

By Mr. Demers of Chicopee, petition of Richard H. Demers, David J. Swartz and Raymond A. Jordan, Jr., that provision be made for permanent partial compensation under the workmen's compensation law. Commerce and Labor.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR PERMANENT PARTIAL COMPENSATION UNDER THE WORKMEN'S COMPENSATION LAW.

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 152 of the General Laws is hereby
2 amended by inserting after Section 34A the following section:—

3 *Section 34B.* While the incapacity resulting from the injury is
4 both permanent and partial, the insurer shall pay to the injured
5 employee following payment of the maximum amount of
6 compensation provided in Sections 34 and 35, or either of them, a
7 weekly compensation equal to the entire difference between his
8 average weekly wage before the injury and the average weekly
9 wage he is able to earn thereafter but not more than Ninety-five
10 (\$95.00) Dollars per week. Application for payments under this
11 Section may be made by an injured employee before he has
12 received the maximum compensation to which he is or may be
13 entitled under the aforesaid sections.

14 In any proceedings brought by the insurer to discontinue
15 compensation under the Section, a member of the reviewing
16 board may, after hearing, order the insurer to continue payments
17 to the injured employee hereunder. The reasonable costs of such
18 proceeding, including therein reasonable counsel fees and witness
19 fees of physicians appearing at such proceeding, shall be
20 determined by the board member and shall be paid by the insurer.

1 SECTION 2. Section 35A of Chapter 152 of the General Laws
 2 as most recently amended by Section 2 of Chapter 438 of the Acts
 3 of 1974 is hereby amended by striking out the words, "and thirty-
 4 five" and inserting in place thereof the words, "thirty-four B, and
 5 thirty-five."