

## JOURNAL OF THE HOUSE.

Wednesday, March 15, 2006.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God of Forgiveness and Truth, we believe that Your guidance is available to us at all times in our daily struggle to comprehend and address correctly legislative proposals and cultural issues. In evaluating our legislative options, Your assistance helps us to understand the consequences and fall-out from our decisions now and in the future. Inspire us to be leaders who are open to and aware of the material and spiritual needs of all people in our diverse communities, especially children and dependent adults. Teach us to respect the dignity and constitutional rights of all people. If and when we disagree on issues, let it be on principles, philosophical, political or religious.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### *Message from the Governor.*

Springfield, financial stability.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to further enhancing financial stability in the city of Springfield (House, No. 4754) was filed this day in the office of the Clerk.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

### *Changes in Joint Standing Committees.*

Committee changes.

The Speaker announced that Representative Garry of Dracut has been relieved of duty (at her own request) from the committee on State Administration and Regulatory Oversight, and that she had been appointed to the ninth position on the committee on Labor and Workforce Development, to fill an existing vacancy.

### *Statement Concerning Representative Kennedy of Brockton.*

During the session, a statement of Mr. Rogers of Norwood concerning Mr. Kennedy of Brockton was spread upon the records of the House, as follows:

Statement concerning

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Mr. Kennedy of Brockton, will

not be present in the House Chamber for today's sitting due his continuing medical care. Any roll calls that he may miss today will be due entirely to the reason stated.

Representative Kennedy of Brockton.

### *Statement Concerning Representative Kocot of Northampton.*

A statement of Mr. Rogers of Norwood concerning Mr. Kocot of Northampton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kocot of Northampton, will not be present in the House Chamber for today's sitting due to his attending funeral services for his mother-in-law. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement concerning Representative Kocot of Northampton.

### *Petitions.*

Mr. Guyer of Dalton presented a petition (accompanied by bill, House, No. 4753) of Andrea F. Nuciforo, Jr. (by vote of the town) relative to sewer betterment assessments in the town of Richmond; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Richmond, sewer assessments.

Mr. Bradley of Hingham presented a petition (subject to Joint Rules 12 and 9) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) for legislation to establish the Cohasset Library Trust, Inc., for the town of Cohasset; and the same was referred, under Rule 24, to the committee on Rules.

Cohasset Library Trust.

### *Papers from the Senate.*

The House Bill increasing the accidental death benefit payable to surviving children (House, No. 13) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in lines 4 and 5, striking out the following: "beginning January 1, 2005;" (as changed by the Senate committee on Bills in the Third Reading.

Accidental death benefits.

Under suspension of Rule 35, on motion of Mr. Kaufman of Lexington, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The House Bill authorizing the town of Hingham to convey certain land (House, No. 4267) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2327.

Hingham, land.

Under suspension of Rule 35, on motion of Mr. Bradley of Hingham, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

A Bill authorizing the town of Auburn to convey a certain parcel of land (Senate, No. 2388) (on a petition) [Local Approval Received],

Auburn, land conveyance.

passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

State Police,  
first-  
lieutenant.

A report of the committee on Public Safety and Homeland Security, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1358) of Robert A. Havern for legislation to establish the rank of first-lieutenant of the State Police, and recommending that the same be referred to the committee on Public Service,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

#### *Reports of Committees.*

Military  
personnel,  
hunting  
licenses.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3895) of Garrett J. Bradley relative to the issuance of hunting licenses to certain persons serving on active duty in the armed forces,— and recommending that the same be referred to the committee on Veterans and Federal Affairs. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Community  
development  
issues.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Community Development and Small Businesses to make an investigation and study of certain House documents concerning community development and small businesses issues (House, No. 4431) reported, in part, asking to be discharged from further consideration

Food  
products,  
sale.

Of the petition (accompanied by bill, House, No. 3668) of James R. Miceli relative to expiration date labeling of certain food product packages; and

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Of the petition (accompanied by bill, House, No. 3669) of James R. Miceli relative to expiration date labeling of certain food product packages;

And recommending that the same severally be recommitted to the committee on Community Development and Small Business.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

#### *Engrossed Bill.*

Bill  
enacted.

