff assistance.

LWVMA supports enlightened personnel practices for legislative staff and the equitable assignment of office space and supplies. The Legislature considers approximately 7000 bills each year. Legislative committees and individual legislators need competent staff to provide assistance in law revision and codification, bill drafting, budgetary and fiscal analysis, research and planning.

The Legislature should establish uniform standards for hiring, supervision, hours and salaries of legislative staff. Individual legislators should retain the right to select their own aides.

### Legislative compensation

The League supports adequate salary levels for legislators with procedures to determine compensation. A permanent bipartisan commission to establish salaries for the legislative, executive and judicial branches should be established. Salary changes should be deliberated in open sessions and adopted by roll call vote. Legislative pay raises should not be tied to collective bargaining contracts.

The League opposes the large salary differential between the legislative leadership and rank-and-file members. Although the speaker, Senate president and some committee chairs should receive additional compensation, their current salaries are disproportionately high, both in relation to members of the Massachusetts House and Senate and to the compensation of their peers in other state Legislatures.

### Committees

All 22 substantive committees of the Massachusetts General Court are joint committees of the House and Senate. Each committee is organized around a governmental matter (for example, health care, taxation). Each branch also has three standing committees: Bills in Third Reading, Rules, and Ways and Means.

The League supports the use of joint substantive committees, but favors a reduction in their number and a reassignment of responsibilities. As much as possible, committee assignments should provide

equal workloads for legislators, take into account their interests and knowledge, and reflect the composition of the Legislature, including geographic distribution.

The League supports orderly committee procedures and adequate physical facilities for committee deliberations. Records of committee work and hearings should be kept. Committee hearings should provide ample opportunity for testimony by both proponents and opponents of bills. Executive sessions (committee deliberations other than hearings) should continue to be open to the public except when closed for good cause by committee vote.

In the case of bills reintroduced in the second session of the biennium, there should be adequate opportunity for written public comment if the requirement for a formal committee hearing is waived.

### **Rules of procedure**

The League's 1987-88 study of the length of the legislative session included a review of legislative procedures. Members reaffirmed their support of legislative procedures and a calendar that promote both efficiency and democracy. The League supports: setting the calendar for formal sessions, committee hearings and executive sessions well in advance to allow members, officials, and the public to plan ahead; measures to minimize conflicts in legislators' schedules; using the intersession period, if there is one, for legislative business such as hearings, planning and printing of new bills.

The League also endorses measures to reduce the large number of bills filed, including stricter filing deadlines, carryover into the second session of the biennium of all bills not yet acted upon, limiting refiles in the second year of the biennium, and statements of subject and intent that are combined with similar proposals into a single bill (called "short form" bills).

The League opposes limiting free petition and restricting the number of bills filed by individual legislators. The League supports implementation of home rule as a means of limiting local and special bills and also supports greater administrative authority over purely administrative matters for the same reason.

Several League-advocated changes have been made: legislators must have a copy of the budget well in advance of debate; House and Senate minority leaders appoint members of the minority party to committees; constitutional amendments must be reported on by joint committees no later than the last Wednesday in April.

Some rule changes were adopted by the House in 1985: nominations of committee members by the speaker and minority leader are subject to ratification

by the appropriate party caucus; committee hearings and staffing levels are not scheduled in conflict with formal sessions of the House; there is provision for the discharge of bills from the committees on Bills in Third Reading and Ways and Means within 45 days of commitment by a vote of 40 percent of the members; House financial accounts must be audited each year; general appropriation bills and capital outlay bills must be in print in advance of debate.

Senate rules changes were more modest: audits of Senate finances are made periodically, but "periodic" is not defined; all bills must be in print 24 hours before a vote is taken.

In 1989, the Senate made discharge of bills from the Committee on Bills in Third Reading easier, by a majority vote rather than two-thirds, and after 30 days rather than 45 days. The Senate also voted to eliminate lame duck sessions and to allow bills that have passed one legislative branch to carry over to the next legislative session rather than starting the deliberation process over in both houses.

Both branches adopted rules to prevent late-night sessions except by vote to suspend the rules. Deadlines are 8 p.m. in the Senate and 10 p.m. in the House.

Rules of procedure are not law and are adopted one biennium at a time. They can be suspended or amended at any time.

### **Length of session**

As a result of its 1987-88 study of the length of the legislative session, the League dropped its unconditional opposition to a constitutional or statutory limit on the length of legislative sessions and agreed to support measures to eliminate lame-duck (post-elective) sessions. The League continues to oppose a constitutional or statutory provision that would limit the session to less than seven months. Rules of procedure that allow for an orderly flow of legislation, together with discipline on the part of leadership and members, are preferable to a constitutional amendment limiting the length of the legislative session.

If a limit is imposed on the length of legislative sessions, there should be flexible provisions for calling special sessions. In the study LWVMA members agreed that:

- the governor should have the power to call a special session; the Legislature should have the power to call itself into special session by petition of a majority of both houses
- special sessions should be called when the welfare of the Commonwealth requires it
- the Legislature should be able to add to the agenda of a session called by the governor



The present provisions for calling special sessions are consistent with these criteria.

### **Filing fee**

Every Massachusetts citizen has the constitutional right to submit bills to the Legislature. As recently as 1965, one-third of all bills filed were such free petitions. Today fewer than 5 percent are in that category.

The League supports the principle of free petition and opposes as discriminatory a fee for filing a citizen petition. The League does, however, favor carryover of bills to the second session of the biennium with a limit on refiles in the second session (see rules of procedure above).

### **Apportionment**

The Massachusetts constitution gives the responsibility to the General Court for shaping districts from which representatives and senators are elected. Redistricting occurs every 10 years. After the 1990 federal census, the Legislature began to redraw congressional and legislative districts. The League will monitor the process for both the Legislature and Congress to ensure that redistricting is done in a fair manner based on the one-person-one-vote concept and that districts reflect racial and ethnic populations. LWVMA supports single-member districts and redistricting by an appointed bipartisan commission. Multi-member districts were eliminated many years ago, but the goal of a non-partisan district commission remains elusive.

### **Background**

- 1967: Consensus was reached on some specific ways to modernize the structure of the Legislature. Several goals have been reached, for instance the electronic roll call in the House of Representatives.
- 1978: The size of the House of Representatives was reduced from 240 to 160 members as a result of an LWVMA initiative campaign.
- 1987-88: One-year study of the length of legislative sessions and related issue of legislative procedures resulted in a modification of the League's position on the length of sessions and an explicit statement in support of procedural change.

### **Public personnel**

#### **Goal:**

A public personnel system based upon merit principles and enlightened practices. (1969)

#### **The League supports:**

- efforts to ensure a personnel administration adequately staffed and financed, directed by qualified persons, and ultimately unified in a single agency (unification enacted in 1974)
- improved and expedited methods of recruitment, examination and appointment
- improved incentives, such as proper remuneration, in-service training, and wider opportunities for promotion
- modification of veterans' preference

#### **The League opposes:**

- improper extension of civil service coverage

### **League action**

#### **Organization**

Special commissions in 1938, 1967 and 1979 made comprehensive studies of the personnel system. The League was represented on these commissions and served on the Special Civil Service Commission that submitted its recommendations to the Legislature in 1980. These were incorporated into a bill that was signed into law as Ch. 767 of the Acts of 1981. The law provides for performance evaluation, a career executive service, decentralization of the state system, improved recruitment programs and examination procedures and a local option, Ch. 31A, which gives cities and towns the option to manage their own personnel system subject to state standards and guidelines. The commission's recommendation to modify absolute veterans' preference was removed by the Legislature. A separate management pay bill intended to improve salaries of management personnel was enacted in 1981.

Evidence indicates that the legislation has not accomplished all the commission had hoped. The success of the law depends upon adequate funding and a commitment of both the executive and the legislative branches to a personnel system that recruits, retains and rewards state employees based on merit alone.

#### **Administration**

Administrative changes were made in 1974 with the unification of the Bureau of Personnel and the Division of Civil Service in the Division of Personal Administration (DPA) within the secretariat of Administration and Finance. The five-member Civil Service Commission retained its appellate and rule-making authority, the division its administrative function. Ch. 767 elevated the division into department status and created three divisions within the department.

#### **Recruitment and training**

Efforts have been made to improve recruitment procedures, to recruit on college campuses, and to recruit under-represented groups such as minorities,

women, people who are economically disadvantaged and people with handicaps. Management-training programs have been instituted; some are in conjunction with colleges and universities. The DPA works with community organizations to expand representation of people taking civil service examinations.

### **Examination**

Ch. 767 attempted to address the problems of long delays in giving and grading examinations and in preparing lists of people eligible for appointment due to excessive appeals of examination marks. DPA has made progress through better test construction, examination administration, scoring and preparation of lists of people eligible for appointment. Inadequate funding has hampered efforts to improve examination procedures. In 1973, legislation was aimed at reducing unnecessary and time-consuming appeals. Statutory prohibition against education qualifications for some positions, including a high school diploma for police officer candidates, was abolished in 1967, but some prohibitions still exist. Walk-in examinations for certain positions are given, and training, education and experience may be used in place of written examinations.

### **Provisional appointments**

More than 18,000 state and municipal employees had provisional appointments in 1980. These employees entered public service without taking examinations and were placed on a certified list of people eligible for appointment. These appointments were partly due to the excessive delays in giving and marking examinations and preparing lists, but also represent circumvention of the system by appointing authorities. The goal was to have all such designees tested by June 1986.

### **Performance evaluation and appointment**

A standardized objective performance appraisal method aids in determining promotion, compensation, retention and dismissal. It is an important tool in achieving a merit system and is an opportunity for individual employee development.

DPA began a pilot for implementation of the Performance Management System for state managers; a performance evaluation program for non-managerial employees is a long-term objective.

### **Delegation and decentralization**

The decentralization of the state civil service system would give greater responsibility to state agencies for administering their personnel systems. This should be done under supervision of the DPA and according to merit principles. Ch. 767 allows the Personnel Administrator to expand the decentralization program to give state agencies greater responsibility for personnel management.

Through the Home Rule positions, the League advocates giving greater flexibility to local personnel

systems either by delegating more responsibilities to local personnel administrators or by giving local communities the option to completely decentralize their systems from state supervision while retaining state guidelines. The League believes this must be done only when communities demonstrate an ability to administer their systems according to sound and equitable merit principles.

Ch. 767 established Ch. 31A that allows a local option provision to permit local communities to establish their own personnel systems subject to approval by the DPA. Budgetary limitations imposed by Proposition 2 1/2 make it unlikely that many communities will take advantage of Ch. 31A. DPA established the Bureau of Local Government to improve its services to local communities and to provide technical and training assistance either for their personnel systems or to decentralize under Ch. 31A.

### **Modification of veterans' preference**

A point preference system is preferable to the absolute veterans' preference in the appointment of public employees. Presently, any veteran with a passing score is placed on a list for appointment above any other applicant who may have a higher score. Disabled veterans are placed at the top of the list.

A 1975 lawsuit (Feeney vs. Commonwealth) charged that the veterans' preference law discriminated against women. A U. S. District Court twice ruled the Massachusetts law unconstitutional for that reason, but the U. S. Supreme Court upheld the state's absolute preference law.

Efforts to modify absolute veterans' preference have not been successful.

### **Affirmative action**

The League opposes discriminatory hiring practices and supports affirmative action programs that would aid people who are disadvantaged, such as minority populations, women and people with handicaps. A program included in Ch. 767 provides flexible employment hours. Ch. 682 of the Acts of 1983 continued earlier legislation to provide training programs for disadvantaged populations. The Civil Service Commission, the appellate and rule-making authority within the DPA, has promulgated rules designed to correct past discrimination in public employment.

### **Background**

- 1930s: League goals included modification of veterans' preference, elimination of discrimination in public employment, and extension of the merit system to county government.

- 1959-60: LWVMA reviewed the public personnel system.
- 1967-69: County Government study reaffirmed a position in favor of a civil service system for county employees, but the League did not favor adding county employees to the state's personnel system until major improvements have been made.
- 1979-80: Local Leagues, studying civil service, found some improvements in the system, but determined that much remains to be done.

# Natural resources

## Goal:

Promote an environment beneficial to life through the protection and wise management of natural resources in the public interest by recognizing the interrelationships of air quality, energy, land use, waste management and water resources (LWVUS) (1986)

## Air

Air pollution from automobiles is the Commonwealth's greatest air pollution problem. Leagues have been involved in a number of activities over the past 15 years aimed at reducing this pollution. Signatures were collected and a successful statewide referendum in November 1974 allowed the use of Highway Fund monies for mass transportation purposes.

LWVMA participated in the effort to pass the legislation for Massachusetts' automobile inspection and maintenance program. Implementation of the law was pursued by participating on the advisory committee, arranging demonstration sessions and distributing public education materials.

For a number of years, the League has opposed relaxation of the open burning ban and the burning of higher sulfur fuels. There has been careful review of the conversion of power plants in the state from oil to coal. These conversions have been undertaken only if the total emissions could be reduced. Most recently the concern about sulfur dioxide emissions comes from the connection to "acid rain."

The state League has coordinated local League action on the renewal of the federal Clean Air Act and passage of acid rain control legislation. Local Leagues have lobbied members of Congress and conducted public information sessions about acid rain.

Further League action involves the enforcement of air pollution laws. In 1971, the League-supported Citizen's Right of Action bill became law. This Massachusetts legislation gives any 10 Massachusetts citizens the right to initiate suit against alleged polluters. One provision of the law permits citizen action against regulatory agencies to make them enforce their rules and regulation; the other permits suits against industrial polluters.

In 1985, the League-supported Administrative Penalties bill became law. This allowed the Massachusetts Department of Environmental Quality Engineering to levy fines against polluters. Further air quality action included review, comment and lobbying on a variety of legislative and regulatory proposals such as air quality review under

the Massachusetts Environmental Policy Act, the state implementation plans for attainment of national air quality standards in Massachusetts, right-to-know legislation concerning toxic substances in use in a community or workplace (enacted, 1984) and state acid rain control legislation (enacted, 1985).

