Tuesday, November 6, 2012

THE COMMONWEALTH OF MASSACHUSETTS
STATE ELECTION
OFFICIAL ABSENTEE BALLOT

To vote for a candidate, fill in the oval to the right of the candidate’s name. To vote for a person not on the ballot, write that person’s name and residence in the blank space provided and fill in the oval.

QUESTIONS

1. LAW PROPOSED BY INITIATIVE PETITION

To your approval of a law summarized below, or to vote no, where authorized by the Senate or the House of Representatives, on or before May 1, 2012?

1.1. **Question 1**

   **The Commonwealth of Massachusetts**

1.1.1. **Summary**

   This proposed law would prohibit any motor vehicle manufacturers dealing with model year 2015, from selling or leasing, either directly or through a dealer, a new motor vehicle without allowing the owner to access to the same diagnostic and repair information made available to the manufacturers’ dealers and in-state authorized repair facilities.

   The manufacturer would have to allow the owner, or the owner’s designated in-state independent repair facility, to obtain diagnostic and repair information, electronically, on an hourly, daily, monthly, or yearly subscription basis, for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

   The manufacturer would have to provide access to the information through a non-proprietary vehicle interface, using a standard applied in federal emissions-control regulations. Such information would have to include the same content, and be in the same form and accessible in the same manner, as is provided to the manufacturer’s dealers and authorized repair facilities.

   For vehicles manufactured from 2000 through model year 2014, the proposed law would require a manufacturer of motor vehicles sold in Massachusetts to make available, for purchase, by vehicle owners and in-state independent repair facilities, the same diagnostic and repair information that the manufacturer makes available through an electronic system to its dealers and in-state authorized repair facilities. Manufacturers would have to make such information available in the same form and manner, and to the same extent, as they do for dealers and authorized repair facilities.

   The information would be available to purchase on an hourly, daily, monthly, or yearly subscription basis, for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

   For vehicles manufactured from 2000 through model year 2014, the proposed law would also require manufacturers to make available for purchase, by vehicle owners and in-state independent repair facilities, all diagnostic repair tools, incorporating the same diagnostic, repair and warranty capabilities as those available to dealers and authorized repair facilities. Such tools would have to be made available for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

   For all years covered by the proposed law, the manufacturer would have to provide access to the information through a non-proprietary vehicle interface, using a standard applied in federal emissions-control regulations. Such information would have to include the information necessary to reset a vehicle immobilizer, an anti-theft device that prevents a vehicle from being started unless the correct key code is present. Such information would have to be made available to dealers, repair facilities, and owners through a separate, secure data release system.

   The proposed law would not require the manufacturer to reveal a trade secret and would not interfere with any agreement made by a manufacturer dealer, or authorized repair facility that is in force on the effective date of the proposed law. Starting January 1, 2013, the proposed law would prohibit any agreement that owners or limits a manufacturer’s compliance with the proposed law.

   Any violation of the proposed law would be enforced as a violation of existing state consumer protection and unfair trade-practices laws.

   **YES VOTE** would enact the proposed law requiring motor vehicle manufacturers to allow vehicle owners and independent repair facilities in Massachusetts to have access to the same vehicle diagnostic and repair information made available to the manufacturers’ dealers and authorized repair facilities.

   **NO VOTE** would make no change in existing laws.
This proposed law would eliminate state criminal and civil penalties for the medical use of marijuana by qualifying patients. To qualify, a patient must have been diagnosed with a terminal illness, as defined by the attending physician, and be certified as having an incurable, irreversible disease that will, within reasonable medical judgment, cause death within six months; and (3) has expressed a wish to die and has made an informed decision. The proposed law states that the patient would ingest the medication in a humane and dignified manner. The proposed law would require the patient, directly or through a person familiar with the patient’s manner of communicating, to orally communicate to a physician on two occasions, 15 days apart, the patient’s request for the medication. At the time of the second request, the physician would have to offer the patient an opportunity to rescind the request. The proposed law would require the attending physician to: (1) determine if the patient is qualified; (2) inform the patient of his or her medical diagnosis and prognosis, the medication’s potential risks and probable result of ingesting the medication, and the feasible alternatives, including comfort care, hospice care and pain control; (3) refer the patient to a consulting physician for a diagnosis and prognosis regarding the patient’s disease, and continuation of writing that the patient is capable, acting voluntarily, and making an informed decision; (4) inform the patient that he or she must provide a sworn statement that he or she has been informed of the proposed law; (5) inform the attending physician that he or she has been informed of the proposed law; and (6) refer the patient to a consulting physician for a diagnosis and prognosis regarding the patient’s disease, and continuation of writing that the patient is capable, acting voluntarily, and making an informed decision.

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

The proposed law would make no change in existing laws.

A YES VOTE would enact the proposed law allowing a physician licensed in Massachusetts to prescribe medications, at the request of a terminally-ill patient meeting certain conditions, to end that person’s life.

A NO VOTE would make no change in existing laws.

A YES VOTE would enact the proposed law allowing a physician licensed in Massachusetts to prescribe medications, at the request of a terminally-ill patient meeting certain conditions, to end that person’s life.

A NO VOTE would make no change in existing laws.