The engrossed Bill regulating financing of construction of sewer system extensions in the town of Concord (see House, No. 4364) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

#### *Orders of the Day.*

Third  
reading  
bill.

The Senate Bill authorizing the appointment of Francis K. Rayne as a firefighter in the town of Billerica notwithstanding the maximum age requirement (Senate, No. 2094) (its title having been

changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

The House Bill designating a certain bridge in the town of East Bridgewater as the Cpl. Gordon M. Craig Bridge (House, No. 4476) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Third  
reading  
bill.

#### Senate bills

Establishing the Massachusetts Nursing and Allied Health Workforce Development Trust Fund (Senate, No. 737);

Validating the proceedings of the annual town elections in the town of Royalston (Senate, No. 2188); and

Regulating access to student records (Senate, No. 2206, amended); and

#### House bills

Further regulating appeals regarding alcoholic beverages licenses (House, No. 3392);

Concerning conflict of interest (House, No. 3507);

Establishing in the town of Lee representative town government by limited town meetings (House, No. 4536);

Relative to certain conservation restrictions in the town of Edgartown (House, No. 4570);

Relative to the use of certain land in the town of Stockbridge (House, No. 4595);

Validating the actions taken at the special town election held by the town of New Salem (printed in House, No. 4608); and

Amending Ch. 317 of the Acts of 1974 relative to the powers of the transportation board of the town of Brookline (House, No. 4632);

Severally were read a second time; and they were ordered to a third reading.

The House Bill relative to kayak safety (House, No. 4551) was read a second time.

Second reading  
bill amended.

The amendment previously recommended by the committee on Public Safety and Homeland Security,— that the bill be amended by substitution of a Bill relative to kayak safety measures (House, No. 4688),— was adopted.

The substituted bill then was ordered to a third reading.

#### House reports

Of the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 97) of Bradley H. Jones, Jr. and others relative to the filling of vacancies in the office of United States Senator and Representative in Congress;

House  
reports.

Of the committee on Public Health, ought NOT to pass, on the petition (accompanied by bill, House, No. 2657) of Paul C. Casey relative to testing for HIV, hepatitis B and hepatitis C prior to the issuance of marriage licenses; and

House  
reports.

Of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 1036) of Brian Knuuttila and others for legislation to prohibit the operation of a motor vehicle covered with ice or snow;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1962) of Karyn E. Polito and others relative to requiring the installation of ignition interlock devices on vehicles operated by certain repeat offenders granted a hardship license;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1999) of William G. Greene, Jr. relative to convictions of motor vehicle violations and license suspensions and revocations in other states or countries;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2050) of Paul C. Casey relative to the revocation of motor vehicle drivers' licenses without a hearing;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2054) of John Walsh relative to the age requirement for the issuance of a drivers license;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2090) of Robert F. Fennell and others relative to requiring applicants for a drivers license to complete drivers education classes;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2096) of James B. Leary and others for legislation to authorize the issuance of temporary handicapped parking placards to pregnant women;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2129) of Timothy J. Toomey, Jr., Patricia D. Jehlen and others that the Registrar of Motor Vehicles be authorized to accept individual taxpayer identification numbers in lieu of social security numbers;

Of the same committee, ought NOT to pass, on the petition (accompanied by resolve, House, No. 2166) of Peter J. Larkin and others relative to reviving and continuing the special commission (including members of the General Court) established to make an investigation and study of the effectiveness of driver education programs;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2168) of Peter J. Larkin and others for legislation to further regulate the issuance of junior operators licenses and certificates for driver education training;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2171) of Alex Kavanaugh relative to the operation of motor vehicles by persons holding a junior operators license;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2192) of Thomas M. Stanley and Reed V. Hillman for legislation to authorize the Registrar of Motor Vehicles to require that applicants for motor vehicle licenses provide proof of legal residence in the United States;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2226) of Emile J. Goguen and Dianne Wilkerson relative to the identification deemed appropriate by the Registrar of Motor Vehicles for certain license and registration applicants;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2231) of Matthew C. Patrick relative to licenses to operate motor vehicle;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2234) of Bruce J. Ayers that cities and towns be authorized to issue temporary placards for handicapped parking spaces;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2251) of Edward G. Connolly for legislation to establish a uniform parking ticket in the Commonwealth; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4037) of Todd M. Smola and another relative to the approval of overweight vehicle permits by the Commissioner of Highways;

Severally were accepted.