## Coastal zone management

League support for and action to implement coastal zone management comes from the LWVUS land use position. The League worked for passage of the federal Coastal Zone Management Act (CZMA) in 1972 and for amendments in 1976. The CZMA sets up a federally funded, voluntary state program to encourage wise development of the nation's coasts.

The Massachusetts Coastal Zone Management Plan (MCZMP) consists of 27 policies which form the only formal written statement of environmental policy for the state. The League was involved in the development of the plan from 1974 through 1976 and has continued to monitor its implementation.

As long as Massachusetts has a coastal zone management plan approved by the U.S. Secretary of Commerce, all federal actions directly affecting the coast must be consistent with that plan. The federal consistency section has provided the state with the opportunity to consult with federal agencies early in the decision-making process to be sure the concerns of the state and its citizens are recognized. The League will continue its work for this aspect of state's rights.

The MCZMP has been unique in using federal and state money to help local communities develop activities and programs that implement the state policies. As federal funds lessened, the League sought legislation to establish an office of coastal zone management in the Executive Office of Environmental Affairs, funded by the state through the budget process. Comprehensive coastal protection legislation was passed in 1983 after three years of League work.

Adequate funding for the Massachusetts office of coastal zone management continues to be a concern. Alternate sources of federal funds have been proposed, among which are funds from the revenue generated by the leasing of outer continental shelf lands for oil and gas exploration and development.

## **COASTWEEKS**

A national observance of coastal issues, originally held during the second week in October, COASTWEEKS had its beginnings in Massachusetts. Developed, promoted and administered by LWVMA, it has become an annual month-long celebration. LWVMA has been the coordinating point as local Leagues and other organizations plan activities suitable to their communities.

### **Coastwatch, 1990**

From 1982 to 1990, the League's natural resources committee established the Coastwatcher network to encourage wise public action regarding coastlines. League Coastwatchers supported passage of the 1983 Coastal Barriers Resources Act and monitored its application.

The network of Coastwatchers expanded to include local and state coastal Leagues in other parts of the country. They generated public support for national legislation that prohibits disposal of plastics in the ocean, reauthorization of the National Sea Grant College program and a national housing bill insurance alternative for homeowners threatened by coastal erosion. Coastwatchers also worked for the continuing moratorium on outer continental shelf drilling on the Massachusetts and California coasts. In 1990, the League supported designation of Stellwagen Bank as a National Marine Sanctuary, which would further protect that area.

## **Energy**

The national energy study consensus in 1978 gave priority to conservation, renewable resources such as solar heating and cooling, bioconversion, wind and the environmentally sound use of coal. The League believes that conservation is the key to sound energy policy and must be encouraged through governmental action and incentives.

In 1980, LWVMA gave priority to legislation that would establish a Residential Conservation Service Program (RCS) and provide interest subsidies to families with low or moderate incomes in order to enable them to take conservation measures.

The League has supported legislation designed to encourage conservation by requiring disclosure of energy costs and audits, requiring appliance efficiency standards and encouraging the development and use of renewable energy systems.

The LWV consensus position states that reliance on nuclear energy should not be increased. Special attention must be given to solving waste disposal and other health and safety problems associated with this energy source. The League supported legislation regulating radioactive waste storage, nuclear plant safety and emergency planning.

## **Environmental quality**

The Massachusetts Environmental Policy Act (MEPA) was enacted in 1972 with the backing of the League and a coalition of citizens' groups. The legislation requires all state agencies to prepare and disseminate written reports to demonstrate that all practical means are being taken to minimize damage to the environment when state projects are being undertaken. The secretary of environmental affairs is charged with review of these reports.

The act also establishes an Office of Environmental Protection in the attorney general's office and gives the attorney general the authority to act on cases without waiting for referral from departments or agencies. Ch. 50 of the Acts of 1974 established a special commission on environmental impact laws. This commission, which included a League representative, was charged with investigating the costs and benefits of MEPA.

### **Incidence of Cancer Registry**

In the 1979 legislative session, the League supported a bill to establish a registry in the state Department of Public Health that would collect data on the incidence of cancer in Massachusetts. The registry would provide base-line environmental information necessary to direct programs of research and prevention. Although the bill passed the 1979 legislature and was vetoed by the governor, it was refiled the following year and enacted into law in 1980.

## **Land use**

In 1985, LWVMA focused on helping local Leagues respond to the overwhelming impact of growth and development on local services and the environment. A series of regional workshops were offered, a video tape produced, handbook assembled and several public forums held on the development process.

Approximately 50 local Leagues participated in some way in this action focus, applying a variety of League positions to growth and development issues. Activities included: studies of existing zoning laws and regulations, growth and change in the community and open space plans; lobbying for professional planners, land acquisition and city charter reform; educational forums regarding housing and regional approaches to growth, land use, transportation issues and county government.

The Land Use Symposium Project in 1976-77, funded by the Massachusetts Foundation for the Humanities and Public Policy, was a major League effort to encourage public discussion of land use and growth-policy-related issues. Other land use activity included testimony to the Bureau of Land Management regarding off-shore drilling, support of farmland preservation through development rights purchase and participation in the Coastal Zone Management Plan process.

Growth policy was the major focus of LWVMA's land use action in 1975 and 1976. The League reviewed and commented on a 1975 publication of the state's Office of State Planning and supported the Growth Policy Development Act. The League also monitored and encouraged local League and public participation in the growth policy process and commented on the Metropolitan Area Planning Council regional report.

September 2000 brought the passage of the Community Preservation Act (CPA). This legislation was 15 years in the making and LWVMA worked to keep its members on top of its changes and progress. LWVMA supported passage of the CPA, which allows towns and cities in the Commonwealth to tax themselves and use the funds for land preservation, historic preservation and affordable housing. However, LWVMA does not support the enactment of the CPA in individual towns and cities in the Commonwealth. Local support for the enactment of the CPA is the responsibility of individual local Leagues, based on the local league's careful study of their community's priorities and needs and knowledge of the offerings and implications of the CPA. To that end, we informed and educated our members in the aspects of the legislation that would help them determine if the CPA was right for their particular community.

## **Waste management**

### **Hazardous waste**

Under a federal agreement, New England's hazardous waste continues to be shipped to commercial incineration and disposal facilities outside New England. Some recycling of solvents and treatment of metal-bearing wastes does take place in New England; some large generators have on-site capacity. As the out-of-state sites are filled, New England must develop sites within its boundaries. Siting of new facilities continues to encounter local opposition. Many people agree that the state's siting law (Ch. 21) should be amended.

### **Household hazardous waste program**

Concern about public health and environmental problems caused by household hazardous waste led to a household hazardous waste collection program in 1981. In 1982, LWV Lexington, after a local study of hazardous waste management issues, recommended and initiated a local collection program. Since that time, collection programs have been held across the country, many of them organized by local Leagues. LWVMA developed household hazardous waste kits, which detail the need for collections and the process for organizing them. The third edition was published in 1990. A video tape, "Beginning at Home: Tackling Household Hazardous Waste," was also produced.

### **Superfund**

The Massachusetts superfund law was enacted to

clean up hazardous waste spills and sites that are not on the 1980 federal superfund law's list. The law requires responsible parties to clean up the spill or the contaminated site according to state procedures if they have the available funds. The law provides for a \$25 million clean-up fund to be made available for the clean-up if there is not an available or known responsible party.

An LWVMA representative sat on the state superfund advisory committee. This committee developed a contingency plan for the state that specifies the manner in which the law must be implemented. Among the considerations were the transporter's fee, a strategy for spill and site clean-up, and a public participation program.

The national priorities list, established under the federal superfund law, includes 812 sites of which 21 are in Massachusetts. The federal superfund law established a complicated 18-month process to assess the nature of the site-specific programs and to recommend clean-up options.

### **Low-level radioactive waste**

The Low-Level Radioactive Waste Policy Act of 1980 made states responsible for the disposal of low level wastes generated commercially within their borders. Under the provisions of this act, states could form regional compacts to establish disposal sites and refuse to accept wastes from states outside their compact region after January 1, 1986. State legislatures approve a state's membership in a regional compact, which becomes legally binding with the consent of Congress.

During 1981, an LWVMA representative served on the Low-Level Radioactive Waste Oversight Committee formed to advise the Department of Public Health on nuclear waste issues and public education. The League strongly opposed legislation to site a low-level radioactive waste disposal facility in Massachusetts and helped draft substitute legislation establishing a study committee. This substitute legislation, Ch.738, passed in 1981.

Low-level radioactive waste disposal issues and the Regional Waste Compact were LWVMA's education and education priorities during 1982 and 1983. The League co-sponsored, organized and spoke at three conferences on low-level waste issues and was represented at major environmental conferences throughout the state.

The Special Legislative Commission on Low-Level Waste, on which the League was represented, was charged with assessing low-level waste disposal issues, making recommendations on the Commonwealth's participation in a regional disposal compact, and drafting sitting legislation.

In 1984, LWVMA organized a two-day low-level waste conference, funded by the Department of

Energy, for the 11 state Leagues in the northeast. The conference purpose was to inform key public interest groups about technical and compact-related low-level waste management issues, and to initiate dialogue within the 11 northeast states. Criteria were drafted for evaluating low-level waste compact proposals and accepted by participating Leagues. The conference was videotaped and segments were made available for public use.

### **Solid waste**

The League has advocated for a comprehensive solid waste management program at the local, regional, state and federal levels and interprets the interrelatedness of different solid waste options. It has lobbied for bills to implement regional resource recovery, including financial incentives for siting facilities, revenue bonds for financing and mandatory compliance with public health standards by local disposal operations. Local Leagues have lobbied for improved methods of disposal in cities and towns across the state. The League has encouraged government to increase solid waste public education efforts and public participation activities. The League publicizes solid waste systems and lobbies for recycling, environmentally sound land disposal and hazardous waste management. Solid and hazardous waste disposal were LWVMA legislative priorities in the late 1980s... The Solid Waste Act and Hazardous Waste Act were passed in 1988.

### **Source reduction**

LWVMA played an active role in the statewide coalition promoting the Bottle Bill and was especially successful in the areas of fundraising and local group endorsements. With the implementation of the Bottle Bill in 1983, the League reached one of its goals—a 7 percent reduction in the solid waste stream. To date there have been few new refillable bottles; instead there has been an increase in the number of plastic soft drink containers. The current non-reusable beer and soft drink containers are able to be recycled, whether plastic, aluminum or glass. Since 1988, the League has worked in support of legislation that would promote environmentally acceptable product packaging. Packaging would be reusable or made of recycled materials.

### **Recycling programs**

Concern and enthusiasm are strong at the local level. Many suburban communities have initiated recycling programs. The League has provided technical assistance to local recycling programs. Continuing problems are marketing low-value materials (such as glass and paper), high collection costs for curbside pickup and the need for additional markets.

### **Resource recovery facilities**

As available landfill space diminished, resource recovery facilities were viewed by many people as desirable alternatives. The League provided local Leagues in northeastern Massachusetts, the Route

128 west area and the Worcester region with information on resource recovery. One facility has opened in Haverhill-Lawrence, and another in North Andover services 22 communities plus commercial waste. By 1990, facilities had opened in Millbury, Worcester, Springfield and southeastern Massachusetts.

### **Landfills**

Numerous landfills throughout the state have been closed in recent years because of existent or imminent groundwater contamination. Corrective actions must be taken at these sites and evaluations made at less obviously contaminated landfill sites. Additional landfills will be closed in the near future because they are either filled or contaminated. Siting of new landfills is difficult because of local opposition and lack of suitable undeveloped and environmentally protected land.

### **Water**

Groundwater protection is an area of increasing activity as concern grows over the dangers of contamination from: improper disposal and/or the landfilling of solid and hazardous wastes; use of pesticides and herbicides; inadequate monitoring of underground storage tanks of petroleum products and other chemicals; and improper storage and overuse of salt and other road de-icers.

In addition to supporting legislative efforts relating to groundwater protection issues, LWVMA has also worked to require regular monitoring of bottled water purity.

LWVMA was an early supporter of the creation and funding of the Massachusetts Water Resources Commission (MWRA), whose primary function is to provide coordinated management of the water and related land resources of the Commonwealth. The League has supported its long-range planning for adequate water supplies. LWVMA continues to monitor the deliberations and decisions of the Water Resources Commission and the MWRA.

Section 208 of the Federal Water Pollution Control Act water planning process received particular attention from both citizen participation and water quality standpoints. In 1976-77 the 208 Task Force, under a pass-through grant from LWVUS, worked for public participation in statewide planning with emphasis on the Connecticut and Merrimack River areas.

The League supported the Clean Waters Act of 1966 which established a division of water pollution control. Water quality hearings held by this division in 1967 resulted in a system of river and coastal water classifications plus a plan to meet the standards.

The League has supported federal and state aid for the construction of municipal water treatment plants while local Leagues have sought local appropriations to cover the municipal share of construction costs.

The value of the Commonwealth's wetlands to wildlife, fisheries, water resources and recreation has led to a number of laws designed to protect these natural resources. The 1963 Jones Act and the 1965 Coastal Wetlands Act deal with salt-water marshes. The 1965 Hatch Act and the 1968 Inland Wetlands Protection Act protect fresh water wetlands. These laws restrict the development of certain wetlands and regulate the filling and dredging of others. Action begun in 1971 to strengthen the Jones and Hatch acts was completed in 1972 by the passage of Ch. 784. This act combines the two regulatory statutes and places regulatory authority with local conservation commissions. It also directs the Department of Environmental Management to map the Commonwealth "so as to make available to municipalities the delineation of wetlands within their boundaries."

The League followed the study of the Special Legislative Commission on Water Supply and commented on its content. Subsequently the League has worked for passage of legislation proposed by the commission including measures to:

- provide means to ensure adequate and equitable distribution of the water resources of the Commonwealth under all situations
- protect critical water resources
- mandate or encourage water conservation measures through a variety of means
- restructure water rates to cover the costs of supply
- mandate or encourage repair and rehabilitation of water systems

In 1983, the Interbasin Transfer Bill became law. The League supported the measure requiring that any water supply system must utilize all reasonable means available within its existing situation and geographic boundaries to meet its water needs before it may divert water to supply its needs.

