

to twenty-three, inclusive, shall be deemed to comply with provisions of the General Laws affected by said sections one to twenty-three, inclusive, as if said sections were then in effect.

SECTION 25. Sections one to twenty-three, inclusive, of this act shall take effect on May first, nineteen hundred and ninety. Sections twenty-four and twenty-five shall take effect upon their passage.

Emergency Letter: January 19, 1990 @ 3:40 P.M. Approved January 10, 1990.

Chapter 688. AN ACT RELATIVE TO THE RULES AND REGULATIONS GOVERNING SMALL BUSINESSES.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 5 of chapter 30A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the first sentence the following two sentences:- In addition, no rule or regulation so filed, unless filed for the purposes of setting rates within the commonwealth, shall become effective until an agency has filed with the state secretary a statement considering the impact of said regulation on small business. Such statement of consideration shall include, but not be limited, to a description of the projected reporting, record keeping and other compliance requirements of the proposed regulations, the appropriateness of performance standards versus design standards and an identification of all relevant regulations of the promulgating agency which may duplicate or conflict with the proposed regulation.

SECTION 2. Section 6 of said chapter 30A, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:-

Each issue of the Massachusetts Register shall begin with a table of contents listing the documents contained therein which shall include a brief summary for each document identifying the purpose of any proposed regulations and whether small business is likely to be substantially affected by said regulations.

SECTION 3. Said chapter 30A, as so appearing, is hereby further amended by inserting after section 6C the following two sections:-

Section 6D. The state secretary shall publish, annually, in the first issue of the Massachusetts Register a plan submitted by each executive office containing a list of regulations expected to be promulgated during the next twelve month period. The state secretary shall publish a semi-annual update of said list six months after the initial plan is published. For the purposes of this section, "executive office" shall include the board of regents and the department of education.

Section 6E. If the state secretary finds that any agency fails to comply with any

provision of section six D, he shall report such noncompliance to the governor and the attorney general.

Approved January 10, 1990.

Chapter 689. AN ACT RELATIVE TO SHARED CUSTODY OF CHILDREN.

Be it enacted, etc., as follows:

Chapter 208 of the General Laws is hereby amended by striking out section 31, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 31. *For the purposes of this section, the following words shall have the following meaning unless the context requires otherwise:*

“Sole legal custody”, one parent shall have the right and responsibility to make major decisions regarding the child’s welfare including matters of education, medical care and emotional, moral and religious development.

“Shared legal custody”, continued mutual responsibility and involvement by both parents in major decisions regarding the child’s welfare including matters of education, medical care and emotional, moral and religious development.

“Sole physical custody”, a child shall reside with and be under the supervision of one parent, subject to reasonable visitation by the other parent, unless the court determines that such visitation would not be in the best interest of the child.

“Shared physical custody”, a child shall have periods of residing with and being under the supervision of each parent; provided, however, that physical custody shall be shared by the parents in such a way as to assure a child frequent and continued contact with both parents.

In making an order or judgment relative to the custody of children, the rights of the parents shall, in the absence of misconduct, be held to be equal, and the happiness and welfare of the children shall determine their custody. When considering the happiness and welfare of the child, the court shall consider whether or not the child’s present or past living conditions adversely affect his physical, mental, moral or emotional health.

Upon the filing of an action in accordance with the provisions of this section, section twenty-eight of this chapter, or section thirty-two of chapter two hundred and nine and until a judgment on the merits is rendered, absent emergency conditions, abuse or neglect, the parents shall have temporary shared legal custody of any minor child of the marriage; provided, however, that the judge may enter an order for temporary sole legal custody for one parent if written findings are made that such shared custody would not be in the best interest of the child. Nothing