*Recess.*

At twenty minutes after eleven o'clock A.M., on motion of Ms. Candaras of Wilbraham (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of one o'clock P.M.; and at eight minutes after one o'clock the House was called to order with Mr. Petrolati in the Chair.

Recess.

*Papers from the Senate.*

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2420) of Susan C. Tucker, James R. Miceli and Barry R. Finegold for legislation to authorize the Division of Capital Asset Management and Maintenance to lease certain property; and

Tewksbury  
Hospital,  
land.

Petition (accompanied by bill, Senate, No. 2421) of Robert A. O'Leary, Matthew C. Patrick, Eric Turkington, Shirley Gomes and other members of the General Court for legislation to authorize the commissioner of capital asset management and maintenance to convey certain land to the town of Barnstable;

Barnstable,  
land.

Severally to the committee on Bonding, Capital Expenditures and State Assets.

Petition (accompanied by bill, Senate, No. 2422) of Frederick E. Berry for legislation relative to the period of registration of real estate appraisers. To the committee on Consumer Protection and Professional Licensure.

Real estate  
appraisers.

Petition (accompanied by bill, Senate, No. 2423) of Robert A. Antonioni for legislation to extend drug free zones to child care centers. To the committee on the Judiciary.

Child care  
centers.

Chronic  
pain,  
treatment.

Petition (accompanied by bill, Senate, No. 2424) of Jeff Man-  
kiewicz for legislation to regulate the medical treatment of chronic  
irretractable pain. To the committee on Public Health.

Robbin  
Peach,  
retirement.

Petition (accompanied by bill, Senate, No. 2425) of Marc R.  
Pacheco and William M. Straus for legislation to authorize the State  
Board of Retirement to grant creditable service to Robbin Peach; and

John G.  
Flores,  
retirement.

Petition (accompanied by bill, Senate, No. 2426) of Steven A.  
Tolman for legislation relative to retirement benefits for John G.  
Flores;

Severally to the committee on Public Service.

Hydroelectric  
facilities.

Petition (accompanied by bill, Senate, No. 2427) of Michael W.  
Morrissey, Stephen M. Brewer, Louis L. Kafka, Geraldine Creedon  
and other members of the General Court for legislation relative to  
the designation of certain hydroelectric facilities as meeting the  
renewable portfolio standards. To the committee on Telecommuni-  
cations, Utilities and Energy.

Disabled  
veterans,  
license  
plates.

Petition (accompanied by bill, Senate, No. 2428) of Edward M.  
Augustus, Jr., John J. Binienda, Scott P. Brown, Peter V. Kocot  
and other members of the General Court for legislation relative  
to disabled veterans' motor vehicle plates. To the committee on  
Transportation.

#### *Reports of Committees.*

By Mr. Scaccia of Boston, for the committee on Rules and the  
committees on Rules of the two branches, acting concurrently, that  
Joint Rule 12 be suspended on the following petitions:

Boston,  
Chelsea  
Street.

Petition (accompanied by bill) of Eugene L. O'Flaherty that the  
Division of Capital Asset Management and Maintenance be author-  
ized to transfer certain land of the Water Resources Authority  
located on Chelsea Street in the city of Boston to said city;

Chelsea  
land,  
Boston.

Petition (accompanied by bill) of Eugene L. O'Flaherty for legis-  
lation to authorize the Division of Capital Asset Management and  
Maintenance to transfer certain land in the city of Chelsea and under  
the jurisdiction of the Department of Conservation and Recreation to  
the city of Boston;

Somerville,  
easement.

Petition (accompanied by bill) of Carl M. Sciortino, Jr. and  
Patricia D. Jehlen that the Division of Capital Asset Management  
and Maintenance be authorized to release a portion of a certain  
water supply and drain easement in the city of Somerville; and

Boston,  
Expressway  
Motors  
LLC.

Petition (accompanied by bill) of Martin J. Walsh that the Divi-  
sion of Capital Asset Management and Maintenance be authorized to  
convey a certain parcel of land in the Dorchester section of the city  
of Boston to Expressway Motors LLC;

Severally to the committee on Bonding, Capital Expenditures and  
State Assets.