A complete revision of the administrative structure of the metropolitan Boston water supply and sewer system took place in 1984. Spearheaded by court suits over the degraded condition of Boston Harbor and its waters, the legislature established the Mass. Water Resources Authority to run the water and sewer divisions formerly administered by the Metropolitan District Commission. The authority had the freedom to sell bonds and establish cost-based pricing. With a legislative mandate to clean up Boston Harbor and with federal courts' oversight, the authority took control in 1985. Plans are underway

for improved and upgraded sewage treatment facilities.

The Water Management Act became law in 1985. This piece of legislation recognized surface and ground waters as interrelated parts of one system; it established a permitting system for withdrawals over 100,000 gallons per day as a means of knowing who uses water from which source and for what purpose; it authorized the Department of Environmental Quality Engineering (DEQE) to oversee permitting of new or increased usage so as to safeguard the integrity of the source; and it authorized DEQE to exercise emergency judgments and make allocations when necessary.

A 1985-86 League Focus on Action related to water quality issues. Since 1989, the League has supported state legislation to protect the MWRA watershed.



# Social Policy

## Goal:

Promote social and economic justice, secure equal rights for all and combat discrimination and poverty. (LWVUS) (1980)

## Child abuse prevention and treatment

### Goal:

The prevention of child abuse and neglect; the protection and care of children experiencing abuse and neglect. (1991)

### The League supports:

- a significant role played by government in ensuring meaningful and adequately funded services to children experiencing abuse and neglect, and to their families
- programs and policies that emphasize the safety and protection of the child, with family preservation an important, but subordinate goal
- a strong focus on child abuse prevention including education programs for both children and adults
- an extension of the statutes of limitations for bringing accusations of child abuse
- measures to minimize the trauma suffered by children in child abuse proceedings, including the following revisions of standard courtroom procedures:
  - o scheduling priority given to child abuse cases
  - o videotape and closed-circuit television testimony of the child permitted in conjunction with procedures to protect the rights of the accused
  - o limited hearsay exceptions allowed in conjunction with clear judicial guidelines to ensure the reliability of witnesses and preserve the rights of the accused
  - o measures taken to provide a courtroom atmosphere that is not intimidating to children
  - o special training for judges and other investigatory and judicial

personnel in dealing sensitively with children

- development of legislative sentencing guidelines for child abuse perpetrators, with therapy as an integral part of the sentence

### League action

LWVMA believes that government should play a major role in child abuse prevention, and in the protection and care of children. At the time of the League study, assisting, strengthening and encouraging family life was a central mandate of the state's Department of Social Services, under M.G.L., Ch. 18B. League members reached consensus that, while preservation of family life was an important goal, it was subordinate to the need to ensure the safety and protection of the child.

Consensus reports emphasized the central role of child abuse prevention. They consistently recommended that education about parenting be an integral (if not mandatory) part of the high school curriculum; a few Leagues noted the relevance of education about birth control. A second in-school focus was on helping children from the earliest grades to recognize abuse, protect themselves against it and ask for help.

A number of Leagues felt that hospital maternity wards, childbirth classes, well-baby clinics and visiting nurse services should also be involved in parenting education. They were enthusiastic about foster grandparent programs and respite care, as well as drop-in centers, hot lines, stress-management programs, self-help groups, and other programs for lessening isolation and stress. Many Leagues emphasized the role of volunteers. Funding suggestions included public-private partnerships (such as funding from baby food and diaper companies). The media were viewed as harmful in their glorification of sex and violence, but potentially helpful in illustrating effective parenting and advertising social services.

Leagues expressed great concern for the trauma suffered by children. In recommending that the statutes of limitations be extended, they frequently noted that years of repression may follow abuse, particularly sexual abuse. Some Leagues articulated the principle that the statutes should begin running at the time of remembrance of the act. Others noted that minors may continue living with their abuser and

thus be too intimidated to file charges; the statutes should thus allow filing time after the age of maturity.

Leagues were united by concern that children not be further traumatized by the investigation and prosecution. Many wrote approvingly about Middlesex County's pilot project including the use of videotaped testimony for grand juries. They favored team interviewing, professionally trained interviewers, victim advocates and other efforts to reduce the number of interviews for the child.

Safety was a related major concern. Leagues argued that children should not have to share a waiting room with their alleged abuser, nor should a child be forced to return to a home after giving testimony about someone residing there. The point was made by several Leagues that the abuser should be the one removed from the home.

Consensus reports showed concern for testimony accuracy. Leagues grappled with the Massachusetts constitutional provision that the accused be allowed to confront the accuser face-to-face. They did not want to compromise the rights of the accused to a fair trial, and recommended that video-taped and closed-circuit television testimony be accepted in court. Admitting limited hearsay evidence was approved, often with such qualifiers as "cautiously," "carefully," "by professionals," and "not in divorce cases."

No consensus was reached on whether family members who abused should be treated differently from non-family members. Many Leagues argued that the question was confusing. Some noted that every case should be dealt with individually. Others argued that different treatment could include removal of the family member perpetrator from the home and/or the need for more support services to the family. In no case did a League feel that family member abusers should be treated more leniently; in some cases they argued the reverse—that it was a violation of trust and, therefore, the crime was greater.

Leagues were in favor of sentencing guidelines and recommended therapy as part of a sentence. Members were concerned about the variable results of therapy, particularly non-voluntary therapy, as well as with high cost. Many felt that perpetrators ought to pay for their own therapy, in addition to that of the victim, if they are financially able.

In 2002, the League supported legislation (passed and signed into law) to extend the definition of prohibited incest to all forms of sexual contact with a child. The League also commended elected officials and legislators for the passage of S2266 to include clergy as 51A mandated reporters of child abuse/neglect.

## **Background**

- 1989: LWVMA convention approved a two-year study to evaluate the ways the Commonwealth of Massachusetts deals with child abuse. Its scope included a study of the laws relating to child abuse and neglect with an emphasis on physical and sexual abuse; an overview of the delivery of services relating to child abuse by public and private agencies and of measures to increase community awareness; and assessment of the judicial role pertaining to child abuse.
- 1991: LWVMA position on child abuse prevention and treatment was announced.

## **Corrections**

### **Goal:**

A sound corrections system which provides opportunities for the rehabilitation of the adult and juvenile offender. (pre-1965 position)

### **The League supports:**

- measures to protect the civil and individual rights of the offender and to promote the offender's rehabilitation through individualized treatment (pre-1965)
- legislation to separate administrative functions from areas of professional judgment and to delineate clear lines of authority and accountability in the state agency responsible for juvenile programs (pre-1965)
- measures to provide competitive salaries for trained personnel and measures to implement public personnel standards (pre-1965)
- programs in existing institutions and in communities for prevention, detection and treatment of juvenile delinquency (pre-1975)
- measures that provide sufficient prison space to ensure humane living conditions for prisoners (pre-1965)
- measures that provide sufficient prison space at the minimum security and pre-release levels to permit the gradual reintegration of the prisoner into society (1985)
- programs within the Department of Corrections that gradually allow the prisoner more freedom and more responsibility as merited (1985)
- programs that provide supervision and support upon release from prison (1985)

- programs for women within the Department of Corrections that include job training, education and training for parenting (1985)
- separate facilities for the female mentally ill and criminally insane (1985)
- improved opportunities for mother-child contact (1985)
- access to an adequate range of reintegration services for female inmates (1985)

## **League Action**

### **Adults**

League support for measures to protect the civil and individual rights of the offender is the basis for action that seeks to protect the rights of the offender and of society.

### **Administration**

Because of the League's commitment to a human service focus for corrections, the League unsuccessfully opposed the 1991 transfer of the Department of Corrections from the Executive Office of Human Services to the Executive Office of Public Safety.

### **Personnel**

Every person with whom the offender has contact plays a part in the rehabilitative process. Adequate qualifications standards, improved in-service training and educational opportunities for correctional employees are important. LWVMA opposes measures to weaken standards for corrections, parole and youth service personnel.

### **Prison facilities**

LWVMA supports the building of additional prison space to relieve conditions caused by overcrowding, but only when other methods of reducing the prison population have not solved the overcrowding problem. The League supports new facilities at the minimum security and pre-release level as the most productive way to alleviate prison overcrowding. (See Background for clarification of League consensus concerning prison facilities.) The League supports establishment of a mental health treatment unit and a substance abuse treatment unit at MCI Framingham.

### **Department of Corrections programs**

Vocational training and educational opportunities, meaningful and useful prison industries, and drug and alcohol abuse prevention programs, in conjunction with humane living conditions, offer the inmate an opportunity for rehabilitation. Because more than 90 percent of people imprisoned will return to society, LWVMA supports the implementation of well-defined Department of Corrections procedures that allow the prisoner freedom and responsibility as merited.

### **Parole**

Parole is a condition under which a prisoner, having served part of a sentence in a penal institution, is released under the supervision of a parole officer. The time which must be served before parole varies with the seriousness of the crime. People convicted of a violent crime must serve two-thirds of the minimum sentence; however an early parole can be obtained with the recommendation of the parole board, superintendent of the institution and commissioner of corrections. LWVMA believes that certain prisoners serving life sentences, excluding those sentenced to life imprisonment without parole, should be eligible to apply for parole earlier than the 15 years stipulated.

LWVMA supports measures to ease parole restrictions, believing that the supervision and support offered by parole conditions can be more advantageous to the offender than completion of a full sentence in prison. The League supports a day reporting program according to the recommendation of the parole board.

### **Parole legislation**

The League wrote the 1960 Parole Law (Ch. 765) which makes possible a coordinated uniform parole service by removing jurisdiction for long-term offenders from county jails and houses of correction to the state Parole Board. It required that all members of the Parole Board, with the exception of the chair, receive equal pay, serve full time and hear both male and female cases. The League supported the 1971 law (Ch. 464) establishing specific requirements for membership on the Parole Board. LWVMA played a role in the passage of Ch. 777 in 1972, designed to improve the custody and rehabilitation of offenders and to prepare them more effectively for reintegration into the community. Corrections law was changed in five areas: administration, community services, employment and training programs, security and state-county relations.

### **Juvenile**

#### **Reception and detention of juveniles**

Detention is the holding of a child in custody while waiting to appear before the district court's juvenile session. Reception is the procedure whereby an adjudicated child, having been committed to the state, undergoes tests and evaluations before a decision on treatment is made.

The League has worked for legislation to limit the length of time a child may be held in detention, provide shelter homes for those being detained, and separate reception from detention facilities.

#### **Juvenile courts**

The court reorganization of 1978, Ch. 478, incorporated the juvenile courts into the Juvenile Court Division of the Trial Court. The division is headed by a chief administrative justice. Uniform

personnel standards and administrative practices and procedures have been instituted for all juvenile courts. The League wants a merger of probate, juvenile and district court functions as they affect the family.

### **Juvenile programs**

Only a small percentage of adjudicated juveniles are referred to the Department of Youth Services (DYS). Most are placed on probation, with counseling, remedial services and/or work or restitution programs as part of probation. DYS supplies delinquency-prevention services; LWVMA supports legislation that strengthens that department.

DYS offices, organized on a regional basis, develop placement opportunities, supervise parole officers and administer community-based treatment and community delinquency prevention programs. In addition, secure facilities for the small number of juveniles considered dangerous are located throughout the state. The Department of Mental Health runs a few small intensive treatment centers for mentally disturbed adolescents.

The League was represented on the governor's 1978 task force on secure facilities and continues to be concerned with the provision of individualized programs for dangerous juveniles in appropriate, secure facilities.

### **Background**

- 1983: During the study "Alternative Solutions to Overcrowded Prisons," members toured many of the state correctional facilities as well as county houses of corrections. Services for women were examined. By revealing the differences between maximum, medium and minimum security facilities, these visits helped illustrate the "reintegration model" which gradually allows the prisoner gradually more freedom and responsibility as merited, and includes access to a range of reintegration services for female inmates. League support of individualized treatment for prisoners addresses specific concerns of women prisoners.

### **Day care**

#### **Goal:**

A coordinated state policy for quality day care for the children of Massachusetts with adequate funding for implementation by the responsible state agencies. (1984)

#### **The League supports:**

- the development of a state policy on child day care programs. The policy should coordinate such functions as licensing, funding, regulation and enforcement; and it should expedite communication between agencies, providers and consumers.
- minimum standards of quality for child day care programs including
  - o a safe and clean physical environment
  - o appropriately trained, qualified and compensated day care center staffs and family day care providers
  - o suitable ration of staff to children
  - o adequate programs and curriculum
- the state licensing of family day care, group day care centers and after-school day care with clear procedures for such licensing.
- adequate staffing and funding of state agencies responsible for enforcement of state licensing requirements and regulations.
- state regulation of family day care, group day care and after-school child care programs that would include licensing requirements, space restrictions, the number of children in a program, the qualifications of providers, staff and supervisors, staff ratios, health care, nutrition, safety, equipment, records and confidentiality, admission policies, parental permission and information to parents.
- limiting state support of day care to children of low-income families, children of handicapped parents, handicapped children or children in need of protective services. State support for child day care could take the form of direct subsidies or vouchers to individuals for purchasing services, funding programs or technical assistance. The private sector should be encouraged to support child day care.

### **League action**

In 1984 LWVMA held an appointed position on the Governor's Partnership Project. The project's main responsibility was to review the administration of child care in the state and to develop specific recommendations on how to improve the system. The recommendations were to create more, affordable, better and safer child care in the state, primarily by adding more day care staff and increasing funding.

LWVMA monitors the progress of this project and takes action when appropriate.

LWVMA participated in a two-year (1984-1986), federally funded project administered by the Office for Children to spur citizen involvement in day care quality. The goals of the project were to stimulate an increase of parental knowledge in assessing quality day care and to review and revise the standards for purchasing day care. Findings were to be put on a computer, allowing quicker access to information regarding provider qualifications, day care program tuitions and available transportation and meals. There are plans to work with the councils for children to generate support and interest from employers regarding day care.

## **Background**

- 1983: LWVMA convention adopted Day Care as a one-year study. The result was a set of positions broad enough to allow action in areas of planning, finance and implementation of quality day care.

