



2015 - 2016 Legislative Scorecard

Associated Industries of Massachusetts (AIM) is pleased to present its 2015-2016 *Legislative Scorecard*, the most widely read report on the voting record of Massachusetts legislators on issues important to employers. AIM releases the *Legislative Scorecard* at the end of each two-year session to ensure that members know legislators' records on key economic and public-policy issues, and to recognize lawmakers who understand the importance of a vibrant economy for all residents.

The 2015-2016 legislative session was a tale of two chambers. While the House of Representatives and Speaker Robert DeLeo successfully forged consensus on important measures such as wage equity and energy, the Senate hewed to a more progressive, ideological approach that produced a steady stream of bills with the potential to harm the Massachusetts economy. The divergent approaches are reflected in the *Legislative Scorecard* results.

Virtually every member of the House of Representatives earned grades of 50 percent or higher and 126 reps ended the session at 75 percent or better. The ratings were based on a dozen roll-call votes dealing with issues ranging from economic development to restricting the use of non-compete agreements.



In the Senate, meanwhile, only five of 40 members managed grades above 50 percent and a staggering 15 senators posted scores of 18 percent. The highest score in the Senate belonged to Senator Don Humason of Westfield at 59 percent.

The Senate scores were based upon many of the same issues debated by the House, as well as additional votes on so-called wage theft and efforts to modify the commonwealth's punitive treble damages law. Two key Senate votes – on energy and non-compete agreements – were not included because they were conducted as voice votes.

The *Legislative Scorecard* selects votes that reflect the objectives of *The Blueprint for the Next Century*, AIM's long-term plan for economic prosperity in Massachusetts. The plan maintains that only a vibrant, private-sector economy creates opportunity that binds the social, governmental, and economic foundations of our commonwealth.

The Blueprint contains four specific recommendations against which AIM measures public policy issues:

1. Develop the best system in the world for educating and training workers with the skills needed to allow Massachusetts companies to succeed in a rapidly changing global economy.
2. Support business formation and expansion by creating a uniformly competitive economic structure across all industries, geographic regions and populations, rather than picking winners and losers.
3. Establish a world-class state regulatory system that ensures the health and welfare of society in a manner that meets the highest standards of efficiency, predictability, transparency and responsiveness.
4. Moderate the immense long-term burden that health care and energy costs place on business growth.

We hope you find the Legislative Scorecard informative, and that you will share these results with your colleagues and associates.

Key Legislative Session Votes for 2015 - 2016

House Votes

FAS 109 - Vote was on adoption of the governor's amendment to restore a key tax deduction for capital-intensive employers. AIM supported the governor's proposal.

Solar - Vote was on enactment of an AIM-supported bill regarding a modest expansion of the state's solar subsidy program.

Solar - Vote was on enactment of a conference committee report AIM opposed relative to the expansion of the state's solar subsidy program adding \$800 million of expense for the state's electric ratepayers.

80% Income Surtax - Vote was on approving an amendment to the constitution establishing an 80 percent surtax on incomes in excess of \$1 million to be considered by the Constitutional Convention during the next legislative session.

Non-Compete Agreements - Vote was on an AIM-supported bill relative to judicial enforcement of non-compete agreements and the enactment of the Uniform Trade Secrets Act.

Economic Development - Vote was on the House Ways & Means Committee economic development bill, which AIM supported.

Wage Equity - Vote was on a compromise House bill supported by AIM establishing that no employer may discriminate in any way on the basis of gender in the payment of wages or other compensation.

Wage Equity - Vote was on the enactment of a further compromise offered by the Senate and approved by the House, supported by AIM, establishing that no employer may discriminate in any way on the basis of gender in the payment of wages or other compensation.

Manufacturing Extension Partnership - Vote was on an override of the governor's veto, in the Fiscal Year 2017 budget, of funding for the Massachusetts Manufacturing Extension Partnership. AIM supported the override.

Lyme Disease Mandate - Vote was on an override of the governor's veto of a new mandate requiring health insurers to pay for medically unsupported, long-term antibiotic treatments for Lyme Disease. AIM was opposed to the override.

Energy - Vote was on accepting the conference committee bill, which AIM supported, to diversify the commonwealth's energy supply, with an emphasis on non-carbon generating sources.

Economic Development - Vote represented final action on an AIM-supported compromise bill relative to job creation and work-force development appropriating \$1.03 billion for various economic-development projects.



