

Beacon Hill Roll Call

By Bob Katzen

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THE HOUSE AND SENATE. Beacon Hill Roll Call records the votes of local representatives on two roll calls and the votes of local senators on four roll calls from the week of March 1-5.

BAN ON CUTTING THE VOCAL CORDS OF DOGS AND CATS (H 344)

The House, 155-1, approved and sent to the Senate a bill that would prohibit devocalization — the cutting of the vocal cords to suppress or remove the voice of a dog or cat — except for a medical necessity to treat disease, injury, or birth defects. The measure requires veterinarians who perform medically necessary devocalization to file a certificate with their local city or town hall stating the medical reason for the surgery.

Supporters of the ban said that the surgery is inhumane and dangerous and often leads to complications and can even lead to death. They argued that it is ordered for monetary gain, not love of the animal, and is often used by show dog exhibitors to keep dogs quiet in the ring or in transit and by breeders, who want to profit from breeding numerous dogs or cats but do not want to hear the animals barking, meowing, or crying.

Opponents of the ban said that “bark softening” is a better description of the procedure. They argued that it is minor surgery. Some argued that without access to devocalization, many dogs will be given to shelters and euthanized. They said that requiring a certificate of medical necessity would violate the privacy of the animals and their owners.

Supporters of the ban countered that “bark softening” is a polite euphemism to disguise what they called cruel and unnecessary surgery that subjects animals to many risks and no benefits. They contended that devocalized dogs are abandoned just like any other dog, and that barking, which is not a significant reason for surrender in the first place, does not force euthanasia. They argued that removing the requirement for the filing of a simple certificate would strip the bill of any accountability.

(A “Yes” vote is for the bill banning devocalization. A “No” vote is against the bill.)

Representative Richard Ross Yes

ALLOW CITY OF LAWRENCE TO BORROW \$35 MILLION (H 4516)

The House, 106-51, approved and sent to the Senate a bill authorizing the city of Lawrence to borrow up to \$35 million to help solve its fiscal crisis. The measure calls for a fiscal overseer to assess the city’s ability to manage its fiscal affairs and develop a three-year operating and capital financial plan within four months of his or her appointment. If at any time the overseer feels that the city cannot balance its budget and handle its finances, the state would abolish the overseer position and appoint a finance control board with more power to run the city’s finances.

Supporters of the bill said that it is fair and would give Lawrence a chance to get back on its feet. They argued that giving a finance control board massive power to run the city immediately goes too far. They said that the bill strikes a fair balance by starting with an overseer but leaving the door open to a finance control board in the future.

Opponents said that the bill does not go far enough and is weak. They said that it provides for a weak overseer instead of a strong financial control board. Most opponents of the bill support immediate appointment of the stronger finance control board.

(A “Yes” vote is for the bill. A “No” vote is against the bill.)

Representative Richard Ross No

BAN HAND-HELD CELL PHONES (S 2290)

The Senate, 16-18, rejected an amendment that would ban the use of hand-held cell phones for all drivers but allow them to use a hands-free cell phone with voice-activated



dialing.

Amendment supporters said that it is dangerous to dial and talk on the phone while driving. They argued that the amendment would save lives, prevent serious injuries, and make the roads safer for everyone.

Amendment opponents said that the amendment goes too far and is an unnecessary government intrusion into people’s cars and rights. They noted that there are already many existing laws that prohibit all types of distracted driving.

(A “Yes” vote is for the amendment banning the use of hand-held cell phones for all drivers. A “No” vote is against the ban.)

Former Senator Scott Brown has resigned

REGISTRY MUST NOTIFY DRIVERS WHEN THEIR LICENSE EXPIRES (H 2290)

The Senate, 32-2, approved an amendment reinstating the requirement that the Massachusetts Registry of Motor Vehicles (RMV) notify drivers by regular mail that their license is expiring — 30 days prior to the actual expiration date. This had been the state’s policy until it was abolished in November 2008 when the registry announced that in an effort to save \$800,000, these notices would no longer be sent out in the mail.

Following negative public reaction, the state in October 2009 instituted a revised policy that would notify drivers by email, telephone, or text message but only if they first signed up for the notification on the Registry of Motor Vehicles web site. That policy, currently in effect, does not provide for notification by regular mail.

Supporters of mailing the renewal notices said that it is outrageous that the state does not preemptively notify drivers that their licenses are expiring. They noted that the current system that requires signing up on the Internet to request a renewal notice discriminates against many senior citizens and others who do not have computers. Some said that there has been a 5 percent increase in the number of drivers ticketed for driving with an expired license since the old mail system of notifying everyone was scratched. They questioned whether the whole thing is a scheme to raise money by ticketing more drivers who are driving on expired licenses.

Opponents of mailing the notices said that the current Internet signup system is fair and that it balances the state’s need to save close to a million dollars and still allow drivers to request that they be notified when it is time to renew their licenses.

(A “Yes” vote is for the amendment requiring the Registry of Motor Vehicles to notify drivers by regular mail that their license is expiring. A “No” vote is against the requirement.)

Until and unless this part of the bill is signed into law, license renewal notices will only be sent to drivers who sign up on the Registry of Motor Vehicles web site at: <https://secure.rmv.state.ma.us/RMVReminder/intro.aspx>

Former Senator Scott Brown has resigned

SENIOR CITIZENS MUST BE TESTED BY DOCTORS (S 2290)

The Senate, 33-2, approved an amendment that would require older drivers to be screened and checked by their doctors at age 75, age 80, and then every three years

to determine if they are physically and cognitively capable of operating a vehicle. The amendment replaces a provision in the bill that would have had the Registry of Motor Vehicles conduct these tests and would have required seniors to pass the exam every three years beginning at age 75.

