

# SENATE . . . . No. 676

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## The Commonwealth of Massachusetts

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SENATE, June 11, 1951.

The committee on Military Affairs and Public Safety, to whom was referred so much of the report of the special commission established (under Chapter 56 of the Resolves of 1950) to make an investigation and study relative to all phases of a civil defense program for the safety of the Commonwealth in time of military emergency (House, No. 2500) as relates to providing indemnification for injury or death sustained by volunteer, unpaid civil defense workers (App. A), report the accompanying Bill (Senate, No. 676).

For the committee,

CHARLES W. HEDGES.

## The Commonwealth of Massachusetts

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

AN ACT TO PROVIDE INDEMNIFICATION FOR PROPERTY DAMAGE, PERSONAL INJURY AND DEATH SUSTAINED BY CERTAIN VOLUNTEER CIVIL DEFENSE WORKERS.

1     *Whereas*, The deferred operation of this act would  
2 tend to defeat its purpose, which is, in part, to en-  
3 courage the immediate enlistment of volunteer civil  
4 defense workers urgently needed to assure adequate  
5 civil defense protection, therefore it is hereby de-  
6 clared to be an emergency law, necessary for the  
7 immediate preservation of the public convenience.

*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 639 of the acts of 1950 is hereby amended  
2 by inserting after section 11 the following: —  
3     *Section 11A.* There shall be in the civil defense  
4 agency a civil defense claims board consisting of  
5 three members as follows: The chairman of the  
6 industrial accident board or such person as shall be  
7 designated by him in writing from time to time, the  
8 chairman of the commission on administration and  
9 finance or such person as shall be designated by him  
10 in writing from time to time, and such assistant  
11 attorney general as the attorney general shall desig-  
12 nate in writing from time to time. The director of  
13 civil defense or such person as shall be designated

14 by him in writing from time to time shall be the  
15 secretary of the board. The board shall act upon  
16 and decide claims filed under this section, and shall  
17 have power to adopt and from time to time revise  
18 rules and regulations necessary or apt for the ex-  
19 peditious handling and decision of such claims. No  
20 hearing shall be held upon any claim unless the board  
21 so orders; but nothing herein contained shall prevent  
22 the board from ordering and holding a hearing upon  
23 any claim, and for such purpose the board shall  
24 have power to take evidence, administer oaths,  
25 issue subpoenas and compel witnesses to attend and  
26 testify and produce books and papers. Any person  
27 so subpoenaed who shall refuse to attend or to be  
28 sworn or affirm or to answer any question or produce  
29 any book or paper pertinent to the matter under  
30 consideration by the board shall be punished by a  
31 fine of not more than five hundred dollars or by  
32 imprisonment for not more than six months or both.

33 Every person appointed under paragraph (a) of  
34 section eleven of this act who, while participating  
35 in training, or performing duty, in the city or town  
36 in which he is appointed or in another city or town  
37 in this commonwealth or in another state under or  
38 pursuant to any provision of this act or of any mutual  
39 aid arrangement or interstate compact made under  
40 authority thereof, shall without fault or neglect on  
41 his part sustain loss of or damage to his property by  
42 reason of such participation in training or per-  
43 formance of duty, shall be indemnified by the com-  
44 monwealth for such loss or damage; but said in-  
45 demnification shall not exceed fifty dollars for any  
46 one accident. Every such person who, while so  
47 participating in training or performing duty, shall

48 by reason thereof without fault or neglect on his  
49 part sustain personal injury, shall be indemnified  
50 by the commonwealth for the reasonable hospital,  
51 medical and surgical expenses incurred by him or in  
52 his behalf by reason of such injury, and also for  
53 his loss of earning capacity, if any; but such in-  
54 demnification for loss of earning capacity shall not  
55 exceed for any one week a sum equal to thirty dollars  
56 plus two dollars and fifty cents for each person  
57 wholly dependent on such person within the meaning  
58 of section thirty-five A of chapter one hundred and  
59 fifty-two of the General Laws. Every such person  
60 who, while so participating in training or performing  
61 duty, shall by reason thereof without fault or neglect  
62 on his part receive any of the injuries specified in  
63 section thirty-six of said chapter one hundred and  
64 fifty-two shall be indemnified by the commonwealth  
65 at the rate and for the period specified in said sec-  
66 tion thirty-six except that any determination re-  
67 quired by said section to be made by the industrial  
68 accident board shall be made by the civil defense  
69 claims board. If any such person is killed while,  
70 and by reason of, so participating in training or  
71 performing duty, or if any such person dies from  
72 injuries received, or as a natural and proximate  
73 result of undergoing a hazard, while, and by reason  
74 of, so participating in training or performing duty,  
75 the reasonable expense of his burial, not exceeding  
76 five hundred dollars, shall be paid by the common-  
77 wealth, which shall also pay to his dependents the  
78 following annuities: To the widow, so long as she  
79 remains unmarried, an annuity not exceeding fifteen  
80 hundred dollars a year, increased by not exceeding  
81 three hundred and twelve dollars for each child of

82 such person during such time as such child is under  
83 the age of eighteen or over said age and physically  
84 or mentally incapacitated from earning; and, if  
85 there is any such child and no widow or the widow  
86 later dies, such an annuity as would have been  
87 payable to the widow had there been one or had she  
88 lived, to or for the benefit of such child, or of such  
89 children in equal shares, during the time aforesaid;  
90 and, if there is any such child and the widow re-  
91 marries, in lieu of the aforesaid annuity to her, an  
92 annuity not exceeding five hundred and twenty  
93 dollars to or for the benefit of each such child during  
94 the time aforesaid; and, if there is no widow and no  
95 such child, an annuity not exceeding one thousand  
96 dollars to or for the benefit of the father or mother  
97 of the deceased, or to or for the benefit of an un-  
98 married or widowed sister of the deceased with  
99 whom he was living at the time of his death, if such  
100 father, mother or sister was dependent upon him  
101 for support at the time of his death, during such  
102 time as such beneficiary is unable to support himself  
103 or herself and does not marry.

104 No indemnification or payment of any kind shall  
105 be made by the commonwealth under this section  
106 unless a claim therefor in writing, on a form ap-  
107 proved by the civil defense claims board, is filed  
108 with the secretary thereof within six months after  
109 the loss of or damage to property or the personal  
110 injury or the death, as the case may be, nor unless  
111 a duplicate copy of such claim is filed within said  
112 period with the director of the local organization  
113 for civil defense. As soon as reasonably may be  
114 after the receipt by such director of such duplicate  
115 copy, he shall file with the secretary of the civil

116 defense claims board, on a form approved by such  
117 board, as complete a report as may be concerning  
118 such claim and his recommendation with respect  
119 to the allowance thereof. No decision shall be made  
120 by the civil defense claims board upon a claim unless  
121 such report and recommendation relative thereto  
122 has been filed with its secretary. The decision of the  
123 civil defense claims board upon a claim shall con-  
124 stitute the final determination thereof; and there  
125 shall be no review thereof or appeal therefrom, but  
126 nothing contained herein shall be construed to  
127 prevent the board from reconsidering any decision.  
128 The provisions of this section shall not apply to  
129 any injury or death, or to any loss, damage or expense,  
130 for which any federal law heretofore or hereafter  
131 passed shall provide reimbursement, indemnification  
132 or compensation.



