

The Commonwealth of Massachusetts

DEPARTMENT OF THE ATTORNEY GENERAL
JOHN W. McCORMACK STATE OFFICE BUILDING
ONE ASHBURTON PLACE, BOSTON, MASS. 02108

December 28, 1976

Wallace C. Mills
Clerk of the House
State House
Boston, Massachusetts 02133

Dear Mr. Mills:

You have forwarded to me an order of the House of Representatives which seeks my opinion on the following question:

Does section fifty-four A of chapter seventy-one of the General Laws require school committees to have a person as defined in said section in personal attendance at every interscholastic football game played by any teams representing a public secondary school?

The legislative history of this statute indicates that it does not require such personal attendance at interscholastic football games.

General Laws, c. 71, §54A, as amended by St. 1975, c. 569 provides, in pertinent part, as follows:

A physician employed by a school committee or a person who has completed a full course in emergency medical care as provided in section six of chapter one hundred and eleven shall be assigned to every interscholastic football game played by any team representing a public secondary school in the commonwealth... (emphasis supplied).

In 1972, the legislation which was to become G.L. c. 71, §54A was initially introduced in the legislature as House Bill 2270. The original language of House Bill 2270 provided that "[a] physician employed by a school committee shall be in attendance at every interscholastic game." 1972 House Doc. No. 2270. (Emphasis supplied.) However, the language of the original bill was changed in committee and when House 2270 was subsequently enacted as St. 1972, c. 74, the language

“in attendance” was deleted and the word “assigned” was substituted in its place.

In 1975, the legislature amended G.L. c. 71, §54A to expand the class of medically trained persons qualified to be assigned to interscholastic football games. St. 1975, c. 569. At that time legislation was again introduced which would have required that physicians actually “be present” at such games. 1975 House Doc. No. 4394. However, the General Court, in amending G.L. c. 71, §54A chose instead to enact 1975 House Doc. No. 6534 which retained the “shall be assigned” language intact.

The legislature is presumed to understand and intend all consequences of its own measures. *Spaulding v. McConnell*, 307 Mass. 144, 149 (1940). Moreover, in construing a statute, “reason and common sense are not to be abandoned in the interpretative process . . .” *Van Dresser v. Firlings* 305 Mass. 51, 53, (1940). Here, had the legislature desired to require personal attendance of medical personnel at interscholastic football games, it could have adopted the language which was proposed and rejected in 1972 and again in 1975. The legislature’s rejection of language requiring personal attendance compels the conclusion that medical personnel must be assigned and available, but need not be in actual attendance at secondary school interscholastic football games.²

Very truly yours,

FRANCIS X. BELLOTTI
Attorney General

1. I have been informed that subsequent to the enactment of St. 1972, c. 74, it had been the practice of most school committees to have a physician on call — not in attendance. Moreover, I have been informed that the legislature was aware of this practice. Thus, its failure to substitute the words “in attendance” for the word “assigned”, in light of this knowledge, bolsters the conclusion that it did not intend to require personal attendance.

2. I do not decide what sorts of arrangements between school committees and medical personnel satisfy the requirement that such personnel be assigned to such games. Of course, school committees may choose to have physicians or medically trained personnel in attendance at such games as a means of complying with G.L. c. 71, §54A, but such attendance is a matter for school committee judgment rather than statutory mandate.