## **Domestic Violence**

### **Goal:**

The prevention of domestic violence. A strong statewide response to domestic violence that is integrated, interdisciplinary, and adequately funded, involving all segments of the criminal justice system, the medical community, the schools, social services, and the private sector, with a primary focus on the safety of victims.

### **Police**

#### *The League supports:*

- ongoing training about domestic violence of all police
- policies favoring the use of arrest as a preferred response to a domestic violence incident
- carefully followed procedures for gathering and preserving evidence, so that cases can be prosecuted even if victims refuse to testify

### **Courts**

#### *The League supports:*

- ongoing training about domestic violence of all judges and court personnel
- expedited court resolution of domestic violence cases
- the timely sharing of relevant information among courts, as well as with other parties in the criminal justice system

- consideration by the probate court of a history of domestic abuse when making divorce, child custody, and visitation decisions

### **District attorneys**

#### *The League supports:*

- statewide availability of well-trained and funded victim/witness advocates
- training about domestic violence of district attorney staff
- policies encouraging prosecution, even when victims are unwilling to testify

### **Probation**

#### *The League supports:*

- training about domestic violence of all probation officers
- strict monitoring of compliance with probation
- sanctions for probation violation

### **Medical community**

#### *The League supports:*

- training of medical personnel in recognizing signs of domestic violence and treating victims
- clearly defined protocols for treating domestic violence victims
- an educational role played by medical providers
- provision of support services, such as social service referrals, support groups, and literature

### **Schools**

#### *The League supports:*

- educational programs and policies, beginning in the earliest grades, that focus on violence prevention, conflict resolution, and self-esteem building

### **Services for victims**

#### *The League supports:*

- coordinated and well-publicized services for victims and their families, including
  - shelters
  - transitional and long-term affordable housing
  - counseling and support groups
  - interpreters

- hotlines
- job training
- involvement of community groups and the clergy in speaking out against domestic violence, making referrals, and providing services
- special attention systemwide paid to the needs of child victim/witnesses

### **Programs for batterers**

#### *The League supports:*

- evaluation of the effectiveness of existing programs
- research into other treatment methods

### **Other**

#### *The League supports:*

- public campaigns to raise awareness of domestic violence

#### *The League opposes:*

- glorification of violence in the media

## **Education**

### **Goal**

Equal access to education. (LWVUS) (1967)

### **Statewide Standards (1967)**

#### *The League supports:*

- the principle that the state Board of Education should set minimum educational standards for local public school systems with reasonable criteria for implementation
- the principle that the state Board of Education should provide services to assist local schools and to motivate them to improve the quality of education
- reasonable measures to implement these services
- adequate teacher certification

### **Equal opportunity**

#### *The League supports:*

- increased school aid to localities on an equalizing basis (1948)

### **Fiscal autonomy (1977)**

#### *The League supports:*

- fiscal autonomy of the Department of Education within the appropriation granted by the legislature

- financial independence of school committees

#### *The League opposes:*

- measures that require school committees to set tax rates and send out tax bills to fund school department budgets

### **School committee-teacher relationships**

#### *The League supports:*

- public comment before collective bargaining contract proposals are drafted, publication of the proposals before negotiations begin, and progress reports on negotiations (1976)
- school committee authority to set education policy (1976)
- provisions in the law for the evaluation of all professional school personnel on a regular basis through the use of specified procedures (1986)

### **School Choice (1994)**

#### *The League opposes:*

- statewide interdistrict public school choice

If statewide interdistrict public school choice were established, the League would consider the following features essential:

- equalizing, consistent, and mandatory state funding for public school districts
- no punitive loss of state aid to sending schools, but oversight and assistance designed to improve problem areas, in order to protect students who remain
- clear, timely, easily-obtainable information about the process by which students apply for admission to receiving schools, and about criteria used to assess applicants for admission, made available in every language used in the school district; parent participation in decision-making when process and criteria are established
- vigorous and adequately funded outreach programs to provide parents with timely and accurate information available in every language used in the school district, about the choice program and about individual schools
- admission and assessment of choice students designed to achieve equity and student body diversity with equal access for all who apply

- in a timely manner; transportation programs to assure such access
- impartial periodic evaluation of the educational effectiveness of school choice for both sending and receiving schools

### **Special Education (1999, 2000)**

#### *The League supports:*

- the principle that special education programs should ensure that students are educated to reach their full individual potential, learning to the best of their abilities the skills they will need to lead productive lives as informed and contributing citizens in their communities
- the following measures that are vital to the success of special education programs:
  - comprehensive outreach and assessment to identify and serve children in need of special education services as early as possible
  - review and, if needed, revision of the processes and procedures used to identify children in need of special education services to ensure their effectiveness and accuracy
  - appropriate and on-going training of regular education teachers and staff to address the needs of special education students in their classrooms
- the development of practical and timely measurements which the public can use to evaluate the effectiveness of special education programs
- widely disseminated and clear communications with parents, educators, and others about the availability and applicability of special education services
- the principle that local school districts should be responsible for the provision of services to special education students which meet the goals of their Individual Education Plans
- the principle that federal and state governments assume the major burden of the costs (including transportation) associated with special education mandates
  - funding should be based upon actual costs rather than arbitrary formulas

- the federal government should fully fund the Individuals with Disabilities Education Act to the maximum amount provided under law
- local financial responsibility for special education costs of individual students should be capped; the state should fund costs due to unexpected special education enrollments
- where feasible, local school districts should access other existing sources of funding (e.g. Medicaid, private medical insurance, grants, etc.)

### **Higher education (1961)**

#### *The League supports:*

- measures to strengthen the state-supported institutions of higher education, including administrative independence with respect to budget and personnel
- a sound program of state-supported two-year colleges under the Massachusetts Board of Regional Community Colleges

### **League Action**

#### **Statewide standards**

In 1935, the League supported legislation that raised the age of compulsory school attendance from 14 to 16 years. The League also supported adequate training and experience for teachers and administrators in public schools, studies of state teachers' colleges, use of public libraries, and better use of tax dollars in education. Legislation designed to maintain academic freedom by the repeal of the teachers' loyalty oath and the prevention of censorship of school books also received League support.

The Willis-Harrington Study Commission of 1965 and its resulting legislation received active support by the League. This legislation restructured the Massachusetts Department of Education and created two independent policy-making boards to oversee public education. The Board of Higher Education was authorized to make policy for developing higher education in the Commonwealth. The Board of Education was authorized to oversee elementary and secondary education with new legal powers to set and enforce minimum standards.

In 1973 and 1975, the League opposed bills that would have increased the power of the Secretary of Education at the expense of lay boards and in 1997 opposed the reduction in the number of members on the Board of Education.

After a two year study, completed in 1967, members agreed that to improve the quality of education and to equalize educational standards among public school systems, the state Board of Education should set standards and provide services for all public schools in the Commonwealth.

Areas for establishing minimum standards include ages of school attendance, educational criteria for school personnel, educational standards for required courses, kindergartens, length of school day and years, pupil/teacher ratios, pupil personnel services, school buildings, school libraries, size and organization of school districts, and special education and occupational education. Services which the Department of Education should provide include: regional centers for developing, evaluating and adapting educational innovations; communication and information centers; consultation services and others beyond the capacity of the separate local schools, such as services to prevent dropouts; supporting services to improve the quality of education; and subsidies to poorer communities for programs beyond minimum standards.

LWVMA was represented on a committee that advised the Board of Education and its staff regarding proposed guidelines and regulations for Ch. 188, the School Reform Act, passed in 1985. The League was also involved in forming the Massachusetts Organization of Citizens for School Improvement (MOCSI). MOCSI seeks to facilitate training and communication among individual School Improvement Councils.

The League has supported the application of statewide standards in all of the various versions of the educational reform bills through the years. Since the passage of the Education Reform Act of 1993, the League has monitored the development of statewide curriculum frameworks and has written to the Board of Education supporting a strong civics component in the social studies framework.

Local League members are encouraged to be active in their own school systems.

### **Equal opportunity**

Since 1948, the League has supported increased state school aid to cities and towns, using an equalizing distribution formula. Members recognize that the bulk of funds that support public schools come from the local property tax and those funds vary greatly according to the financial resources of the community; therefore school districts vary widely in their ability to support education. Because efforts in support of increased state funding of public education using an equalizing distribution formula failed, LWVMA was a party to the court case *McDuffy v. Secretary of Education*. In a 1993 decision the Supreme Judicial Court ruled that it is the state's constitutional duty to provide all children in Massachusetts with an adequate education "without regard to the fiscal capacity of the community of district in which such children live." The Education Reform Act of 1993 set in place a new funding mechanism that reduced the glaring disparities between communities in the level of financial resources for education. However, LWVMA is again party to a court case (*Hancock v. Driscoll*) to determine whether the state is meeting its obligation to provide an "adequate education." (For further details on the distribution of state aid for education see the Fiscal Policy section.)

In cooperation with other members of the coalition Citizens for Public Schools, the League has lobbied against proposed constitutional amendments that would allow public funding for private schools.

(Additional information on action on equal access to education may be found in the Equality of Opportunity section.)

### **Fiscal autonomy**

LWVMA supports the financial independence of school committees, believing that the loss of final authority over school budgets would cripple the policy-making power of the school committee. The passage of Proposition 2 ½ in 1981, which the League opposed, imposed a tax levy limit on cities and towns and repealed fiscal autonomy for local school committees.

LWVMA opposes efforts to establish separate school tax rates and bills. It supports measures requiring school committees to hold public hearings on their school budgets at the time the budgets are being prepared. (Ch. 136 of the Acts of 1972)



### **School committee-teacher relationships**

The League supported the passage of a teacher certification law in the early 1950s and worked to strengthen amendments to that law. It supports the opportunity for public comment on collective bargaining proposals before negotiations begin and progress reports as negotiations continue. And it has worked for evaluation of professional school personnel on a regular basis with use of specified procedures.

### **School Choice**

During the 1980s, as the rate of social and cultural change in the U.S. accelerated, public education seemed increasingly unable to prepare a diverse student population for adult responsibility in the next century. "Interdistrict school choice," allowing parents and students to choose freely among all available schools, was frequently presented as an ideal way to address the "crisis in education." In theory, market competition for students and for public education funds would force apathetic or incompetent educators to improve their schools; any school unable or unwilling to improve itself would be forced to close when parents sent their children elsewhere. The League was concerned about several potential problems: the possibility of public funds being diverted to private institutions; the risk of increasing the disparity between rich and poor school districts; and most of all, the difficulty of providing all students with equal access to opportunity.

In 1991, a poorly conceived interdistrict school choice program came before the legislature as an "outside section" to the annual state budget, and was enacted into law. The statute required state education funds to be taken from schools districts that students chose to leave, and given to districts students chose to enter. In some cities and towns, the subsequent loss of funds forced schools to lay off as much as 30% of the staff, to increase class size, and to eliminate educational programs in computers, laboratory science, music, athletics, and art. Under the circumstances, "sending schools" opposed the Massachusetts interdistrict school choice program on the basis of our long-standing commitment to equality of opportunity and fair school finance. In 1992, the legislature changed the school choice statute to eliminate its worst effects; further modifications were included in the Education Reform Act of 1993.

The state board became convinced that LWVMA needed a study and consensus on interdistrict school

choice as a basis for future advocacy and action. The 1993 LWVMA convention approved a one-year study of the educational, financial, and social impact of school choice, and establishing standards by which we could judge current and possible future school choice programs.

As part of the Education Reform Act of 1993 the Legislature established a charter school program with a funding mechanism similar to that of the school choice program. Based upon the standards outline in this position, LWVMA has lobbied in opposition to the expansion of the charter school program.

### **Special Education**

In the mid-1990's special education came to the public policy forefront as many Massachusetts communities dealt with increasing school enrollments coupled with the budgetary limits imposed by Prop. 2 ½. Although the Education Reform Act of 1993 had significantly increased state aid to local school districts, it also changed how aid was distributed for special education students. At the same time, federal and state laws and regulations directed that SPED students' education be provided in the least restrictive environment possible, leading to more students with disabilities being taught in regular classrooms under a policy known as "inclusion."

A number of organizations representing a wide range of viewpoints weighed in with reports on special education. Many legislative bills that would have changed various aspects of the SPED laws were filed. Several of these bills dealt with one of the principal points of contention in the public discussion of SPED: changing Massachusetts' "maximum feasible benefit" standard to one that more closely paralleled the federal "free and appropriate education" standard. Such a bill was eventually passed in 2000.

In this time of significant change and heightened attention, LWVMA members voted at the 1997 Convention to study special education in Massachusetts. In 1999 consensus was reached on the first part of the study, which looked at the goals of special education and the standards for children's participation in SPED programs. In 2000 consensus was reached on the second part of the study dealing with the financing of special education.

A common message emerged from the consensus process: local Leagues felt strongly that the goals for special education should be the same as for regular education: to prepare all children, within their

individual capacities, to live and participate productively in society. Local Leagues also suggested several measurements that could be used to evaluate the effectiveness of SPED programs including:

- Number/percentage of both SPED and regular-education students who:
  - o graduate from high school
  - o drop out
  - o leave at age 22
  - o go on to higher education
  - o enter the work force
  - o take standardized tests, including their scores
- Number/percentage of students who move out of SPED programs into regular education programs
- Surveys of parental satisfaction with the program and with the progress of their special education children.

With regard to the financing special education, Local Leagues felt very strongly that the state and federal government should assume the major cost of special education mandates and that the state should help local districts shoulder unbudgeted costs due to unexpected SPED enrollments.

### **Higher education**

The League recognizes that public higher education should be strengthened and extended if the needs of the Commonwealth's young people are to be met. Following a study of the state's colleges in 1959, the League supported measures that changed the nine teacher-training institutions into liberal arts colleges. The 1959-61 League study of public higher education led to support of measures that would strengthen all the institutions of higher education. In 1965 the League supported the creation of the Board of Higher Education as an independent lay board to coordinate the development of public higher education in the Commonwealth. The principle of administrative independence with respect to budget and personnel for the state institutions of higher education was given highest priority by members during the 1959-61 study.

