

The Commonwealth of Massachusetts

DEPARTMENT OF INDUSTRIAL ACCIDENTS,
STATE HOUSE, BOSTON, December 2, 1942.

To the General Court of the Commonwealth of Massachusetts.

In compliance with the provisions of General Laws (Tercentenary Edition), chapter 30, section 33, as amended by Acts of 1939, chapter 499, section 5, the Industrial Accident Board has the honor to submit herewith such parts of its annual report for the year 1942 (Pub. Doc. No. 105) as contain recommendations for legislative action, with the accompanying bills. Drafts of legislation have been submitted to the Counsel for the House of Representatives, as is required by law.

RECOMMENDATIONS.

(For Amendment to G. L., c. 152.)

1. *Section 5.* — The Department is recommending an additional paragraph at the end of this section to establish a procedure to facilitate the securing of testimony of persons and witnesses who are outside the Commonwealth, whose testimony is vital to a case pending before the Board. The purpose of this legislation is to have industrial commissioners in other States take such testimony on behalf of this Board or Board members. Under existing law the Department does not have the power to do this, but must have recourse to the more cumbersome procedure of going through the Superior Court. The suggested amendment is in the nature of a reciprocal arrangement with other States.

2. *Section 34A and Section 35.* — The Department recommends an increase in the maximum and minimum

weekly payments for incapacity under these sections, so as to harmonize them with section 34, which was amended at the last session of the Legislature, making an increase in the minimum and maximum compensation for temporary total incapacity.

3. *Section 46.* — The Department is recommending a clarifying clause in this section, in order to validate its approval of waivers in certain cases which this section does not seem now to provide for, namely, approval before an employee is hired. Many employees applying for employment are given a physical examination, and, where a finding of certain physical defects is made, they are informed they cannot go to work unless they get a waiver. Under this section as it now reads it is doubtful whether a waiver granted before an employee begins work has any validity.

4. *Section 65.* — The Department is recommending reduction in the amount of deposit required under this section from one thousand dollars to five hundred dollars, because it is felt that the fund established under this section is now adequate for the purposes intended, namely, to meet the anticipated payments occasioned by the enactment of G. L. (Ter. Ed.), c. 152, § 34A, which was enacted in 1935.

Respectfully submitted,

EDWARD P. DOYLE,

Secretary.