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For Immediate Release

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Representative Kane reflects on legislative accomplishments at mid-session

BOSTON – With a perfect voting record for all 305 roll-call votes cast at the midway point of the 2017-2018 legislative session, State Representative Hannah Kane, R-Shrewsbury, took time to reflect on some of the major legislative initiatives undertaken by the House this year, including several bills that were signed into law in 2017.

WORKFORCE PROTECTIONS

Representative Kane noted that this year marked the passage of many important workplace protection measures for expectant mothers with the signing of the Pregnant Workers Fairness Act (Chapter 54 of the Acts of 2017). The new law, which takes effect on April 1, 2018, requires Massachusetts employers to offer reasonable accommodations to workers who are pregnant or nursing, and prohibits employers from retaliating against an employee for requesting such an accommodation. It also bars employers from discriminating against pregnant workers when hiring or promoting.

The bill's passage comes just one year after the signing of the Massachusetts Pay Equity Law (Chapter 177 of the Acts of 2016), which Representative Kane also supported. Set to take effect on July 1, 2018, this law requires employers to compensate men and women with equal pay, regardless of gender, when performing comparable work that is substantially similar in skill, effort and responsibility.

CRIMINAL JUSTICE REFORM

In November, the House engaged in a lengthy debate on comprehensive criminal justice reform legislation (House Bill 4043). In addition to reclassifying fentanyl – which is now present in 81 percent of all opioid-related deaths in Massachusetts – as a Class A substance, the House bill also creates a fentanyl trafficking penalty for 10 grams of fentanyl or any of its derivatives, punishable by a 3 ½ year mandatory minimum sentence with a maximum penalty of 20 years.

Included in the House's final omnibus legislation was a major bi-partisan bill filed jointly by Representative Kane and House Judiciary Chair, State Representative Claire Cronin (D-Easton), on supervised medical parole for terminal and extraordinarily incapacitated inmates. Massachusetts is one of only five corrections systems in the United States without a current legal procedure for inmates to petition for release based on health. Backed by the Massachusetts Sheriff's Association, the bill offers a practical and compassionate solution to the serious financial burden imposed on the Commonwealth to care for terminally ill and permanently incapacitated prisoners, whom cannot receive proper medical attention at correctional facilities, and subsequently necessitate extraordinarily costly outside medical care, transportation, and staff time.

The legislation provides for the establishment of an independent, five-member medical parole board that will review, based on a Sheriff or Superintendent's request, and recommend to the parole board inmates eligible for supervised medical parole. Under this legislation, the process may only begin if an inmate is deemed terminally ill and their condition will likely cause their death within twelve months. In order to be deemed either terminally ill or permanently incapacitated, inmates must present a condition so debilitating and permanently incapacitating that no public safety risk be posed.

Several Republican-sponsored amendments were adopted as part of the final House bill, including proposals to:

- set a minimum mandatory prison sentence of one year and as many as 10 years for committing assault and battery on a police officer, along with a potential fine of between \$500 and \$10,000;
- establish a statewide sexual assault evidence kit tracking system within the Executive Office of Public Safety and Security (EOPSS), which will conduct an audit of all existing untested kits associated with a reported crime to determine the state's existing backlog;
- add "a finding of guilty or not guilty by reason of insanity" to the definition of what is required to be disclosed on a Criminal Offender Record Information (CORI) report;
- allow judges to hold individuals facing a third OUI charge if it occurs within 10 years of a prior OUI conviction, a change that was made after a recent SJC case declared the wording of the existing law to be ambiguous;
- expand witness intimidation protections to include victim witness advocates, correction officers, court reporters and court interpreters; and
- require outstanding Sex Offender Registry Board (SORB) fees to be reported to the Department of Revenue (DOR), Department of Transitional Assistance (DTA) and Registry of Motor Vehicles (RMV) within 60 days of an offender's initial and annual registration date, while also authorizing the interception of tax payments by DOR and prohibiting license or registration renewals by the RMV until the fees have been paid.

The debate on criminal justice reform was not without controversy, however, as a Republican leadership's amendment to hold drug dealers accountable for their actions was watered down through an inoculating floor amendment. Representative Kane supported the original amendment to impose a mandatory prison term of 5 years up to life for selling drugs that lead to death, but this effort was undermined by the passage of a further amendment that calls for the proposal to be studied, rather than implemented immediately.

The Senate passed its own version of the criminal justice reform bill in October. A six-member conference committee was recently named to try to work out the differences between the House and Senate versions of the bill.

ENGLISH IMMERSION

Legislators this year also approved changes to the state's sheltered English immersion law to give cities and towns more flexibility in helping children successfully develop their English language skills. An Act Relative to Language Opportunity for Our Kids (LOOK), signed into law as Chapter 138 of the Acts of 2017, also directs the Department of Elementary and Secondary Education to establish "seals of bi-literacy" for high school graduates who are proficient in English and another language, and allows for greater parental input by establishing parent advisory committees in schools with a high concentration of English language learners.

UNFUNDED MANDATES

Representative Kane recently supported efforts to reimburse cities and towns for the costs associated with implementing the state's new early voting law during the 2016 election cycle. In February of 2017, State Auditor Suzanne Bump ruled that some of the expenses incurred by municipalities constituted an unfunded mandate and should be paid by the Commonwealth.

