

HOUSE No. 1154

The Commonwealth of Massachusetts

PRESENTED BY:

Brian M. Ashe, (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act further clarifying the rights of persons with disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Robert Cavanaugh</i>	<i>222 Redfern Drive Longmeadow, MA 01106</i>	<i>1/13/2015</i>

HOUSE No. 1154

By Mr. Ashe of Longmeadow (by request), a petition (accompanied by bill, House, No. 1154) of Robert Cavanaugh relative to certain rights of persons with disabilities. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1554 OF 2013-2014.]

The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**
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An Act further clarifying the rights of persons with disabilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. No group home shall interfere in the dating and marriage of a disabled
2 person. Any violation under the marriage law shall lead to a fine not greater than one thousand
3 dollars. No disabled person, including persons suffering from traumatic brain injury or other
4 head trauma, shall be prevented from getting married by a legal guardian or power of attorney or
5 family member. If a disabled person has been previously divorced, this should be added under
6 General Law chapter. 208, section 1A.

7 SECTION 2. Any disabled person shall not need the consent to get married if they are 21
8 years of age or over. No legal guardian or power of attorney or family member shall prevent a
9 disabled person from getting married on the basis of their religion.

10 SECTION 3. If there is a violation under this section, a disabled person or nondisabled
11 person shall have the right to make a complaint with the Massachusetts Commission Against
12 Discrimination under the commonwealth's marriage laws.

13 SECTION 4. All persons with disabilities shall have the right to legal assistance when
14 drafting a last will and testament. No legal guardian or power of attorney or family member shall
15 have the right to exert pressure on any disabled person to sign a last will and testament. All
16 persons with disabilities shall have the right to be notified by regular or certified mail when their
17 last will and testament is being mailed to their legal counsel under chapter 192 of the General
18 Laws.

19 SECTION 5. All trust funds and annuities that are used for educational purposes shall be
20 tax deductible under chapter 192 of the General Laws. All persons with disabilities shall have the
21 right to change their power of attorney if there is proof that the power of attorney is not acting in
22 their best interest.

23 SECTION 6. All persons with disabilities shall have the right to be buried in the cemetery
24 of their choice.