In 1961 League support resulted in legislation providing that the trustees of the University of Massachusetts would direct the periodic allotments of funds (within the appropriation made by the legislature) according to the times and areas of

greatest need. In addition, the trustees would be able to transfer funds among subsidiary budget accounts. The legislation also enabled the university to determine the rank of faculty members, to promote them and to set their salaries within the state's present salary schedule without securing prior legislative approval. Purchasing restrictions were liberalized to allow the university more freedom in purchasing supplies, books, periodicals, scientific items, and other necessities.

League efforts to arouse public interest resulted in the 1962 passage of the University Bill. In 1963 and 1964 the League successfully supported the extension of fiscal autonomy to Southeastern Massachusetts University, Lowell Technological Institute and the state colleges and regional community colleges.

Study of higher education also convinced League members that a two-year college program is essential if specific educational needs in the Commonwealth are to be met. The League, therefore, supported the purpose of the Board of Regional Community Colleges as established in 1958. The board's duty was to provide training in saleable skills and in courses of such quality that graduates are able to transfer to accredited four-year colleges or universities. The League supported the Board of Regional Community Colleges as the authority to determine the locations of new community colleges.

Impatient with the failure of state education officials to prepare a proposal for reorganization of higher education, the legislature approached the task through an outside section of the FY81 budget. The League objected to this process because citizens were not given an opportunity to analyze or comment on the plan. The office of Secretary of Education was eliminated. A 15-member Board of Regents replaced the Board of Higher Education. The Regents were authorized to prepare and submit a consolidated budget for higher education, and to make policy decisions affecting the state universities, state colleges and regional community colleges. Each separate institution retained a local board of trustees with limited decision-making and advisory powers. The Board of Education retained authority over public education from kindergarten through grade 12.

In 1990, the newly-elected governor proposed a complete reorganization of all aspects of public education. His plan called for re-establishing the cabinet-level Secretary of Education, and for eliminating both the Board of Education and the Board of Regents. The League testified in opposition to the plan both because the policy-making lay

boards were to be dissolved and because the powers proposed for the secretary were too broad. The powers included, for example, the authority to close, consolidate or relocate institutions of higher education and to make educational policy at all levels independent of citizen advice or oversight. In July 1991, the governor signed a compromise reorganization for public higher education that provided for a Secretary of Education with limited powers, and created a new multi-campus University of Massachusetts governed by a single 18-member board of trustees, including representatives of the campuses at Dartmouth and Lowell.

The League submitted testimony in support of the university reorganization during the legislative hearing process. The Board of Regents was eliminated, and the Higher Education Coordinating Council was established. The council has broad responsibilities for developing goals and standards, collecting data, overseeing the preparation of educational plans and mission statements for each state institution of higher education and developing funding formulas to govern state support of the university system, the state college system and the system of regional community colleges.

The Board of Education remains in place, supplemented by a Committee on Educational Policy chaired by the Secretary of Education.

## Background

- 1959-61: LWVMA studied public higher education
- 1967: LWVMA consensus was reached that the state Board of Education should set standards and provide services for all public schools in the Commonwealth.
- 1976: After study of ways in which collective bargaining and tenure laws affect the quality of education in public schools, members reached consensus to support legislation that allows greater public information into collective bargaining before negotiations begin and the provision of progress reports as negotiations continue. No consensus was reached regarding tenure, but there was support for teacher evaluation.
- 1986: Concurrence, voted at state council, expanded LWVMA positions on the evaluation of teachers to include principals, administrators and other professional school personnel.

- 1994: LWVMA consensus opposed interdistrict school choice, but established standards members believe to be essential to any such program that, despite our opposition, may be enacted.
- 1997-2000: LWVMA members study and reach consensus on special education in Massachusetts.

## Equality of opportunity

### The League supports:

- equal access to education, employment and housing
- ratification of the Equal Rights Amendment and efforts to bring laws into compliance with the goals of the ERA (LWVUS) (1989)

## League Action

### Equal access

#### Discrimination and affirmative action

Chapter 778 of the Acts of 1978 helps people who remain jobless in periods of high employment. Through this act people who are economically disadvantaged and victims of race and sex discrimination gain access to entry level civil service jobs through special training before the civil service examination and special listing after passing the examination.

Equal access to employment extends to private sector companies that bid on government contracts.

Equal access to employment applies to minorities and women as employers as well as job seekers. Fledgling businesses started and owned by minorities and women can become important sources for jobs. Local Leagues are encouraged to support municipal procurement programs that give support to a broader participation of minority and female business owners.

#### Flexible hours

LWVMA has worked for an extension of the Commonwealth's Flexible Hours Law (Ch. 500 of the Acts of 1974) to include part-time work, opening better employment opportunities for women and minorities.

#### The Massachusetts Civil Rights Act

The Massachusetts Civil Rights Act (MCRA) of 1989 was supported by the League. The act amends the post-Civil War statutes related to contract and property rights, allowing civil action for compensatory and punitive damages for violation of an individual's civil rights based on the effect of the discrimination, not just the intent.

### **The Massachusetts Commission Against Discrimination**

The Massachusetts Commission Against Discrimination (MCAD), the Commonwealth's civil rights agency, is responsible for enforcing anti-discrimination laws. As early as 1945 the League endorsed the MCAD when it was called the Fair Employment Practices Commission. The League supported and worked for the installation of three full-time MCAD commissioners and has testified on behalf of a commission budget adequate to carry out its mandate. MCAD can veto grant applications for state and federal money if a community does not comply with MCAD guidelines for fair housing and equal employment opportunity. Many communities have signed memorandums of agreement of intent to develop substantive fair housing and equal opportunity plans. Leagues have urged their local executives to sign and act on these agreements with MCAD. The agency needs adequate funding and strong enforcement powers. Fair distribution of public funds and strong state coordination of programs are also needed.

### **Gay and Lesbian Civil Rights**

In 1988, the League supported a bill that enabled the MCAD to investigate charges of discrimination on the basis of sexual orientation in employment, housing and financial credit. The Gay and Lesbian Civil Rights Act was passed by the legislature in 1989, after being filed for 17 years. A ballot referendum challenging the act was disallowed by the Supreme Judicial Court in 1990.

### **Affirmative action**

On the basis of the 1964 federal Civil Rights Act, the League has backed laws and executive orders for fair housing and affirmative action. Local League action was taken in the early 1970s to promote local human rights commissions, affirmative action bylaws, and the monitoring of contractors' affirmative action plans in seeking and hiring qualified minority workers. The League believes that state and federal anti-discrimination laws and executive orders should be enforced. State and federal funds should be withdrawn if a community is shown to discriminate. Equal access to housing without discrimination based on race, color, religion or country of national origin is equally important. Opportunities for the purchase or renting of homes or for borrowing money for housing should not be limited for discriminatory reasons.

LWVMA supported Executive Order #74, the Commonwealth's Code of Fair Practices and Affirmative Action, and testified in favor of adequate funding and stronger enforcement by the MCAD. This executive order establishes a State Affirmative Action Office and pledges an aggressive policy of affirmative action in both the state's internal and external affairs.

### **Equal access to education**

Through its position on equal access to education, LWVMA has supported the principle of the Racial Imbalance Act, (Ch. 641 of the Acts of 1965) and has opposed any attempts to weaken it.

The League supported federal Title IX and state Ch. 622, enacted in 1971. Title IX prohibits sex discrimination in federally funded educational institutions. Ch. 622 prohibits discrimination in public elementary schools because of race, color, sex, religion or country of national origin. The League supports continued and broadened implementation of these laws in the Commonwealth.

The League supported METCO, a voluntary busing program (legislated in 1966) to alleviate the problems of unequal opportunity and racial segregation. Local League members serve on METCO advisory boards and in host family programs.

During the spring and summer of 1974, the League worked for the peaceful implementation of desegregation in the Boston public schools. Members joined the Boston Vigil for Peace and Education and served as monitors in schools and on buses. The League was an organizing member of the Massachusetts Coalition for Civil Rights.

LWVMA worked for adoption of the Special Education Act (Ch. 766 of the Acts of 1972). This act directs all school committees to identify the children in their communities who have special needs, to diagnose and evaluate those needs and to provide or arrange for programs that meet those needs. League members serve on local advisory councils and monitor the implementation of Ch. 766.

The League was a founding member of the Massachusetts Women's Vocational Education Coalition. Title II of the Educational Amendments of 1976 (P.L. 94-482) amended the federal Vocational Education Act of 1963 by placing special emphasis on removing sex bias and stereotyping from vocational programs. By testifying at hearings and organizing visits to regional vocational technical high schools, the coalition supports regulations to implement P.L. 94-482.

### **Native Americans**

In recognition of the special needs of Native American, the formation of the Commission on Indian Affairs was supported by the League as a first step by the state in meeting its responsibility for solving the problems faced by Native Americans in Massachusetts. The League has supported special education programs and the formation of housing authorities established to access federal funds for housing for Native Americans. Both activities recognized the special tribal needs and living patterns of the Native Americans.

## **Equal Rights Amendment (1972)**

### **Federal ERA**

With LWVMA support, Massachusetts became, in 1972, the 19th state to ratify a federal Equal Rights Amendment. In 1978, LWVMA lobbied members of the Massachusetts congressional delegation in support of the extension of time to ratify the ERA. When ratification fell three states short of the total required, even with the extension of time, LWVMA again lobbied members of the Massachusetts congressional delegation in support of the refiled Equal Rights Amendment in 1983. It continues to be introduced each year until both houses of Congress muster the 2/3 votes necessary to send the amendment out to the states for ratification. Pending congressional action, LWVMA supports state legislation, which is refiled each year, allowing Massachusetts to be the first or among the first to ratify the federal ERA. Action on this priority will continue until it becomes an amendment to the U.S. Constitution.

### **State ERA**

LWVMA was successful in working with a large coalition for passage of the state ERA by two consecutively elected legislatures meeting in joint session (1973-76) and by the public in the vote on the November 1976 ballot. The constitutional amendment passed by 62 percent of the vote. LWVMA has been active since then to bring state laws and regulations into compliance with the state ERA. The League supported legislation that created a commission of legislators and gubernatorial appointees to study and make recommendations for the reform of Massachusetts law. Implementation of these changes, 151 in all, began in 1976 and continued until all statutes in the Massachusetts General Laws were altered to gender-neutral language in 1980.

One area that has not changed is insurance regulation. In 1982 LWVMA supported and since 1984 has co-sponsored legislation to end sex discrimination in insurance pricing, coverage and other practices. Pending passage of this bill, LWVMA supported the insurance commissioner's gender-neutral insurance regulations, which became effective September 1, 1988. These were challenged by the insurance industry and upheld by lower court on the basis of the Massachusetts ERA. In 1991, the Supreme Judicial Court overturned the ruling on appeal, not on the merits of the discrimination argument, but because the commissioner exceeded his authority. It is up to the courts to determine if insurance statutes allowing gender-based pricing are constitutional. The League continues to work toward the goal of gender-neutral insurance.

### **Background**

- 1964: A national study of the effects of poverty and discrimination on the country's human resources was started.
- 1966: Consensus was reached by members across the United States that million of citizens were being denied an equal opportunity at school and at work, and could neither use nor develop their talents. It was decided that LWVUS would give unqualified support to desegregation, compensatory education, job training and manpower development programs.
- 1968: LWVUS convention added equal opportunity in housing to its positions. LWVUS later broadened this position to include support for an adequate supply of housing for people with low or moderate incomes.
- 1972: Delegates to the League's national convention overwhelmingly approved support of "equal rights for all regardless of sex" as part of the social policy position.
- 1989-90: LWVUS formulated its Social Policy program combining its positions on Equal Access to Education, Employment and Housing with the Equal Rights position to create a single position on Equality of Opportunity. The fair housing position remains under Equality of Opportunity, while the issue of housing supply is now part of Meeting Basic Human Needs.

## **Handgun control**

### **Goal:**

Elimination of the private possession of handguns (1974) and assault weapons (1989).

### **The League supports:**

- limitation of the sale and possession of handguns and assault weapons to law enforcement and military personnel
- a possible exception for sportsmen if the guns are used and stored away from the home under controlled conditions

### **Until such a time as a ban on the private possession of handguns and assault weapons becomes law the League supports:**

- improved and standardized licensing procedures
- training in the use of handguns and assault weapons and the responsibilities of ownership

- education of the public to the dangers of the handgun in the home
- strict enforcement of the present laws concerning handgun ownership
- measures to encourage the removal of all handguns and assault weapons from the home and street

### **League action**

In 1975 LWVMA co-filed a bill to ban handguns to all but police, military and certain other people. It did not pass. In 1975 the League joined other groups in collecting more than 102,000 certified signatures on an initiative petition to ban the private possession of handguns. After the bill failed to pass the legislature in 1976, the League helped collect the additional signatures needed to place the question on the ballot. The referendum was defeated by a two-to-one margin. The League's efforts to ban the "Saturday night special" handgun have also failed.

LWVMA has worked for stricter licensing and registration procedures and has met with no success. During late 1976 and early 1977, LWVMA participated in mediation sessions involving groups on both sides of the limitation issue. Agreement was reached on institution of administrative steps to be taken by police chiefs to improve licensing procedures, making them more uniform and strict. LWVMA supported a bill to require handgun owners to pass safety courses before being granted gun permits, but general support for these kinds of measures is weak.

### **Background**

- 1974: Delegates to state council adopted a short study on statewide control of the sale and possession of handguns. In the fall of that year, members, concerned about violence committed through the use of handguns, reached consensus in support of limiting private possession of handguns. Members agreed that the most effective way to control misuse of handguns is to limit their number.
- 1989: Delegates to state convention, responding to concern over violence committed with assault weapons, adopted, through concurrence, the addition of the words "and assault weapons" to the handgun control position.
- 1990: Delegates to national convention adopted, through concurrence, a national position on handgun control.

