

HOUSE No. 2538

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT,
STATE HOUSE, BOSTON, May 28, 1941.

To the Honorable Senate and House of Representatives:

I am returning herewith, without my approval, An Act Relative to the Board of Health in the City of Fall River, being Senate Bill, No. 689. This Act originated in the House as House Bill, No. 2451.

This Act provides that there shall be a Board of Health in the City of Fall River consisting of seven members, four of whom shall be physicians, one a member of the Board of Welfare, and two others without designation. Fall River is operated on Plan A, Standard Charter, and under this plan the Mayor appoints all heads of departments without confirmation. In this Act the Board of Health is appointed by the Mayor with the approval of the Council. This Bill is so arranged that four of the Board, two of whom must be physicians, shall be appointed for one year; three of the Board, two of whom must be physicians, shall be appointed for a period of two years, and nothing in the Act would indicate the term of office or the starting date of the new Board. Furthermore, if the Mayor in his appointments fails of confirmation then the Council may make an initial appointment in every instance. In other words, all authority given to the Mayor under the Charter to establish the Board or to fill vacancies can be nullified by the Council refusing to approve his appointments and then they, on their own initiative, can establish the Board or fill vacancies.

This Bill has the effect of amending the Charter of the City. There is no referendum to any one. The Act, as drawn, takes effect upon its passage. It has been a long time policy of your honorable bodies not to amend Charters without at least referring them to the local Council, but more often to popular referendum. This Bill does anything but that. In this particular instance under our policy it would have to be a popular referendum.

The Bill is so contradictory, or opens the door to so many diverse possibilities that I am returning it to you for the reasons above stated.

Very respectfully yours,

LEVERETT SALTONSTALL,
Governor of the Commonwealth.