Senate Votes

Treble Damages - Vote was on an AIM-supported amendment to modify mandatory treble damages for wage and hour violations. The amendment would permit an employer who showed by clear and convincing evidence that an act or omission was done with reasonable belief that the action was not a violation would avoid mandatory punitive damages imposed under current law.

Wage Theft - Vote was on a bill AIM opposed that increased the civil penalties on employers, contractors, subcontractors or employees for violating wage and hour laws. The bill added new provisions that the attorney general may file a civil action for injunctive relief, including treble damages, costs and reasonable attorneys fees.

Workers Compensation/Scarring - Vote was on a bill AIM opposed changing the compensation for bodily disfigurement in worker's compensation law to a floating calculation equal to 22.5 times the weekly wage, and further allowed compensation for purely scar-based disfigurement on any part of the body, which was previously excluded.

Wage Equity - Vote was on a burdensome version of a bill establishing that no employer may discriminate in any way on the basis of gender in the payment of wages or other compensation.

Climate Change Cost Effectiveness - Vote was on an AIM-supported amendment to the emissions benchmarks law that would have required that any further proposed measures be "cost effective."

Solar - Vote was on enactment of a conference committee report that AIM opposed relative to the expansion of the state's solar subsidy program adding \$800 million of additional expense for the state's electric ratepayers.

80% Income Surtax - Vote was on approving an amendment to the constitution establishing an 80 percent surtax on incomes in excess of \$1 million to be considered by the Constitutional Convention during the next legislative session.


Zoning Reform Bill - Vote was on Senate approval of a flawed zoning reform measure that AIM opposed.

Pipeline Financing - Vote was on adoption of an amendment to the energy bill prohibiting the Department of Public Utilities from instituting new fees on ratepayers to subsidize new natural gas pipelines. AIM opposed the amendment.

Credit Reports - Vote was on a bill AIM opposed restricting the use of credit reports for employment purposes.

Wage Theft , Direct Company Liability - Vote was on adoption of an AIM-supported amendment to establish the same liability standards for all categories of businesses.

Wage Theft, Treble Damages - Vote was on adoption of an AIM-supported amendment to limit the awarding of treble damages.




Economic Development, Tax Review - Vote was on adoption of an amendment AIM opposed to codify recommendations of the 2012 Tax Expenditure Commission, allowing for greater review of said expenditures.

Wage Equity - Vote was on the enactment of a compromise House bill supported by AIM establishing that no employer may discriminate in any way on the basis of gender in the payment of wages or other compensation.

Manufacturing Extension Partnership - Vote was on an override of the governor's veto, in the Fiscal Year 2017 budget, of funding for the Massachusetts Manufacturing Extension Partnership. AIM supported the override.

Independent Contractor - Vote was on adoption of an AIM-supported amendment that would have provided an alternative for determining who is an independent contractor as opposed to an employee.

Lyme Disease Mandate - Vote was on an override of the governor's veto of a provision requiring health insurers to pay for medically unsupported, long-term antibiotic treatments for Lyme Disease. AIM opposed the override.