### **Health care**

### **Goal:**

An affordable health care system that provides equal access to quality health care for all. (1983)

### **The League supports:**

- a state and regional health care planning system that will set guidelines for allocation of health care resources in Massachusetts
- development of a state health plan by regional planning committees with final coordination and implementation at the state level
- coordination of planning, financing and regulation so that goals of the plan are accomplished
- public financing of health care provided by federal and state taxes for people who cannot pay
- citizen participation in planning, coordinating, financing, regulating, managing and monitoring, including consumer representation on planning committees
- consumer education on maintaining health, use of the health care system, costs and patients' rights
- emphasis on preventive medicine, use of alternative settings, individual responsibility for health maintenance, control of environmental hazards and consumer education
- rigorous monitoring on a regular basis by government, citizens and the health care community
- procedures for licensing, accreditation and certification of institutions and professionals that assure competence and reasonable standards in the practice of health care
- improving access to health care by removing geographic, linguistic and cultural barriers

### **League action**

#### **Planning**

During the 1980s LWVMA worked to bolster the weakening planning authority of the six regional planning authorities and the Statewide Health Care Coordinating Council (SHCCC). A League representative served on SHCC, giving the League the opportunity to represent consumers in statewide planning decisions. LWVMA also participated in a coalition to strengthen the Determination of Need procedure, which permits acute care facilities to undertake large capital expansion projects.

## **Prevention**

In 1983 the League worked on priority legislation to give citizens the right to know what hazardous chemical substances are used in the workplace. The League supported the Department of Health's stringent standards for allowable amounts of the EDB pesticides in food sold in the state. The League asked the governor to establish a cancer policy to guide the state when it is faced with regulating carcinogens in food, water and air. The Incidence of Cancer Registry, initially sponsored by the League, helps provide data enabling the state to regulate exposure of the public to carcinogens. The League has supported "no smoking" legislation at the State House and has been active on local levels establishing "no smoking" ordinances.

## **Public funding of health care for needy people**

The League was successful in working in a coalition to pass the Universal Health Care Act in 1988; it was the first of its kind in the nation. The League continues to monitor implementation of the act, opposing attempts to weaken it. Although the League agrees that measures must be taken to control costs, it works to prevent hospitals and practitioners from denying health care to people who are unable to pay. Proposed changes in the Medicaid program are reviewed by the League so that members can support appropriate eligibility requirements and benefit levels.

## **Quality**

The League supports licensing regulations promulgated by the Department of Public Health for ambulatory surgical care units, physician assistants and hospitals.

## **Background**

- 1979: LWVMA voted to study health care planning in the state to prepare for the projected LWVUS health care study. Funding for the national study was not provided and the study was postponed.
- 1981-83: LWVMA studied health care in Massachusetts in relation to cost, financing, quality and access.
- 1990-93: LWVUS study was undertaken of health care delivery and financing in the U.S.

## **Legalized casino gambling**

### **Goal:**

Opposition to establishment of legalized casino gambling in Massachusetts. (1982)

### **If casino gambling became legal, the League would support:**

- limited locations causing the least detrimental social and environmental impact, with acceptable road access and public transportation, and as part of a resort hotel complex sited with both local town and regional support
- rigid standards set by the state, possibly including hours of operation, dress codes, age limits for employment and participation, licensing of employees, relationships of gaming industry to public officials, credit and junket restrictions, and liquor regulations
- allowing stricter local regulations; requiring that the establishment comply with local zoning bylaws, building codes and public safety requirements
- especially created gaming commission (separate from Lottery Commission) to issue gaming licenses with approval by local town governing bodies; commission members not all coterminous with governor, and a separation of the bodies granting licenses and those responsible for oversight and audit
- all costs for license investigation and supervision paid from monies collected in non-refundable filing and licensing fees
- percent of taxation on industry winnings more than 7 percent and as much as 20 percent
- all revenue collected by the state, a portion returned to the communities impacted and demonstrating need, remaining monies returned to the state's general fund

## **League action**

Since 1983 the League has presented testimony to oppose the legalization of casino gambling and has worked with organizations that share this goal. LWVMA will continue to work to defeat any bills that would provide for the legalization of casino gambling in Massachusetts.

## **Background**

- 1981: Convention delegates voted a one-year study of legalized casino gambling.
- 1982: LWVMA position was adopted. Members opposed the legalization of casino gambling, weighing the stimulus to increased employment, tourism and tax revenue against the demands for social and municipal services, police protection and the establishment of a state regulating body.

## Meeting basic human needs

### Goal:

Support programs and policies to prevent or reduce poverty and to promote self-sufficiency for individuals and families. (LWVUS) (revised 1989)

### In order to prevent or reduce poverty, the LWVUS supports policies and programs designed to:

- increase job opportunities
- increase access to health insurance
- provide support services such as child care and transportation
- provide opportunities and/or incentives for basic or remedial education and job training
- decrease teen pregnancy
- ensure that non-custodial parents contribute to the support of their children

## League action

### Employment

#### Day care

Day care centers for disadvantaged preschool children should be available so that parents have an opportunity for employment.

#### Education

The League believes that programs in basic education, occupational education and retraining, when needed, should be made available at any point in an individual's working career. Expanded opportunities in apprenticeship and on-the-job training programs are equally important.

#### Jobs Training and Partnership Act

The Jobs Training and Partnership Act (which superseded the Comprehensive Employment and Training Act) was passed by Congress in 1982 and implemented on the local level in 1983. The program is designed to provide training for economically disadvantaged people. It retains some elements of its predecessor CETA, but explicitly excludes public service employment. The Service Delivery Areas are determined by the governor, and local decision making regarding programs is shared by local governments and a Private Industry Council established in each area. When the act was first implemented, Leagues monitored the composition of these councils to determine whether women, client groups, minorities and public interest groups were represented. The League also checked the training plans to ensure that they allow for upward mobility, rather than dead-end jobs.

## Youth

LWVMA works for programs that address unemployment programs for the neediest youths.

Recognizing that racial discrimination has been a major barrier to employment opportunities, the League has worked for a variety of antidiscrimination programs, as described in the Equality of Opportunity section.

## Affordable Housing

### Goal:

Access to decent housing and a suitable living environment affordable for all. (LWVUS) The League supports programs, policies and regulations to address the housing needs of low- and moderate-income families and individuals, which should include (LWVMA, 2008):

- income eligibility requirements for the purchase and rental of subsidized affordable housing that are adjusted periodically to reflect current economic factors
- reasonable asset limitations for income-eligible households purchasing or renting subsidized affordable housing that take into consideration assets needed for retirement
- periodic review of income and asset limitations and eligibility requirements
- definitions of units eligible for inclusion on each community's Subsidized Housing Inventory that allow for the counting of units that are priced to be affordable but would not be included under the state's traditional definition of affordable housing; however, there should be legally binding agreements that require all such eligible units remain affordable long-term and restricted to income-eligible households
- restrictions on affordable rental and ownership housing units so that the units remain affordable in perpetuity
- streamlined permitting procedures for Smart Growth incentive programs that effectively encourage the use of Smart principles, with funding sources that are consistent, reliable, and predictable.

Massachusetts has some of the nation's best housing laws, including a statewide building code, to construct and rehabilitate housing for people with low or moderate incomes and to provide rental assistance. Each year the League has supported legislation to fund these programs adequately and has pressed the Executive Office of Communities and Development to develop stronger implementation and delivery of services.



### **Anti-Snob Zoning Law**

The League supported the initiation and passage of Ch. 774 of the Acts of 1969. This landmark legislation permits developers to apply for a one-stop comprehensive permit to build subsidized housing for people with low or moderate incomes. The law states that the state's Housing Board of Appeals can overrule decisions of local zoning boards of appeals that deny permission to build subsidized housing for low- and moderate-income people without sufficient cause. Ch. 774 was upheld by the Supreme Judicial Court in March 1973. The League has worked for adequate funding to make this legislation work expeditiously and to inform communities of the benefits of its comprehensive permit provision. Leagues continue to be involved in supporting subsidized housing in their communities after weighing local housing needs and the environmental impact.

### **Areawide housing opportunities**

A state housing needs report, first published in 1974 by the Executive Office of Communities and Development and adopted by the federal Housing and Urban Development (HUD) and the state's 13 Regional Planning Agencies (RPAs), was the basis for allocating housing resources more equitably and over a wider geographical area. An updated 1984 document is a resource for RPA Areawide Housing Opportunity Plans, a cooperative effort between an RPA, its member communities, and the Executive Office of Communities and Development. An Areawide Housing Opportunity Plan (AHOP) assesses regional housing needs and establishes three-year housing goals for assisted housing in each community. Accepted AHOP targets increase a community's eligibility for additional federal rental assistance (Section 8) funds and state development funds. Local Leagues have been encouraged to persuade their communities to accept AHOP targets to implement housing goals.

### **Community Development Block Grant Program**

The federal special revenue sharing program presents a mixed bag of housing, civil rights and citizen participation opportunities. Revenue sharing programs may have shifted power from Washington to the local level, but they have not succeeded in bringing government closer to the people. HUD has administered its programs with little oversight. This fact, combined with local government autonomy in the public housing field, has made it easy for communities to ignore the need for housing and employment opportunities for people with low or moderate incomes or members of minority groups.

The Community Development Block Grant program is directed primarily toward the interests of people with low or moderate incomes. Leagues have been particularly active in speaking out for local housing needs through the citizen participation component by

insisting that funds be spent in low- or moderate-income areas.

With the elimination of most federal housing programs, housing resources have shifted to the state. Leagues have established municipal area-wide housing authorities, organized non-profit housing groups, been members of housing authorities, and worked to remove obstacles to housing, such as discriminatory mortgage practices and restrictive or exclusionary zoning ordinances.

### **Executive Order #215**

This order directs all state agencies to withhold development assistance funding from communities that have been unreasonably restrictive of housing growth. Special consideration is to be given to the development of housing for families with low and moderate incomes. This order, issued in 1982, was an expansion of the Self Help and Open Space Program and was supported by the League.

### **Filed sub-bid law**

The Commonwealth's complicated and costly public filed sub-bidding procedure caused the League, in 1973-74, to support, unsuccessfully, a state turnkey housing program which would have lowered public housing construction costs and opened access to construction jobs to minorities. The special Commission Concerning State and County Buildings' recommendation in 1980 to repeal the filed sub-bid law caused the League to support an improved public bidding procedure by changing to the bid-listing system.

### **Homelessness Act**

Failure of grants to keep pace with inflation, lack of affordable and available housing for families and individuals with low incomes, and redefined federal and state policies resulted in greatly increased and widespread homelessness and hunger. In the early 1980s there was a dramatic increase in the number of people needing emergency shelter and food. Two emergency shelters existed in 1982; in 1986 that number had risen to over 40. The League lobbied with other advocates to educate the public and the legislature about the reasons for homelessness and the needs of homeless people. These efforts culminated in the successful passage of Ch. 450 of the Acts of 1983, the Homelessness Act. One of the most important provisions of this legislation allowed that people who met both categorical and financial eligibility requirements for the General Relief program could not be denied benefits solely because they lacked a permanent address. In an attempt to prevent homelessness, the act broadened the Emergency Assistance program. The League also published a statewide list of soup kitchens, pantries and food banks as a means of educating the public to the needs of destitute people and the magnitude of the problem.

The lack of available and affordable living space for working-poor and welfare recipients increased dramatically during the 1980s. Ch. 450 broadened Emergency Assistance coverage of housing-related problems and was used in FY85 by about 879 families per month, compared to 85 families per month in FY83. The number of families needing coverage of rent owed increased from 285 in 1983 to 515 in 1985. As shelter needs increased, many welfare families were placed in motels or hotels. In 1985 there were over 500 such families. Because only about 25-30 percent of AFDC families live in public or subsidized housing, with an even lower percentage for General Relief recipients, LWVMA joined other advocates to push for monthly rent allowances for AFDC recipients, and incentives for landlords to rent to such recipients.

### **Housing supply criteria**

>By 1969, LWVUS had broadened its fair housing position to include support for an adequate supply of housing for people with low or moderate incomes. A 1970 checklist for local, state and national implementation outlined such criteria as:

- achieving national and state housing goals
- income (rental) assistance and/or subsidized housing
- uniform building codes
- tenants' rights
- citizen participation in developing publicly assisted housing programs
- economic integration
- regional and metropolitan planning
- sound land use policies

### **Local housing authorities and local action**

League action in housing has promoted and supported the formation and monitoring of local housing authorities. The League supports proposals by nonprofit or limited dividend developers for subsidized housing in their communities. Leagues, with other groups, press for an increased supply of low- and moderate-income housing using different approaches-supporting increased allocation of federal Section 8 rental assistance funds, state rental assistance, code enforcement, housing rehabilitation programs, building conversion, abolition of local restrictive zoning and building code requirements.

### **Massachusetts Housing Finance Agency**

The Massachusetts Housing Finance Agency, a League-supported state agency founded in 1966, provides loans to private, nonprofit sponsors or limited dividend developers to build housing or rehabilitate existing buildings to house people with low or moderate incomes. By law, at least 25 percent

of the units of each development must be for low-income people.

### **Self-help and open space programs**

In 1976, the League concentrated its efforts on achieving the fair and equitable distribution of the state's self-help and Open Space Conservation funds. Representatives from civil rights, housing, environmental and conservation groups joined the League and the secretary of environmental affairs to develop criteria for the allocation of these funds. In 1978 the funding of all state and federal environmental programs to municipalities became contingent on each community's effort to meet its low- and moderate-income housing needs. Local Leagues have been encouraged to educate their communities that open space acquisition should be balanced by an adequate supply of low- and moderate-income housing.

### **Tenants' rights**

In its desire to give public housing tenants a greater voice in decisions affecting their lives, LWVMA participated in designing the state's rules and regulations governing the management of public housing, and the League has kept an ongoing interest to assure that tenant's rights are preserved. The legislature has enacted League-supported legislation that would protect public housing tenants and ensure that they are well-housed at a fair rate. The Baby Brooke amendment, which sets rents in public housing at 25 percent of income, was a League agenda item. The state public housing modernization program, modeled on the federal program, renovates and modernizes older public housing developments and at the same time permits tenants opportunities to participate in management and set renovation priorities of their housing. It encompasses several League positions.