In October, the House unanimously approved the appropriation of \$485,559 to help cover these costs through an amendment to a supplemental budget (House Bill 3951). Although this funding was not included in the final spending bill (Chapter 110 of the Acts of 2017), the Division of Local Mandates in the State Auditor's Office has been directed by the Legislature to certify these costs, with a final report due to be filed on January 10, 2018. Representative Kane vowed to continue working with her colleagues in the upcoming year to ensure that Shrewsbury and Westborough receive this funding reimbursement.

At the beginning of the 2017-2018 legislative session, Representative Kane teamed with her House colleague, Representative James Arciero, (D-Westford), to file legislation protecting municipalities from unfunded mandates. The bill would require that any legislation which imposes a cost on municipal governments include a fiscal note or study which clearly explains the cost associated with implementing or administering the legislation, and it not be enacted until an appropriation was secured, satisfying the cost to implement.

Representative Kane also lent her support to a Republican-sponsored budget proposal in April calling for the creation of a special task force to review all unfunded state education mandates and reporting requirements, and to provide recommendations for easing these cost burdens for local school districts. Although the language was included in the House budget, it did not make it into the final Conference Committee report (Chapter 47 of the Acts of 2017). Despite this setback, Representative Kane said she will continue to work in the coming year to advocate for an end to unfunded state mandates.

VETERANS

A longtime advocate for our country's veterans, Representative Kane supported a series of initiatives in 2017 to honor those who have served, including:

- a \$199 million bond authorization to pay for the design and construction of a new 154-bed Soldiers Home in Chelsea, more than half of which is eligible for federal reimbursement (Chapter 133 of the Acts of 2017);
- a study of the long-term capital and deferred maintenance needs of the Soldiers' Home in Holyoke, to be conducted by the Division of Capital Asset Management and Maintenance (DCAMM), in consultation with the Department of Veterans' Services, and completed by April 30, 2018 (Chapter 136 of the Acts of 2017);
- legislation, which passed the House and is currently pending in the Senate, authorizing cities and towns to include a check-off box on their municipal property tax or motor vehicle excise tax bills for residents to make a voluntary donation, over and above the amount owed on their tax bills, to support local activities honoring the contributions and sacrifices of the community's veterans (House Bill 4019); and
- a bill, also approved by the House and pending in the Senate, requiring a designated parking space to be made available free of charge to veterans at all city and town hall parking lots during regular business hours (House Bill 2763).

FIRST RESPONDERS

Representative Kane also backed efforts to expand the one-time, tax-free benefit provided to the families of first responders killed in the line of duty, doubling it from \$150,000 to \$300,000. This change was included in a supplemental budget bill that was signed into law on March 28 (Chapter 5 of the Acts of 2017).

MARIJUANA LEGALIZATION

Following the legalization of recreational marijuana by Massachusetts voters in November of 2016, the Legislature took steps this year to amend the ballot question in an attempt to provide

sufficient oversight of the cannabis industry and ensure that adequate protections are in place to keep marijuana out of the hands of minors.

As the Republican House appointee to the Legislature's six member Marijuana Conference Committee, Representative Kane held a leadership role in crafting the Legislature's final bill. An Act to ensure safe access to marijuana (Chapter 55 of the Acts of 2017) gives cities and towns more flexibility to control the number of local marijuana dispensaries, providing communities with the option of implementing reasonable safeguards through local bylaws and ordinances or banning retail marijuana facilities outright. It also implements strict guidelines for the advertising, marketing, branding and packaging of marijuana and marijuana-infused products to help keep them out of the hands of minors.

One point of contention during the marijuana debate centered on the reworking of the tax structure for recreational marijuana sales. The original ballot question called for all recreational marijuana purchases to be subject to a 3.75% excise tax, the 6.25% state sales tax, and a 2% local sales tax at the point of purchase, for a total tax of up to 12%. The new law raises the excise tax to 10.75%, while allowing for a local sales tax of up to 3%, creating an effective tax rate of 20% after factoring in the state sales tax.

The law also expands the Cannabis Control Commission charged with overseeing the marijuana industry in Massachusetts from 3 to 5 members, and provides them with compensation so that they serve in a full-time role, not in an unpaid position. The new law requires each commissioner to receive a salary equivalent to up to three-quarters of the salary paid to the Secretary of Administration and Finance, with the chairman of the Commission to be paid the same salary as the Secretary.

OTHER BILLS SIGNED INTO LAW

Other bills approved by the Legislature and signed into law this year include:

- Changes to the state's handicapped parking laws, including increased penalties for the fraudulent use of handicapped placards and license plates (Chapter 137 of the Acts of 2017);
- The establishment of a Home Care Worker Registry in the Department of Elder Affairs (Chapter 139 of the Acts of 2017); and
- The ACCESS Law (Advancing Contraceptive Coverage and Economic Security in our State), which requires health insurers to cover FDA-approved birth control without a co-payment, but exempts churches and church-controlled non-profits (Chapter 120 of the Acts of 2017).

COMING UP IN 2018

Looking ahead to next year, Representative Kane said that in addition to trying to finalize criminal justice reforms and passing several local bills she filed, the House is expected to consider legislation aimed at containing health care costs. She also anticipates action on Governor Baker's proposed \$1.287 billion housing bond bill, which includes funding for affordable housing construction as well as improvements to state-aided public housing. Representative Kane is also hopeful the House will act on Governor Baker's CARE Act (An Act Relative to Combatting Addiction, Accessing Treatment, Reducing Prescriptions, and Enhancing Prevention) and will continue to take steps to address the state's opioid epidemic.

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