Teens,  
mental health  
centers.

Petition (accompanied by bill) of Jennifer L. Flanagan and others  
for legislation to authorize the Department of Mental Health to estab-  
lish teen drop-in centers. To the committee on Children and Families.

Regional  
schools,  
assessments.

Petition (accompanied by bill) of Donald Trepte and others that  
apportionment assessments in two-member regional school districts  
be defined in the agreements of such school districts. To the com-  
mittee on Education.

Petition (accompanied by bill) of William Smitty Pignatelli and  
Andrea F. Nuciforo, Jr., that the Department of Agricultural Resources  
be directed to grant a water supply permit to Daniel and Martha  
Tawczynski. To the committee on Environment, Natural Resources  
and Agriculture.

Daniel and  
Martha  
Tawczynski,  
permit.

Petition (accompanied by bill) of Peter J. Koutoujian relative to  
the creation of family justice centers to assist victims of abuse in  
certain court jurisdictions;

Family  
justice  
centers.

Petition (accompanied by bill) of Peter J. Koutoujian relative to  
proceeds resulting from criminal activities;

Crime,  
proceeds.

Petition (accompanied by bill) of Peter J. Koutoujian relative to  
the granting of consent by parents and guardians in the Probate  
Court and district courts for the marriage of certain minors;

Minors,  
marriage.

Petition (accompanied by bill) of John F. Quinn and others rela-  
tive to the imposition of penalties for the fraudulent or unauthorized  
procurement, sale or receipt of phone records of customers;

Phone records,  
fraudulent  
use.

Petition (accompanied by bill) of Thomas G. Robbins relative to  
the penalties for illegal sales of police vehicles in the Commonwealth;

Police vehicles,  
regulating sales.

Petition (accompanied by bill) of William Bennett for legislation  
to regulate the submission of DNA samples by certain prisoners to  
the Department of the State Police; and

Prisoners,  
DNA  
samples.

Petition (accompanied by bill) of Eric Turkington and others rela-  
tive to the penalties for persons convicted of assaults in dwellings;

Dwellings,  
assaults.

Severally to the committee on the Judiciary.

Petition (accompanied by bill) of Peter J. Koutoujian and others  
for legislation to require medical examiners to disclose the retention  
of body parts;

Medical  
examiners,  
body parts.

Petition (accompanied by bill) of Peter J. Koutoujian and Rhonda  
Bourne that the Department of Public Health be required to hold  
public hearings before the removal of publicly-funded beds under  
the jurisdiction of the Commonwealth;

Beds,  
publicly  
funded.

Petition (accompanied by bill) of Veronica Casado relative to the  
period of time for notification to patients of medical test results per-  
formed by physicians, hospitals and other health care facilities; and

Patients,  
medical  
results.

Petition (accompanied by bill) of Martin J. Walsh for legislation  
to prohibit the retention of body parts and organs without the  
approval of the next of kin of deceased persons;

Organs,  
retention.

Severally to the committee on Public Health.

Petition (accompanied by bill) of William Smitty Pignatelli and  
others for legislation to exempt certain elderly persons and law  
enforcement personnel from fees imposed for the renewal of licenses  
to carry firearms. To the committee on Public Safety and Homeland  
Security.

Firearms,  
license fees.

Petition (accompanied by bill) of Richard R. Tisei and Mark V.  
Falzone relative to health insurance for employees of counties and  
municipalities. To the committee on Public Service.

Health  
insurance,  
towns.

Petition (accompanied by bill) of Michael A. Costello for legisla-  
tion to designate a certain bridge over the Merrimack River in the  
town of Amesbury as the Lieutenant Derek S. Hines Memorial  
Bridge. To the committee on Transportation.

Amesbury,  
Lieutenant  
Hines Bridge.

Petition (accompanied by bill) of Geraldine Creedon and others  
for legislation to reimburse the town of Easton for certain expendi-

Easton,  
veterans  
benefits.

tures for veterans' benefits. To the committee on Veterans and Federal Affairs.

Under suspension of the rules, on motion of Mr. Torrisi of North Andover, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Athol-  
Royalston  
Regional  
School  
District.

