

HOUSE No. 983

By Mr. Glaser of Malden, petition of the Massachusetts Police Asso., Louis H. Glaser and another that annuities be provided to dependents of certain police officers and fire fighters killed in the performance of duty. Pensions and Old Age Assistance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Six.

AN ACT PROVIDING ANNUITIES TO DEPENDENTS OF CERTAIN POLICE OFFICERS AND FIRE FIGHTERS KILLED IN THE PERFORMANCE OF DUTY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 32 of the General Laws is
2 hereby amended by inserting after section 89A the
3 following new section:—

4 *Section 89B.*— (1) If a member of the police or fire
5 force of any city or town is killed or dies from injuries
6 received, or dies as a natural and proximate result of
7 undergoing a hazard peculiar to his employment,
8 while in the performance of his duty, and it shall be
9 proved to the satisfaction of the appropriate public
10 authority as hereinafter defined that such death was
11 the natural and proximate result of an accident oc-
12 ccurring, or of undergoing a hazard peculiar to his em-
13 ployment, while he was acting in the performance
14 and within the scope of his duty, and the majority
15 of the members of a board consisting of two physicians
16 designated by the public authority hereinafter de-
17 fined, and one physician to be designated by the com-

18 missioner of public health, shall certify to the treasurer
19 of the body politic and corporate by which the com-
20 pensation of such deceased person was payable, that
21 the death was the natural and proximate result of
22 said injury or hazard, there shall, except as herein-
23 after provided, be paid out of the treasury of such
24 body politic and corporate, to the following dependents
25 of such deceased person the following annuities:—

26 To the widow, so long as she remains unmarried, an
27 accidental death benefit allowance to consist of a
28 yearly amount of pension equal to two thirds of the
29 annual rate of regular compensation of such police
30 officer or fire fighter on the date such injury was sus-
31 tained or such hazard was undergone, or equal to two
32 thirds of the average annual rate of his regular com-
33 pensation for the twelve-month period for which he
34 last received regular compensation immediately pre-
35 ceding the date of his death, whichever is greater.
36 This pension shall be increased by not exceeding three
37 hundred and twelve dollars for each child of such de-
38 ceased person during such time as such child is under
39 the age of eighteen or over said age and physically
40 or mentally incapacitated from earning; and if there
41 is any such child and no widow, or the widow later
42 dies, such an annuity as would have been payable to
43 the widow had there been one or had she lived, to or
44 for the benefit of such child, or of such children in
45 equal shares, during the time aforesaid; and if there is
46 any such child and the widow remarries, in lieu of the
47 aforesaid annuity to her, an annuity not exceeding
48 five hundred and twenty dollars to or for the benefit
49 of each such child during the time aforesaid; and if
50 there is no widow and no such child, an annuity not
51 exceeding one thousand dollars to or for the benefit
52 of the father or mother of the deceased, if such father
53 or mother was dependent on him for support at the
54 time of his death, during such time as such benefi-
55 ciary is unable to support himself or herself and does
56 not marry.

57 The members of said board, to be designated by the
58 public authority and the commissioner of public health,
59 as aforesaid shall be so designated within thirty days
60 after the filing of an application for an annuity here-
61 under, and said members shall make their report with-
62 in sixty days after their appointment. The total
63 amount of all such annuities shall not, except as here-
64 inafter provided, exceed the annual rate of compen-
65 sation received by such deceased person on the date
66 such injury was sustained or such hazard was under-
67 gone, or equal to the average annual rate of his regular
68 compensation for the twelve-month period for which
69 he last received regular compensation immediately
70 preceding the date of his death, whichever is greater.
71 If such deceased person was a reserve, intermittent or
72 special police man or a reserve or call fireman of a
73 city or town, and at the time he was killed, or at the
74 time he received the injuries or underwent the hazard
75 resulting in his death was performing duty to which
76 he was assigned or called as such policeman or fireman,
77 the annuity shall be based on the annual rate of com-
78 pensation payable to a regular or permanent member
79 of the police or fire force thereof, as the case may be,
80 for the first year of service therein.

81 The amount of all such annuities shall from time to
82 time be determined within the limits aforesaid by the
83 appropriate public authority as hereinafter defined.
84 Any person receiving benefits under this section shall
85 not be eligible to receive benefits under section eighty-
86 nine or section eighty-nine A.

87 The words "appropriate public authority" as used
88 in this section shall mean, as to a city, the mayor and
89 city council; and as to a town, the selectmen.

90 (2) The provisions of this act shall apply, although
91 such member had previously been retired for accidental
92 disability, if the appropriate public authority finds
93 that such death was the natural and proximate result
94 of the injury or hazard on account of which such mem-
95 ber was retired.

1 SECTION 2. — This act shall take effect in a city
2 having a Plan E or Plan D charter when accepted by
3 a majority of the members of the city council, and in
4 the case of other cities, by vote of the city council
5 under the provisions of the charter, and in a town,
6 by a majority vote at the annual town meeting.