### **Income assistance**

#### **Federal government responsibility**

The League believes the federal government bears the responsibility for financing basic programs of income assistance for all persons in the United States who are unable to work, whose earnings are inadequate, or for whom jobs are not available, and for setting income and eligibility standards for these programs. Supervising the administration of assistance is the responsibility of the federal government, but administrative offices should be near the people participating in the program.

#### **Sufficient benefit levels, special needs, eligibility**

League members agreed on a number of criteria for income assistance. Benefit levels should be sufficient to provide decent, adequate standards for food, clothing and shelter. Minimum income standards should be adjusted for regional differences in the cost of living and should be revised periodically to take into account changes in the purchasing value of the

dollar. Massachusetts League members further agreed that current welfare allowances were insufficient. Until there are adequate allowances, the League agreed that there should be increasing emphasis on cash assistance, but in-kind assistance (e.g., food stamps, housing subsidies, medical aid) should be continued to help assure that these needs are met. Until a federal welfare program achieves an adequate level of benefits, some states will need to supplement federal payments. Participants should not receive lesser benefits under a revised program than they are now receiving.

Eligibility of all low-income individuals for assistance should be based on need. Eligibility should be established through simplified procedures such as a declaration of need, spot-checked in a manner similar to that used in checking the validity of income tax returns. Nationally, the League was concerned that privacy of participants be protected. All administrative procedures should be conducted with respect for the rights and dignity of the individual.

#### **Supplemental Security Income program (SSI)**

In 1974 the federal government took over responsibility for providing a basic income to needy people who are elderly, blind or disabled. Under this program, the federal government pays the larger amount, Massachusetts supplements it, and the Social Security Administration, which administers the program, issues the checks. Federal SSI benefits are automatically adjusted for inflation.

#### **National Welfare Reform**

In 1988 national welfare reform became a reality under the Family Support Act passed by Congress and signed by the President. This legislation met most of the criteria for which the League had worked since 1977. The most important exception was making work compulsory for recipients of welfare. The League supports employment and teaching programs that are voluntary.

#### **Aid to Families with Dependent Children (AFDC) and General Relief (GR)**

AFDC is an income assistance program supported jointly by federal and state funds. AFDC benefits are not automatically adjusted for inflation; the Massachusetts legislature must vote yearly increases. General Relief is an income assistance program funded only by the state. The recipients are mostly single or married people with no children. Some two-parent families, however, receive General Relief.

#### **Cost-of-living increase**

To avoid an annual budget fight, the League in a 1974 coalition filed cost-of-living legislation. Rather than including a fixed percentage, the bill was tied to annual changes in the U.S. Consumer Price Index and covered payments to recipients of AFDC, GR and Veterans' Benefits.

Legislation similar to that of the coalition was enacted into law, effective July 1, 1975. Ch. 623 of the Acts of 1974 provides that the total budget of AFDC and GR recipients and the basic budget of recipients of Veterans' Benefits, before taking into consideration any available income and resources, will be increased on July 1 every year by a percentage rise in the United States Consumer Price Index for the preceding calendar year, subject to appropriation.

Since 1975, welfare recipients have received uneven increases to their benefits depending on the economic conditions in effect that year. Some years saw no cost-of-living increases coupled with reductions in services such as medical assistance. Other years, recipients received cost-of-living increases ranging from 3 to 6.5 percent. LWVMA lobbied against cuts to welfare programs and also urged tax increases to pay for essential services.

#### **Federal budget cuts**

Programs for low income individuals and families were targeted for reduction in the federal budgets of the 1980s. A 1983 study by the Congressional Budget Office showed that programs aimed primarily at the poor were cut \$57 billion from FY82 through FY85 (after adjustment for inflation and unemployment). Overall, low-income programs bore nearly one-third of all cuts made anywhere in the federal government even though they constituted less than one-tenth of the budget. From 1970 until 1983 benefits in the AFDC program fell 36 percent after adjusting for inflation. The result was that the purchasing power of AFDC benefits was reduced more than one-third since 1970, while the proportion of children living in poverty rose from 13.8 percent in 1969 to 22.2 percent in 1983. No other segment of U.S. society lost as heavily during this period.

Specifically, the implementation of the federal Omnibus Budget Reconciliation Act (OBRA) in 1981 made the working poor ineligible for AFDC benefits. It limited eligibility to people with annual incomes below 150 percent of the standard of need-only \$7,168 a year for a family of three. The impact of this act was to reduce the caseload in Massachusetts by 30,000 cases. The act also reduced the federal reimbursement rate to the states for federal and state human service programs from 53.56 percent to 50.13 percent.

The 1984 Deficit Reduction Act (DRA) softened a number of the act's harsher aspects. DRA dealt with four basic categories: eligibility, countable income resources, work programs and program administration.

#### **Massachusetts' response to cuts**

At the time when OBRA went into effect, state and federal sources were reporting an alarming rise in poverty in the Commonwealth, especially among

female heads of household. According to the 1980 census, 6 out of every 11 poor families across the state were headed by a female, and nearly two-thirds of all female-headed households with children under six were living in poverty. In 1970, the AFDC grant for a family of four exceeded the poverty line by about \$500, including food stamps. In FY85, the AFDC grant combined with food stamps was more than \$2000 less than the official poverty line. Between FY76 and FY85, the cost of living as measured by the Boston Consumer Price Index rose 86 percent while maximum AFDC payment standards rose only 28 percent. Maximum General Relief benefits rose only 51 percent.

Unlike the Supplemental Security Income program, which received the same automatic increase granted Social Security recipients, AFDC and GR recipients depended on annual appropriations to keep pace with inflation. In 1985, recipients received a 4 percent increase for the first time in several years. In 1985, the League joined a coalition in a long-term campaign to bring welfare grants for both AFDC and GR recipients from 40 percent below the poverty line to over the poverty line.

The result of the campaign's first year was a 9 percent cost-of-living increase. The League was also behind legislation to establish parity between AFDC families and GR families of similar size. A family on GR received benefits 25 percent lower than a comparable AFDC family. The League believed that creating parity and increasing grant levels would alleviate some of the serious consequences of grant underfunding such as hunger, malnutrition, inadequate housing and increased danger of homelessness and destitution. Almost 90 percent of AFDC families and more than 95 percent of GR families depend on their welfare grant as their only source of income.

In 1987 the Supreme Judicial Court ruled that under the Massachusetts constitution, the Department of Public Welfare has the duty to review annually the adequacy of its standard budgets of assistance to AFDC recipients and that the amounts should be sufficient to enable AFDC parents to raise children properly in their own homes. The League joined with others in lobbying the legislature to implement this ruling.

### **Employment and Training**

Since 1977, the League has taken action against attempts to implement a Massachusetts workfare program under which AFDC recipients with children over age six must work without pay in governmental and non-profit agencies in exchange for their grants.

The League believes that recipients want to work if there are positive incentives, and it joined other advocates to plan an employment and training program that would address the needs of welfare

recipients. This included professional assessment, training, job placement with adequate pay and benefits, educational components, considerations for transportation and day care. The Employment and Training Program (ET) was instituted in 1983.

LWVMA continues to monitor and seek improvements in this program; involvement was broadened to include the General Relief ET program instituted in 1984.

### **Background**

- 1969: LWVMA voted to study the Commonwealth's public welfare system. The first year of the study focused on the people and the second year on the state's services to them.
- 1971: After studies in Massachusetts and at the national level, the League reached consensus on the need for welfare reform and began a national campaign for a more rational public assistance program based on need.
- 1986: The LWVUS convention adopted a two-year study: Meeting Basic Human Needs. In January 1989 the LWVUS board approved a reorganization of the League's national Social Policy positions designed to integrate the new Meeting Basic Human Needs position.

### **Reproductive choices**

#### **Goal:**

Freedom of individuals to make informed reproductive decisions based on their own convictions and beliefs. (1972)

#### **The League supports:**

- emphasis on preventive measures to avoid unwanted pregnancies
- sex education in the schools and community
- access to family planning information, services and devices to people who want them
- wide distribution of information about contraception and sterilization
- treating abortion as a medical procedure to be decided upon by a woman and her physician
- public funding for birth control and abortion services for the poor
- research on birth control methods

## **The League opposes:**

- restrictive birth control and abortion laws

## **League action**

### **Sex education**

The League supports action to initiate or expand programs in schools and communities throughout the state. The League opposes efforts to enact state legislation to prohibit the teaching of sex education in public schools or to prohibit the dissemination of contraceptive information or information about abortion. The League opposes abstinence-only programs and supports programs that suggest abstinence as one of several choices for teenagers.

### **Family planning**

LWVMA believes participation in family planning programs should be voluntary. The League opposes efforts by the legislature to restrict access to any forms of family planning. Many family planning programs in Massachusetts have depended on federal funding. Shifts from categorical funding to the use of other federal programs, such as Medicaid and Title X, and general budget constraints at the federal and state levels, require continued League support to ensure programs adequate to meet the needs of Massachusetts residents.

The League supports wide distribution of information about contraception and sterilization. The League has supported action to increase the availability of family planning services and information by supporting bills to require city and town clerks to offer such information to couples applying for marriage licenses. The League has opposed bills that would deny state funds to family planning providers if they also provide abortion services.

### **Marital status, age**

In 1972, while the League study on birth control and abortion was in process, the Supreme Court invalidated the Massachusetts statute prohibiting distribution of contraceptives to unmarried persons. In an earlier ruling, the Massachusetts Supreme Judicial Court (SJC) had affirmed that first amendment rights covered exhibiting contraceptives. The cumulative effect of the state and federal decisions was to invalidate the Massachusetts birth control laws. The League position supports not only the right of contraceptive care for unmarried persons but also the right of contraceptive care to minors without parental consent.

### **Freedom of choice in abortion**

Because members agreed that the law should permit the exercise of freedom of choice in keeping with diverse individual beliefs, the League supports a law that deals with abortion as a private decision between the woman and her doctor. The League supports repeal of restrictive laws and opposes new legislation that would seek further restrictions.

In 1974, the LWVMA joined an amicus brief on behalf of a wife in *Doe v. Doe*, in which the SJC ruled that a husband does not have the right to interfere with his wife's abortion.

In 1973, the U.S. Supreme Court ruled on the constitutionality of the restrictive abortion laws of two states (*Roe v. Wade*, Texas, and *Doe v. Bolton*, Georgia). The decision was broad in character and affected the laws of virtually every state, including Massachusetts. According to the court's ruling, states may not restrict a woman's right to abortion until the fetus is viable. To ensure the protection of maternal health, states are permitted to regulate the conditions under which abortion may be performed and states may act to preserve an interest in the potential life of the fetus by limiting access to abortion in the final months of gestation.

LWVMA filed an amicus brief in Dr. Kenneth Edelin's appeal of his conviction on manslaughter charges arising from the performance of a legal abortion at Boston City Hospital. Edelin's conviction was overturned by the SJC.

Nationwide efforts to enact an anti-abortion amendment to the Constitution began soon after the announcement of the 1973 Supreme Court decision. The League opposes attempts by the legislature to pass a resolution calling on Congress to enact a "human life" or other anti-choice amendments to the Constitution or to call a federal Constitutional Convention to consider a fetal rights amendment to the U.S. Constitution. The League cites denial of freedom of choice that such an amendment would represent.

Since 1982, the League has opposed anti-choice, anti-abortion amendments to the state constitution. The proposed amendments have been of two types: the "human life" type, which declares that life begins at the moment of conception, and a "denial of rights," which would allow the legislature to regulate or prohibit abortion, public or private funding of abortion, or facilities and services for abortion. The League, through membership in the Massachusetts Coalition for Choice, has opposed these proposals in the legislature. As a member of the coalition steering committee, the League helped defeat an anti-choice amendment on the 1986 state ballot.

In 1989, LWVUS joined an amicus brief in *Webster v. Reproductive Health Services*. The Supreme Court, in holding provisions of the Missouri abortion statute constitutional, could greatly reduce federal constitutional protection for women's right to choose abortion. *Webster* permits viability testing and the right to restrict abortions in any way linked to public monies including the use of buildings on land leased by a government to a private facility. In the wake of the *Webster* decision, the Massachusetts Coalition for Choice introduced a pro-choice state constitutional

amendment by citizen initiative. LWVMA, as a member of the Coalition for Choice, joined in collecting twice the required number of signatures for the amendment, which needs a 25 percent vote by two successively elected legislatures before going to the public on the ballot.

A potential new threat to women's right to abortion is the fetal rights or fetal endangerment movement. The danger comes if the government is allowed to regulate a pregnant woman's life. LWVMA joined an amicus on behalf of a woman who was charged with vehicular homicide of her own fetus as a result of a drunk-driving accident (*Commonwealth of Mass. v. Levy*, 1989). The case was dropped.

During the fall of 1988, Operation Rescue, an anti-abortion group, physically blockaded abortion clinics and harassed both patients and staff. LWVMA was one of the plaintiffs in a case against Operation Rescue charging it with violations under the Massachusetts Civil Rights Act and other claims. (*Planned Parenthood League of Massachusetts, LWVMA v. Operation Rescue*, 1989) The Supreme Judicial Court agreed that blockades and harassment are not protected free speech under the first amendment and upheld an injunction against these activities.

#### **Medical personnel**

The League supports legislation to allow freedom of choice for medical personnel who do not wish to perform abortions against their convictions.

#### **Counseling**

The League believes it is an important adjunct to the medical procedure to assure that the woman who seeks an abortion is aware of the alternatives available to her, including supportive services to help her continue the pregnancy. Counseling should also be provided following the abortion, should she and her physician decide upon that alternative. The League has opposed "informed consent" bills that require a 24-hour wait before an abortion is performed and that the patient be told in detail about the development of the fetus and risks of abortion, as not providing balanced counseling and as intended to add costly and harassing requirements.

The Victim's Compensation Statute excluded counseling and services for abortion, and full-term delivery for victims of rape who become pregnant. LWVMA supported legislative bills to remove this discriminatory exclusion finally enacted in 1993.

#### **Location**

The League has opposed attempts of abortion opponents to limit access and increase cost by restricting abortions to hospitals, rather than clinics, or restricting abortion clinics.