By Mrs. Haddad of Somerset, for the committee on Education, on House, No. 4691, a Bill relative to the financial conditions in the Athol-Royalston Regional School District (House, No. 4752), which was read.

Under suspension of the rules, on motion of Mr. Donelan of Orange, the bill was read a second time forthwith; and it was ordered to a third reading.

Chelsea,  
gangs.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to gang recruitment in the city of Chelsea (House, No. 3185) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. O'Flaherty of Chelsea, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, it was referred, on motion of Mr. Scaccia of Boston, to the committee on Rules.

#### *Recess.*

Recess.

At a quarter before two o'clock P.M., on motion of Mr. Petrucelli of Boston (Mr. Petrolati of Ludlow being in the Chair), the House recessed until half past two o'clock; and at twenty-nine minutes before four o'clock the House was called to order with Mr. Petrolati in the Chair.

Quorum.

Mr. Flynn of Bridgewater thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,  
yea and nay  
No. 359.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 145 members were recorded as being in attendance.

#### **[See Yea and Nay No. 359 in Supplement.]**

Therefore a quorum was present.

#### *Orders of the Day.*

Early  
education  
care.

The House Bill relative to early education and care (House, No. 4582) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4746),— was adopted.

The substituted bill then was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. Haddad of Somerset, the bill (having been reported by the com-

mittee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, Mr. DeLeo of Winthrop and other members of the House moved that it be amended in section 16, in line 34, by striking out the words "eligibility requirements and" and inserting in place thereof the words "eligibility requirements which may include", in lines 63 to 69, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"(13) Promote the development of early education and care services for children by the department, subject to the approval of the board, by seeking, accepting, and distributing or expending all federal funds available to the department for early education and care and related services, except those for which the department of education is the state educational agency, and by assisting other agencies of the commonwealth and local agencies to take full advantage of all federal funds available for such services."; by inserting after section 17 of the bill the following four sections:

"SECTION 17A. Clause (1) of subsection (c) of section 3 of chapter 15D of the General Laws, as so appearing, is hereby amended by inserting, after the word 'care' in line 77, the following:— programs and services.

SECTION 17B. Clause (2) of subsection (c) of section 3 of chapter 15D of the General Laws, as so appearing, is hereby amended by inserting, after the word 'professionals' in line 80, the following:— which accommodates ease of movement of children, by parents, between programs and providers without loss of subsidy funding for the family.

SECTION 17C. Clause (5) of subsection (c) of section 3 of chapter 15D of the General Laws, as so appearing, is hereby amended by inserting, after the word 'programs' in line 85, the following:— and services to children.

SECTION 17D. Clause (7) of subsection (c) of section 3 of chapter 15D of the General Laws, as so appearing, is hereby amended by inserting, after the word 'care' in line 93, the following:— programs and services to children."; by inserting after section 18 the following section:

"SECTION 18A. Subsection (d) of section 3 of chapter 15D of the General Laws, as so appearing, is hereby amended by inserting, after the word 'commonwealth' in line 110, the following:— except for those grant programs for which the department of education is the state educational agency."; in section 19, in lines 27 to 29, inclusive, by striking the sentence contained therein and inserting in place thereof the following sentence:— These regulations shall include age-appropriate and developmentally appropriate standards for the following developmental stages: infant/ toddler, pre-school, early elementary, and older school age child care programs and services."; in lines 31 to 33, inclusive, by striking the sentence contained therein and inserting in place thereof the following two sentences: "The board shall submit any rules and regulations, or revisions thereto, to the joint committee on education, the joint committee on children and families, and the house and

senate committees on ways and means at least 60 days prior to promulgation. The joint committee on education shall review and comment on said rules and regulations during that time period.”; in section 20, in lines 3 to 26, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following two paragraphs:

“Section 3A. There is hereby established a state advisory council on early education and care, the members of which shall represent a reasonable geographic balance and shall reflect the diversity of the commonwealth in race, ethnicity, gender and sexual orientation. Members of the advisory council shall include 1 person from each of the following organizations, or their successor organizations, where applicable: the Massachusetts Head Start Association, the Massachusetts Association for the Education of Young Children, the Massachusetts Association of Early Childhood Teacher Educators, the Massachusetts Association of School Committees, the Massachusetts Association of School Superintendents, the Massachusetts Elementary School Principals Association, the Massachusetts Association of Regional Schools, the Massachusetts Teachers Association, the Massachusetts Federation of Teachers, the Massachusetts Business Alliance for Education, the Massachusetts Association of Community Partnership Councils, Strategies for Children/ Early Education for All, the Child Care Resource and Referral Network, the Massachusetts Association of Day Care Agencies, the Massachusetts Independent Child Care Organization, Associated Early Care and Education, BostNET, the YMCAs of Massachusetts, the United Way of Massachusetts Bay, the Massachusetts After-School Partnership, Parents Alliance for Catholic Education, Together for Kids Coalition, Horizons for Homeless Children, the MA Chapter, American Academy of Pediatrics, and a family child care provider chosen by the commissioner. The advisory board shall also include, ex officio, the following individuals or their designees: the secretary of economic development, and the commissioners of the departments of social services, transitional assistance, mental health, and mental retardation.

The council shall be further composed of 8 members, 3 of whom shall be appointed by the speaker of the house, 1 of whom shall be appointed by the minority leader of the house of representatives, 3 of whom shall be appointed by the president of the senate, and 1 of whom shall be appointed by the minority leader of the senate. All legislative appointees shall have a special expertise or interest in high quality early childhood education and care and shall represent a mix of representatives of the early childhood community, the civic, labor, and business community, academics, parents, teachers, social service providers, and health care providers.”; by striking out section 23 and inserting in place thereof the following section:

“SECTION 23. Chapter 15D of the General Laws, as so appearing, is hereby amended by adding after section 4 the following new sections:—

Section 4A. (a) In order to facilitate the licensure process, the commissioner, with the approval of the board, shall establish substate regions within which all licensure or approval of child care

centers and family child care homes, large family child care homes, and family child care systems, pursuant to sections 6-10 of this chapter, shall be carried out.

(b) In order to provide additional regional coordination for the early education and care goals and policies, established by the board and department, the commissioner shall work with regional early education and care resource and referral programs. These programs may provide coordinated services to families and promote high quality early education and care for children including: serving as an additional point of access for early education and care programs and services, voucher subsidy management for families, regional training and workforce development for early childhood providers, and information and referral about available high quality care and referral for families choosing early education and care programming. The department will support the development of region wide improvement plans by regional early education and care resource and referral programs which build upon and coordinate the local plans developed and implemented by said local councils which address on a regional level how to: 1) build on the existing array of services and improve access to services for additional families or increased services for families already receiving services; 2) increase quality; 3) support comprehensive services for children and families; 4) collaborate across agencies, and; 5) provide services for hard to reach populations. The regional plans will be reviewed and evaluated using board approved criteria to assess the quality of collaborative planning, the effectiveness of the plan in addressing regional needs and the quality of cost-effectiveness of proposed services.

(c) To the extent practicable, the commissioner shall attempt to ensure that the regions created by subsection (a) of this section and the regions served by the regional early education and care resource and referral centers in subsection (b) of this section cover similar geographic areas.

Section 4B. (a) In order to maximize local participation in the programs and services of the department, and provide an opportunity for local input into departmental goals and policies, the commissioner, with the approval of the board, shall approve and establish local early education and care councils.

These councils may provide coordinated services to families and promote high quality early education and care for children including: serving as an additional point of access for early education and care programs and services, local training and workforce development for early childhood providers, and local information and referral about available high quality care and referral for families choosing early education and care programming.

The department will support the development of community plans by local early education and care councils which address how the councils and communities will: 1) build on the local array of services and improve access to services for additional families or increased services for families already receiving services; 2) increase quality; 3) support comprehensive services for children and families; 4) collaborate across agencies, and; 5) provide services for hard to

Early  
education  
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reach populations. Local plans will be reviewed and evaluated using board approved criteria to assess the quality of collaborative planning, the effectiveness of the plan in addressing community needs and the quality of cost-effectiveness of proposed services.

