

HOUSE No. 2481

The Commonwealth of Massachusetts

COMMISSION ON ADMINISTRATION AND FINANCE,
STATE HOUSE, BOSTON 33, January 20, 1956.

To the Honorable Senate and House of Representatives.

I am enclosing herewith proposed legislation under the provisions of chapter 7, section 7 of the General Laws, "An Act Relative to Indemnification or Protection of Certain State Officers and Employees in Connection with Actions for Personal Injuries and Property Damage."

I would appreciate your filing this bill with the proper committee.

Respectfully submitted,

CARL A. SHERIDAN,
Commissioner of Administration.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO INDEMNIFICATION OR PROTECTION OF CERTAIN STATE OFFICERS AND EMPLOYEES IN CONNECTION WITH ACTIONS FOR PERSONAL INJURIES AND PROPERTY DAMAGE.

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 3D of chapter 12 of the General Laws, inserted
2 by chapter 326 of the acts of 1954 is hereby amended by
3 inserting after the words "public health" in line 6 the
4 words: — of the soldiers' home in Massachusetts or the
5 soldiers' home in Holyoke, — and by inserting after the
6 words "public health" in line 11 the words: — of the
7 soldiers' home in Massachusetts or the soldiers' home in
8 Holyoke, — so as to read as follows: — *Section 3D.*
9 Upon the filing with the attorney general of a written
10 request by any officer or employee of the department
11 of mental health or public health, of the soldiers' home
12 in Massachusetts or the soldiers' home in Holyoke, that
13 the attorney general defend him against an action for
14 damages for bodily injuries or infections, physical or
15 mental agony or pain, death of any person, or any dam-
16 age to property of another on the hospital grounds, aris-
17 ing out of the operation of said department of mental
18 health or public health, of the soldiers' home in Massa-
19 chusetts or the soldiers' home in Holyoke, the attorney
20 general shall, if after investigation it appears to him that
21 such officer or employee was at the time the cause of ac-
22 tion arose acting within the scope of his official duties or
23 employment, take over the management and defence of
24 such action. The attorney general may adjust or settle
25 any such action at any time before, during or after trial,

26 if he finds after investigation that the plaintiff is entitled
27 to damages from such officer or employee, and in such
28 case there shall be paid from the state treasury for set-
29 tlement in full of such action from such appropriation
30 as may be made by the general court for the purposes
31 of this section such sum, not exceeding five thousand
32 dollars on account of injury to or death of one person
33 and not exceeding five thousand dollars on account of
34 damage to property, as the attorney general shall de-
35 termine to be just and reasonable and as the governor
36 and council shall approve. If an execution issued on a
37 final judgment in such an action is presented to the state
38 treasurer by an officer qualified to serve civil process,
39 and if there is also presented to or on file with said state
40 treasurer a certificate of the attorney general certifying
41 that said execution was issued on a judgment in an ac-
42 tion in which he appeared for and defended the defendant
43 in accordance with the provisions of this section, there
44 shall be paid from the state treasury from the appropria-
45 tion above referred to the amount of the execution, in-
46 cluding costs and interest, up to but not in excess of the
47 respective limits hereinabove set forth.