Massachusetts House of Representatives

Voting Key:	
+	Yea Vote
-	Nay Vote
NV	Not Voting

		FAS 109	Solar	Solar	80% Income Surtax	Non-Complete Agreements	Economic Development	Wage Equity	Wage Equity	Manufacturing Extension Partnership	Lyme Disease Mandate	Energy	Economic Development	Score
Edward Coppinger (D)	Boston	+	+	+	+	+	NV	+	+	+	+	+	+	67%
Evandro Carvalho (D)	Dorchester	NV	+	+	+	+	+	+	+	+	+	+	+	67%
Frank Smizik (D)	Brookline	+	NV	+	+	+	+	+	+	+	+	+	+	67%
Gailanne Cariddi (D)	North Adams	NV	+	+	+	+	+	+	+	+	+	+	+	67%
James Murphy (D)	Weymouth	+	+	+	+	NV	+	+	+	+	+	+	+	67%
Jeffrey Sanchez (D)	Jamaica Plain	+	+	+	+	NV	+	+	+	+	+	+	+	67%
Jerald Parisella (D)	Beverly	NV	+	+	+	+	+	+	+	+	+	+	+	67%
John Mahoney (D)	Worcester	+	+	+	+	NV	+	+	+	+	+	+	+	67%
Louis Kafka (D)	Stoughton	NV	+	+	+	+	+	+	+	+	+	+	+	67%
Marcos Devers (D)	Lawrence	+	+	+	+	+	NV	+	+	+	+	+	+	67%
Michelle Dubois (D)	Brockton	-	+	+	+	+	+	+	+	+	+	+	+	67%
Paul Heroux (D)	Attleboro	+	NV	+	+	+	+	+	+	+	+	+	+	67%
RoseLee Vincent (D)	Revere	+	+	+	+	+	+	+	+	NV	+	+	+	67%
Ruth Balsler (D)	Newton	+	NV	+	+	+	+	+	+	+	+	+	+	67%
Sean Garballey (D)	Arlington	+	NV	+	+	+	+	+	+	+	+	+	+	67%
Shawn Dooley (R)	Norfolk	+	+	+	-	NV	+	+	+	-	+	+	+	67%
Thomas Stanley (D)	Waltham	+	+	+	+	NV	+	+	+	+	+	+	+	67%
Tom Sannicandro (D)	Ashland	+	+	NV	+	+	NV	+	+	+	+	+	+	67%
William Straus (D)	Mattapoissett	+	+	+	+	+	NV	+	+	+	+	+	+	67%
Stephen Kulik (D)	Worthington	+	+	+	+	+	+	+	NV	NV	+	+	+	58%
Steven Ultrino (D)	Malden	+	+	+	+	+	+	+	NV	NV	+	+	+	58%
Tricia Farley-Bouvier (D)	Pittsfield	+	+	+	+	+	+	+	NV	NV	+	+	+	58%
William Pignatelli (D)	Lenox	+	+	+	+	+	+	+	NV	NV	+	+	+	58%
Denise Provost (D)	Somerville	-	-	+	NV	+	-	+	+	+	+	+	+	50%
Harold Naughton (D) ***	Clinton	NV	NV	+	NV	NV	+	+	+	+	+	+	+	50%
James Lyons (R)	Andover	+	+	+	-	NV	+	+	+	-	+	-	NV	50%
Garrett Bradley (D)	Hingham	+	+	+	+	+	NV	+	NV	NV	NV	NV	NV	33%
Gloria Fox (D)	Roxbury	+	+	+	NV	+	NV	+	NV	NV	+	NV	NV	33%

*Daniel Cahill was elected on April 12, 2016.