(b) To the extent practicable, the commissioner shall attempt to maximize coordination between the regional resource and referral programs established by section 4A and the local councils established by this section, by attempting to ensure that the service area of each regional program covers an area encompassing a comparable number of local councils, and that each local council's region falls, or is assigned to, a single regional program."; in section 25, in lines 260 to 266, inclusive, by striking out the sentence contained therein and inserting in place thereof the following sentence: "The department shall develop separate but related standards for children in the following developmental stages and program types: (1) infant and toddler programs, (2) center based and public school pre-school programs, (3) family child care, and (4) early elementary child care, and (5) older school-age child care, or for such additional developmental stages as the department may determine relevant based on research and best practice, in line 280, by striking the words "four program types" and inserting in place thereof the words "five developmental stage and program types, and any succeeding developmental stages adopted by the department"; in lines 283 to 286, inclusive, by striking out the sentence contained therein, and inserting in place thereof the following two sentences: "The board shall submit standards and requirements, or revisions thereto, to the joint committee on education, the joint committee on children and families, and the house and senate committees on ways and means at least 60 days prior to promulgation. The joint committee on education shall review and comment on said rules and regulations during that time period.", in line 461, by striking out the words "and kindergarten", in lines 485 and 486 by striking out the words "and sliding scale fee schedules associated with the Massachusetts Universal Pre-Kindergarten Program" and inserting in place thereof the words "which may include sliding scale fee schedules", and in line 502, by inserting after the word "full-time" the following: ", and shall include the number of pre-school aged children in the Commonwealth who may be at risk due to family poverty, TAFDC status, special needs, or other risk factors"; by striking out section 49 and inserting in place thereof the following section:

"SECTION 49. Section 22 of Chapter 45 of the Acts of 2005 is amended by striking out subsection (a) an inserting in place thereof the following:—

(a) Notwithstanding any general or special law to the contrary, this section shall facilitate the orderly transfer of the employees, proceedings, rules and regulations, property and legal obligations of the following agencies of state government from the transferor agency to the transferee agency, defined as follows:-

(1) the early education and care functions of the department of education, except for those grant programs for which the department of education is the state educational agency and the extended school

services program established by sections 26A and 26B of chapter 71 of the General Laws, as the transferor agency, to the department of early education and care, as the transferee;

(2) the functions of the office of child care services, as presently described in chapter 28A of the General Laws, as the transferor agency, to the department of early education and care, as the transferee agency."; in section 50, in lines 15 and 16, by inserting after the word "development" the following: "and for the re-establishment of trial court child care programs. The board shall include in its evaluation and report a review of the regional organizational structures required by subsections (a) and (b) of section 4A of chapter 15D of the General Laws, as inserted by this act, along with recommendations for how to achieve more effective regional coordination including but not limited to, the co-location of regional office space, where feasible, between licensure units and regional early education and care resource and referral programs"; and in section 55, in line 2, by inserting after the year "2007" the following:— ; provided, that the report containing evaluations and recommendations required by section 50 of this act has been completed and received by the legislature".

The amendments were adopted.

After debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Ms. Haddad of Somerset; and on the roll call 150 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 360 in Supplement.]**

Therefore the bill (House, No. 4755, printed as amended) was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill establishing the Asian American Commission (Senate, No. 2201, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. DeLeo of Winthrop moved that it be amended in section 2 by adding at the end thereof the following paragraph:

The commission staff shall consist of an executive director, employees, an volunteers who assist the commission in effecting its statutory duties. The commission shall appoint the executive director for a term of 3 years. The executive director and employees of the commission shall receive no compensation from the commonwealth for their services."; and by adding at the end thereof the following section:

"SECTION 4. Notwithstanding any general or special laws to the contrary, the executive director of the Asian American Commission, established pursuant to section 67 of chapter 3 of the General Laws, shall initially be appointed by the state treasurer for the term of 3 years."

The amendments were adopted; and the bill, as amended, was passed to be engrossed, in concurrence.

The bill (Senate, No. 2201, amended) then was sent to the Senate for concurrence in the amendments adopted by the House.

Bill passed  
to be  
engrossed,  
yea and nay  
No. 360.

Asian  
American  
Commission.

*Order.*

On motion of Mr. DiMasi of Boston,—

Next  
sitting.

*Ordered*, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

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Mr. Miceli of Wilmington then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-three minutes after four o'clock P.M. (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.