
By Mr. Marshall of Quincy, petition of Clifford H. Marshall, Peter C. McCarthy, John E. Murphy, Jr., Carlton M. Viveiros and others relative to the pension rights of widows of certain correction officers killed in the line of duty. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT RELATIVE TO PENSION RIGHTS OF WIDOWS OF CERTAIN EMPLOYEES KILLED IN THE LINE 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 Chapter 32 of the General Laws is hereby amended by striking
2 out section 100, as most recently amended by section 17 of
3 chapter 1012 of the acts of 1971, and inserting in place thereof
4 the following section: —

5 *Section 100.* Notwithstanding any provision of this chapter
6 or any other law, if a fire fighter while in the performance of his
7 duties and as the result of an accident while responding to or
8 returning from an alarm of fire or any emergency, or while at the
9 scene of a fire or any emergency is killed or sustains injuries
10 which result in his death, or if a police officer or correction
11 officer while in the performance of his duties and as the result of
12 an assault on his person is killed or sustains injuries which result
13 in his death, there shall be paid to the widow of such fire fighter,
14 such police officer or correction officer an annual amount of
15 pension which shall be equal to the amount of salary which
16 would have been paid to such fire fighter, such police officer or
17 correction officer had he continued in service in the position held
18 by him at the time of his death; provided, however, that the
19 amount of pension immediately payable shall be equal to the
20 maximum salary set for the position whether or not such police
21 officer, or correction officer or fire fighter had reached the
22 maximum at the time of his death. Any pension payable to a

23 widow under this section shall be paid to her so long as she
24 remains unmarried. In the event of the death or remarriage of
25 any widow eligible to receive a pension under this section, and in
26 case there is any child of such deceased fire fighter, police officer
27 or correction officer there shall be paid to the guardian of each
28 child the sum of three hundred and twelve dollars per annum
29 until such time as such child shall have attained age eighteen, or
30 if there is any child of such deceased fire fighter, police officer or
31 correction officer who is over age eighteen and who is physically
32 or mentally incapacitated from earning, there shall be paid to
33 such child or to the guardian, if any, the sum of three hundred
34 and twelve dollars per annum.

35 The benefits provided by this section shall be in the alternative
36 to the benefits provided by any other section of this chapter;
37 provided, however, that if any such deceased fire fighter, police
38 officer or correction officer was a member of a contributory
39 retirement system established under the provisions of section
40 twenty, any accumulated total deductions credited to his
41 account in the annuity savings fund of such system shall be paid
42 in one sum, in accordance with the provisions of subdivision (2)
43 of section eleven, to his surviving beneficiary or beneficiaries
44 entitled thereto.

45 The benefits payable under this section to the widow of such
46 deceased fire fighter, police officer or correction officer shall be
47 paid as follows: – if her husband was a member of the state
48 employees' retirement system or any county, city or town
49 contributory retirement system, as the case may be, established
50 under the provisions of sections one to twenty-eight, inclusive, or
51 under corresponding provisions of earlier laws, and subject
52 thereto, or any contributory retirement system established for
53 the employees of any governmental unit under the provisions of
54 any special law, from the same appropriation, and in the same
55 manner, as accidental death benefits payable under the provisions
56 of section nine; if her husband was not a member of a
57 contributory retirement system, from the same appropriation,
58 and in the same manner, as annuities to dependents payable
59 under the provisions of section eighty-nine or section eighty-nine
60 A.

61 If any fire fighter, police officer or correction officer is killed
62 or sustain injuries resulting in his death, in the manner set forth

63 in this section, and he was so killed or sustained such injuries
64 while assisting another governmental unit, pursuant to the
65 provisions of subdivision (4) of section seven, the benefits
66 provided by this section shall be paid to the widow as provided in
67 the preceding paragraph, but the governmental unit which
68 requested such assistance shall annually, on or before January
69 fifteenth, reimburse the governmental unit which had employed
70 such deceased fire fighter or police officer in the amount of any
71 benefits paid to his widow during the preceding calendar year.

72 The presumptions created by sections ninety-four and
73 ninety-four A shall not be applicable to the death of any fire
74 fighter, police officer or correction officer which a pension is
75 provided under this section.

76 This section shall be administered by the state board of
77 retirement as to employees of the commonwealth or the
78 metropolitan district commission; by the appropriate retirement
79 board, established under section twenty, having jurisdiction in
80 the governmental unit in which any such fire fighter, police
81 officer or correction officer was employed at the time of his
82 death; or by the Massachusetts Bay Transportation Authority
83 police retirement board; or if such fire fighter or police officer
84 was employed by a town and was not a member of any
85 contributory retirement system, by the board of selectmen of
86 such town.