Senior citizens who do not pass the exam would be allowed to request the right to take a road test to qualify for their license.

Amendment supporters said that the amendment improves the proposal by allowing senior citizens to retain their privacy and dignity and be tested in their doctor’s office rather than in a public place like the registry. They noted that a driver over 80 years old is nearly four times as likely to be involved in a fatal crash as a teen-age driver.

Amendment opponents said that singling out senior citizens is nothing more than age discrimination and suggested that they might support this type of medical testing if it applied to everyone regardless of age. They noted that there are people well over 75 who can run marathons and people in their teens, 20s, and 30s who should not be driving.

(A “Yes” is for the amendment that would require drivers 75 and older to be screened and checked by their doctors. A “No” vote is against the amendment.)

Former Senator Scott Brown has resigned

PRIMARY ENFORCEMENT OF TEXT MESSAGING BAN (S 2290)

The Senate, 24-10, approved an amendment that would make the proposal banning texting while driving a “primary enforcement” law. This means that police officers would be allowed to stop and issue tickets to a driver solely for texting. The original bill made the law a matter of “secondary enforcement,” prohibiting police from stopping drivers solely for texting and allowing an officer to issue a ticket only if the driver is stopped for another motor vehicle violation or some other offense.

Supporters of primary enforcement said that secondary enforcement is misguided, weak, and ineffective and would allow drivers to continue to text as long as they are not committing an additional offense. They said that primary enforcement would save lives and pointed to accidents, deaths, and injuries involving texting.

Some opponents said that primary enforcement would lead to more cars being stopped by police officers, which they said results in increased racial profiling. Others said that the entire bill goes too far and is another example of too much government intrusion into people’s lives.

(A “Yes” vote is for the amendment allowing police officers to stop and issue tickets solely for texting. A “No” vote is against the amendment.)

Former Senator Scott Brown has resigned

ALSO UP ON BEACON HILL

DRUNKEN DRIVERS (S 1925) — The Transportation Committee approved a bill requiring first-time convicted drunken driving offenders to install interlock safety devices in their cars. These drivers breathe into this device that prevents the vehicle from starting if a blood alcohol concentration over a pre-set limit is detected. Current law only requires second-time drunken driving of-

fenders to use the device.

ABOLISH BUNKER HILL DAY AND EVACUATION DAY HOLIDAYS (S 1735) — The Judiciary Committee’s hearing on a proposal to abolish the Evacuation Day (March 17) and Bunker Hill Day (June 17) holidays became heated at times.

The State House and other state and local government buildings in only Boston, Chelsea, Revere, and Winthrop are officially closed each year on both dates. Thousands of local and state workers in those communities are given the two days off. Thousands of other state employees in all other cities and towns across the state are allowed to take the two days off or use them as “floating holidays” — a procedure under which they can take off two days of their choice during the year.

Supporters of abolishing the holidays say that eliminating the two holidays would save an estimated \$5 million and would be a very important symbolic pro-taxpayer move during a time when the state is drowning in debt and thousands of citizens have lost their jobs and houses.

Legislators who champion the holidays say that Bunker Hill Day commemorates the important Battle of Bunker Hill while Evacuation Day celebrates a key victory for the colonies as General George Washington and his troops drove the British out of Boston.

PROTECT JOURNALISTS FROM DISCLOSING SOURCES (S 1574)

The Judiciary committee’s agenda last week also included legislation that would establish a “shield law” providing protection to journalists who refuse to disclose confidential sources. Protection would not be provided if disclosure of the source would prevent imminent and actual harm to public security from acts of terrorism and the potential harm “clearly outweighs the public interest in protecting the free flow of information.”

Other instances in which a court could require that a reporter’s notes and tapes be made available include if they are critical to the resolution of a significant legal issue, could not be obtained by any alternative means, and there is an overriding public interest in the disclosure.

Other bills that were on the committee’s hearing list:

ENERGY DRINKS (S 1684) — Would ban sales of high-caffeine energy drinks to anyone under 18.

FIREWORKS (S 1707) — Would prohibit anyone from advertising the sale of fireworks.

LEGALIZE POT (S 1801) — Would legalize marijuana and allow adults over 21 to grow it for their personal use and the use by others over 21. The bill would also tax the product from \$150 to \$250 per ounce at the retail level — depending on its quality.

NOTIFY VICTIM (H 1253) — Would establish a statewide automated victim information and notification system that would inform a victim via email, telephone, or letter when a jailed offender who is released, escapes, or is transferred to another facility.

SMALL CLAIMS (H 1361) — Would raise from \$2,000 to \$5,000 the maximum amount for which a person can bring suit in small claims court.

DONATE LEFTOVER FOOD (H 3999) — Would allow restaurants to donate their edible leftover cooked food and nonperishable food to local food pantries and shelters. The bill would also give a tax credit or deduction for the donation.

QUOTABLE QUOTE

“Today I brought my friend Liam who has sat in here for the last 30, 40 minutes and hasn’t said a word and he’s just a very good dog.”

— Representative Cheryl Coakley-Rivera (Democrat from Springfield) holding up her dog while arguing on the House floor for a bill that would prevent any medically unnecessary devocalization of dogs and cats.

Bob Katzen welcomes feedback at bob@beaconhillrollcall.com