

# SENATE . . . . No. 308

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To accompany the petition of Anthony J. Stonina, mayor of Chicopee, for legislation to establish claims boards in cities and towns. Cities.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Thirty-Eight.

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### AN ACT RELATIVE TO MUNICIPAL CLAIMS BOARDS AND TOWN CLAIMS BOARDS.

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

- 1 Chapter forty-one of the General Laws is hereby
- 2 amended by inserting after section eighty-four, as
- 3 appearing in the Tercentenary Edition, the following
- 4 seven new sections, under the heading "MUNICIPAL
- 5 AND TOWN CLAIMS BOARDS":—
- 6 *Section 84A.* There shall be in each city and town
- 7 a municipal claims board or a town claims board,
- 8 hereinafter and the six following sections called the
- 9 board, consisting of three members, to be appointed
- 10 in cities by the mayor and in towns by the board of
- 11 selectmen, one of which members shall be designated
- 12 by the mayor or board of selectmen as chairman.
- 13 The term of office of members of every such board
- 14 shall be three years, except that when first consti-
- 15 tuted one member shall be appointed for one year,

16 one for two years and one for three years, and until  
17 the qualification of their respective successors. There-  
18 after, one member of the board shall be appointed for  
19 the full term of three years, and until qualification of  
20 his successor. At least one member of the board shall  
21 be an attorney at law duly qualified to practice  
22 within the commonwealth.

23 *Section 84B.* The duties of said board shall be to  
24 hear all claims against the city or town under sections  
25 fifteen to twenty-six, inclusive, of chapter eighty-four.

26 *Section 84C.* Any person having a claim subject  
27 to any provision of said sections fifteen to twenty-  
28 six, inclusive, shall, in order to preserve his rights to  
29 a trial by jury, make claim for a trial by jury within  
30 thirty days from the date of the accident; otherwise  
31 the decision of the board shall be final.

32 *Section 84D.* Process and procedure under sec-  
33 tions eighty-four A to eighty-four F, inclusive, shall  
34 be as summary as reasonably may be. The board or  
35 any member thereof shall have the power to sub-  
36 poena witnesses and to examine such parts of notices  
37 and records of the parties to a proceeding as relate to  
38 questions in dispute.

39 *Section 84E.* The board or any member thereof  
40 may appoint a duly qualified impartial physician to  
41 examine the injured person and to report to the  
42 board.

43 *Section 84F.* Fees of attorneys and physicians for  
44 services under said sections shall be subject to the  
45 approval of the board.

46 *Section 84G.* Sections eighty-four A to eighty-  
47 four F, inclusive, shall become effective in any city  
48 when accepted by the city council and in any town  
49 when accepted by the town at any town meeting.