#### **Minors**

The League has supported the right of minors to

obtain abortions without parental or judicial consent. Massachusetts was the first state to pass a parental consent law (1974). The U.S. Supreme Court held the law unconstitutional as written (*Bellotti v. Baird*, 1979). The new law, written to meet Supreme Court objections and effective 1981, requires an unmarried woman under 18 years of age to get consent of both parents or a court in order to obtain an abortion. LWVMA supports total repeal of this statute and is working to modify it to be less onerous by reducing the age to under 16 years and requiring only one parent's consent with the judicial bypass option.

#### **Public funding**

In June 1977, the U.S. Supreme Court ruled that a state has no constitutional obligation to provide Medicaid funding for abortions that are not medically required. The League, with others, succeeded (1977) in blocking attempts to stop Medicaid funding for abortions. The FY79 budget, however, passed over the governor's veto in 1978, prohibited the use of state funds for abortions either through Medicaid or through state employees' insurance, except in the case of rape or incest or to save the life of the mother. In 1978 the U.S. District Court issued a preliminary injunction against rules enacted by the 1978 legislature. The court's ruling stated that Medicaid regulations should provide for abortions when "severe or long-lasting physical health damage to the mother would result." The 1980 U.S. Supreme Court decision (*Harris v. McRae*) that the government can constitutionally refuse to pay for even medically necessary abortions for poor women required further League action in support of Medicaid-funded abortions.

The Massachusetts General Laws were amended in 1979 to prohibit the expenditure of any state funds to pay for abortions that were not necessary to prevent the death of the mother. Suit was brought to challenge the various restrictions to Medicaid funding. LWVMA supported that suit. The Massachusetts Supreme Judicial Court ruled (*Moe v. Secretary of Administration and Finance*, 1981) that the state constitution protects the right to choose whether or not to have a child and that "coercive funding restrictions" are unconstitutional. Thus, the state constitution has been judged to have stronger protections than the federal constitution. Although the same funding restrictions apply to all state employees and retirees and appear to fall under the rationale of the Moe decision, no test case has been brought. Employees have the option to add, at their own expense, a rider for coverage of "medically necessary" abortions. The League has opposed the prohibition of health insurance coverage of elective abortions except by special rider. League opposition to state anti-choice amendments is also based on protecting the right, in the state constitution, for public funding for abortion for poor women and for

state employee health insurance which was enacted in 1996.

Because the League supports a woman's decision to carry a pregnancy to term as well as her decision to have an abortion, it supported 1983 and 1984 legislation to extend AFDC and Emergency Assistance benefits to needy women in the first and second trimesters of pregnancy. Eligibility had previously been limited to the third trimester.

Recent legislation to ensure women's access to reproductive health services are the Buffer Zone (2000), providing harassment free access to health clinics, and the Equitable Coverage of Services in Health Plans (2002), mandating that contraceptive services and devices and hormone replacement therapy (HRT) be paid for by all insurance plans with prescription drug benefits.

## Background

- 1970: LWVUS International Relations Development position allowed support by LWVUS for U.S. assistance for population planning programs for other nations.
- 1972: LWVMA announced its position regarding abortion, contraception, sex education and related issues.
- 1978: LWVUS board voted to expand its positions to include funding for abortions, citing the supportive services criteria in the LWVUS income assistance positions and the League's efforts to combat discriminatory practices affecting poor people.
- 1982: LWVUS convention delegates voted to ask local Leagues to concur with a statement that reflected the conclusions of a study that year by New Jersey and with the 1972 LWVMA consensus positions. The result was the position: The League of Women Voters of the United States believes that public policy in a pluralistic society must affirm the constitutional right of privacy of the individual to make reproductive choices.
- 1989-present: Reproductive rights were voted an LWVMA legislation and action priority.

## Transportation

In 2013 the League of Women Voters Massachusetts adopted by concurrence the position the League of Women Voters of California, This position replaces the prior position, archived below.

## Position in Brief

Support a transportation system to move people and goods which includes a variety of transportation modes, with emphasis on increased public transportation services and other viable alternatives to reduce vehicle miles traveled; is efficient, convenient, and cost effective; is safe and secure; serves all segments of the population and diverse geographic needs; minimizes harmful effects on the environment; is integrated with land use; and is supported by extensive public education.

## Positions

- Transportation and land use planning should be integrated to promote reduced vehicle mile traveled through a jobs/housing balance and requirements that land use development facilitate use of transit and other alternatives to single occupant vehicles.
- Planning for transportation should promote:
  - Strategies to influence travel behavior, such as fees, taxes and tolls, combined with mitigation measures for low income persons;
  - Alternative to single occupant vehicle travel, such as high occupancy vehicle lanes, expanded transit, car/van pools and bicycle lanes;
  - Other strategies to improve traffic flow, such as flextime and telecommuting;
  - Project evaluation processes which include early and informed public participation, analysis of alternative routes and modes, analysis of costs and benefits of each alternative, and consideration of consistency with regional and state transportation systems.
- Transportation funding should come from all levels of government, but regional and local levels should have maximum flexibility to select the modes and projects on which to spend allocated funds. User fees and other revenues derived from transportation related sources should be designated for transportation uses, including use of highway users' taxes for transportation-related services such as smog control and transit. A variety of other funding methods are appropriate, including general funds, sales tax revenues and private sources such as developer fees. All funding

should be evaluated in terms of equitable sharing of transportation costs, effect on travel behavior and indirect economic impacts.

- Government responsibility includes:
  - Provision for early and informed public participation in the planning process;
  - Cooperation and coordination among agencies and between different levels of government;
  - Maintenance of existing transportation systems.
- The state should be responsible for setting statewide standards and for planning on a statewide level with provision for a strong regional role.
- Regional decision making should include extensive local input.

**Position History:** LWV California Adopted 1981; Revised 1985; New Position 1991; Readopted at last convention. LWV Massachusetts Adopted by concurrence 2013.

**The following transportation position, adopted in 1975, has been replaced by the concurrence position adopted in 2013 (above).**

A statewide public transportation service, accessible to all, that provides access to jobs, housing and services while creating minimum disruption of the environment; public monies allocated flexibly to meet public transportation needs. (1975)

### **Decision making**

#### **The League supports:**

- basing transportation decisions on full information and data provided to the public and decision makers, with special emphasis on need for service, alternate modes, and costs and benefits
- strengthening regional decision making by measures that provide maximum citizen and local government comment
- informed and effective involvement of citizens in decision making through provisions for ongoing participation from the earliest planning stages, and widespread notification of public meetings held at times and places convenient for interested citizens
- measures to promote convenient, reliable, safe, clean and well-publicized services

### **Funding**

#### **The League supports:**

- placing all transportation monies in a general transportation fund that is available to all modes
- allocating funds on the basis of service needs
- allocating funds in a manner that will equalize municipal and/or regional resources
- funding policies that encourage increased availability and quality of public transportation and provide incentives for cost effectiveness

### **Fares**

#### **The League supports:**

- a fare system partially funded by the user
- fare experiments that help meet needs of communities and users, and provide incentives to increase ridership

### **Authorities**

#### **The League supports:**

- using, for public transportation purposes, authority revenues in excess of those needed for operating and maintenance costs
- making the authorities more accountable to both the state and the public

### **League action**

#### **Services**

The League believes in increasing alternatives to the private automobile for both commuting and noncommuting purposes: rapid transit, rail, bus, vanpooling, carpooling, and bicycling. The LWVMA works with local Leagues to coordinate efforts toward transportation alternatives.

Massachusetts Bay Transportation Authority: The MBTA, a public transportation system that affects the entire state, provides rapid transit and bus service within a 79-community region and commuter rail service to communities outside that region. Half of its deficit is paid by the entire state, and the size of the deficit has an indirect impact on available funding for Regional Transportation Authorities throughout the state. In 1976 several members of LWVMA's transportation committee conducted a research project for the community affairs and marketing department of the MBTA aimed at improving the procedure for dealing with complaints and suggestions. A proposal was drafted and some recommendations implemented.

In 1978 the League supported legislation to set guidelines for arbitration contracts for MBTA employees. The League's concern was for the impact



on the operating budget of spiraling and inequitable wage increases, and thus on the availability and quality of service. Reasonable guidelines for arbitration would be a step toward cost effectiveness in public transportation, would emphasize delivery of services, and would provide for bargaining procedures comparable with those of other public service employees. With strong legislative, executive and public support, this bill was enacted into law. The League continues to oppose legislation to weaken this act.

In 1979-80 an energy crisis and increased demand for public transportation caused the LWVMA to focus on the need to increase service and cost effectiveness of the MBTA. The League evaluated the structure, operation, service and funding of the MBTA, and concluded that structural and funding changes should not be made until fiscal controls and labor productivity were increased. The League monitored the legislature's Special Transportation Study Commission and supported bills to increase management's control over MBTA operations and to strengthen the advisory board's review and approval powers. More comprehensive legislation to strengthen MBTA management control over operations passed in 1981.

**Regional Transit Authorities (RTA):** Leagues throughout the state helped establish RTAs in urban areas outside the MBTA area. They evaluated RTA formation and operation and helped build local support for public transportation and the authorities. The League prepared an update on RTAs in 1978 and supported a bill extending RTA bonding authority.

**Rail:** The League has testified in support of commuter rail improvements and worked to increase ridership. At a 1976 hearing, the League encouraged the U.S. secretary of transportation to revitalize the inland rail route through Worcester and Springfield to New York. In 1977 the League testified in favor of the Northeast Corridor (rail) Improvement Program, while also speaking to specific sections of the Draft Programmatic Environmental Impact Statement. In 1986, a citizen's advisory task force was formed to evaluate rehabilitating the Old Colony Railroad Line. The League held a seat on that committee and, in 1990, submitted testimony in support of this project.

**Carpool, vanpool:** The League has worked unsuccessfully for bills to support lower tolls for carpools. LWVMA praised the administrative establishment in 1979 of a differential rate for carpoolers on the Massachusetts Turnpike. A legislative attempt to prevent the change failed.

**Bicycles:** The League has provided local Leagues with information on bicycle planning and has supported legislation to create a bicycle advisory board.

**Air travel:** In 1979 bills to reorganize the Massport Authority were opposed by the League on the grounds that Massport was both financially sound and responsible to public and state needs. The bills were defeated in the legislature.

#### **Accessibility**

LWVMA has worked to increase accessibility to transit options for all individuals, for example handicap access ramps and fares that encourage ridership. Locally, Leagues have been influential in creating or supporting efforts to improve public transportation, encouraging special services for students, handicapped people and elderly people, minibus services, flexible uses for school buses, limousine service to the airport and improved local bus schedules and routes. Surveys were conducted to determine local transportation needs; some Leagues found funding to meet those needs.

#### **Quality**

The League supports improved quality and attractiveness of public transportation, including shelters, station improvements, secure auto and bike parking facilities.

#### **Promotion**

The League supports promotion of alternatives through, for example, marketing fare experiments, pass systems or insurance discounts.

#### **Funding**

The League supports the development of a general transportation fund available to all modes and, as one step toward that goal, the flexible use of highway monies for alternative modes of transportation, parking areas, express bus lanes and access to station areas. The League supported the state's first combined capital improvement program for highways, airports, rail and mass transportation in 1977 and 1979.

In 1984, voters amended the Massachusetts constitution so that monies in the state's Highway Fund could be used for mass transportation. The General Fund, however, continues to finance most of public transportation, aviation and rail project expenses, and debt service on bonds.

The League has supported continued highway funding with user fees, such as a gas tax, under its Fiscal Policy position. In 1979, the League supported the establishment of a user tax on aviation fuel which is now a local option tax.

#### **New construction vs. maintenance**

The League generally supports increased highway and bridge maintenance over new construction, particularly in urban areas. The League has given testimony underlining the importance of maintenance money and on transportation operating and capital outlay budgets. Testimony was also given in support of depressing and widening Boston's central artery, a

major reconstruction project, and construction of a third harbor crossing.

### **Planning**

The League believes in the retention of existing facilities whenever possible, practical and cost effective. The League has supported bills to allow the state to acquire railroad corridors for transportation uses. Local Leagues have been encouraged to work for town zoning bylaws protecting rail corridors.

### **Coordination**

The League supports coordination of existing services to increase ridership and accessibility. League members serve on regional transportation planning advisory groups, the MBTA and RTA advisory boards, rail commission and special task forces and working committees, to advise in the planning of highways, transit, rail service and airports. Local Leagues continue to be involved in regional transportation issues and in improving transportation options within their communities through service on local transportation and bikeway planning committees. LWVMA has also been represented on the Joint Regional Transportation Committee for the Boston area.

### **Impacts, options**

The League believes that transportation planning on all levels must consider social and environmental factors as well as modes of transportation. The League participated in the development of the transportation section of the State Implementation Plan for Clean Air, submitted to the federal Environmental Protection Agency in 1978. League participation in transportation planning to improve air quality is a continuing effort in several urban areas in Massachusetts. The League also testified in favor of an annual automobile safety and emissions inspection program.

### **Citizen participation**

The League has promoted active involvement in the established Regional Transit Authority Advisory

Boards and Transportation Policy Advisory groups within the Regional Planning Agencies.

The League supports holding annual local public hearings on all transportation plans for the community and region so that citizens can be aware and involved in planning prior to decision making. In urban areas where local Leagues feared certain proposed highway construction projects would have a negative impact, LWVMA and local Leagues worked to increase citizen participation in the planning process. The state League has met with federal Department of Transportation officials to support improving federal regulations for citizen participation in transportation planning.

The League supports establishment of local transportation advisory committees on a continuing basis.

### **Background**

- 1972: LWVUS transportation positions became the framework for LWVMA study. LWVUS positions grew out of LWVUS consensus in Human Resources and Environmental Quality with the purpose of promoting equal opportunity in housing and employment and of reducing vehicular air pollution.
- 1973-75: LWVMA study concentrated on: promoting members' understanding and affirmation of national positions; seeking guidance for their application to the specific needs of the state's cities and towns; and reaching additional positions applicable specifically to Massachusetts.