**Thomas Walsh, Stephen Hay & Gerry Cassidy on February 2, 2016, all in Special Elections.

***Harold Naughton was deployed during parts of the legislative session in the Army Reserves JAG Corps.

Massachusetts Senate

Voting Key:	
+	Yea Vote
-	Nay Vote
NV	Not Voting

AIM Vote Preference		Treble Damages	Wage Theft	Workers Compensation/Scarring	Wage Equity	Climate Change Cost Effectiveness	Solar	80% Income Surtax	Zoning Reform Bill	Pipeline Financing	Credit Reports	Wage Theft, Direct Company Liability	Wage Theft, Treble Damages	Economic Development, Tax Review	Wage Equity	Manufacturing Extension Partnership	Independent Contractor	Lyme Disease Mandate	Score
		+	-	-	-	+	-	-	-	-	-	+	+	-	+	+	-	-	100%
Donald Humason (R)	Westfield	+	-	+	+	+	+	-	-	+	+	+	+	-	+	+	+	+	59%
Bruce Tarr (R)	Gloucester	+	-	+	+	+	+	-	-	+	+	+	+	-	+	-	+	+	53%
Richard Ross (R)	Wrentham	+	-	+	+	+	+	-	-	+	+	+	+	-	+	-	+	+	53%
Viriato (Vinny) deMacedo (R)	Plymouth	+	-	-	+	+	+	-	-	+	+	+	+	+	+	-	+	+	53%
Patrick O'Connor (R)*	Weymouth							+	-	+	+	+	+	-	+	-	+	+	50%
Eileen Donoghue (D)	Lowell	+	-	+	+	-	+	+	-	+	+	+	+	+	+	+	-	+	47%
Jennifer Flanagan (D)	Leominster	-	+	+	+	+	+	-	-	+	+	+	+	+	+	+	-	+	47%
Michael Moore (D)	Millbury	+	-	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	47%
Ryan Fattman (R)	Sutton	+	-	+	+	+	+	-	-	+	+	+	+	+	+	-	+	+	47%
Anne Gobi (D)	Spencer	-	+	+	+	-	+	-	-	+	+	+	+	+	+	+	+	+	35%
James Timilty (D)	Walpole	+	+	+	+	+	+	+	-	+	+	+	-	NV	+	+	+	+	35%
Kathleen O'Connor Ives (D)	Newburyport	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+	-	+	35%
Michael Rodrigues (D)	Westport	+	-	+	+	-	+	+	-	+	+	-	+	+	+	+	+	+	35%
William Brownsberger (D)	Belmont	+	-	+	+	-	+	+	+	+	+	+	-	+	+	+	-	+	35%
Joseph Boncore (D)*	Winthrop							+	+	+	+	-	-	+	+	+	-	+	30%
Michael Brady (D)***	Brockton				+	-	+	+	+	+	+	-	-	+	+	+	-	+	30%
Joan Lovely (D)	Salem	+	-	+	+	+	NV	+	+	+	+	-	-	+	+	+	+	+	29%
Michael Rush (D)	West Roxbury	-	+	+	NV	-	NV	+	-	+	+	+	-	+	+	+	-	+	29%
Brian Joyce (D)	Milton	-	+	+	+	-	NV	+	+	+	+	-	+	+	+	+	-	+	24%
James Welch (D)	West Springfield	-	+	+	+	+	+	+	NV	+	+	-	-	+	+	+	-	+	24%
Jason Lewis (D)	Winchester	-	+	+	+	-	+	+	-	+	+	-	-	+	+	+	-	+	24%
John Keenan (D)	Quincy	-	+	+	+	-	+	+	-	+	+	-	-	+	+	+	-	+	24%
Michael Barrett (D)	Lexington	-	+	+	+	-	+	+	+	+	+	-	-	+	+	+	-	-	24%
Barbara L'Italien (D)	Andover	-	+	+	+	-	+	+	+	+	+	-	-	+	+	+	-	+	18%
Cynthia Creem (D)	Newton	-	+	+	+	-	+	+	+	+	+	-	-	+	+	+	-	+	18%
Daniel Wolf (D)	Harwich	-	+	+	+	-	+	+	+	+	+	-	-	+	+	+	-	+	18%
Eric Lesser (D)	Longmeadow	-	+	+	+	-	+	+	+	+	+	-	-	+	+	+	-	+	18%
Harriette Chandler (D)	Worcester	-	+	+	+	-	+	+	+	+	+	-	-	+	+	+	-	+	18%
James Eldridge (D)	Acton	-	+	+	+	-	+	+	+	+	+	-	-	+	+	+	-	+	18%
Karen Spilka (D)	Ashland	-	+	+	+	-	+	+	+	+	+	-	-	+	+	+	-	+	18%
Kenneth Donnelly (D)	Arlington	-	+	+	+	-	+	+	+	+	+	-	-	+	+	+	-	NV	18%
Linda Forry (D)	Dorchester	-	+	+	+	NV	+	+	+	+	+	-	-	+	+	+	-	+	18%
Marc Pacheco (D)	Taunton	-	+	+	+	-	+	+	+	+	+	-	-	+	+	+	-	+	18%
Mark Montigny (D)	New Bedford	-	+	+	+	-	+	+	+	+	+	-	-	+	+	+	-	+	18%
Patricia Jehlen (D)	Somerville	-	+	+	+	-	+	+	+	+	+	-	-	+	+	+	-	+	18%
Sal DiDomenico (D)	Everett	-	+	+	+	-	+	+	+	+	+	-	-	+	+	+	-	+	18%
Sonia Chang-Diaz (D)	Boston	-	+	+	+	-	+	+	+	NV	+	-	-	+	+	+	-	+	18%
Thomas McGee (D)	Lynn	-	+	NV	+	-	+	+	NV	+	+	-	-	+	+	+	-	+	18%
Benjamin Downing (D)	Pittsfield	-	+	+	+	-	+	+	+	+	+	-	-	+	+	NV	-	+	12%
Stanley Rosenberg (D) **	Amherst	NV	NV	NV	+	NV	+	+	+	+	NV	NV	NV	+	+	NV	-	NV	12%

*Patrick O'Connor and Joseph Boncore were elected by Special Election on April 12, 2016.

**Senate President Stanley Rosenberg serves as presiding officer over the Senate.

***Michael Brady was elected by Special Election on October 6, 2016.