

# HOUSE . . . . No. 1763

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, May 20, 1943.

The committee on Labor and Industries, to whom was referred the petition (accompanied by bill, House, No. 1135) of George P. Ponte relative to the payment of death benefits under the workmen's compensation law in cases of partial dependency, report the accompanying bill (House, No. 1763).

For the committee,

WILLIAM R. BARRY.

## The Commonwealth of Massachusetts

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

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### AN ACT INCREASING THE AMOUNTS OF CERTAIN DEATH BENEFITS 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 thirty-one of chapter one hundred and fifty-  
2 two of the General Laws, as amended, is hereby fur-  
3 ther amended by striking out the last paragraph, as  
4 appearing in the Tercentenary Edition, and inserting  
5 in place thereof the following:—

6 In all other cases of total dependency, the insurer  
7 shall pay the dependents of the employee wholly de-  
8 pendent upon his earnings for support at the time of  
9 the injury a weekly payment equal to two thirds of his  
10 average weekly wages, but not more than ten dollars  
11 nor less than five dollars a week, for a period of five  
12 hundred weeks; but in no case shall the amount be  
13 more than four thousand dollars. If the employee  
14 leaves dependents only partially dependent upon his  
15 earnings for support at the time of his injury the in-  
16 surer shall pay such dependents a weekly compensa-  
17 tion equal to the same proportion of the weekly pay-  
18 ments for the benefit of persons wholly dependent as  
19 the amount contributed by the employee to such par-  
20 tial dependents bears to the annual earnings of the  
21 deceased at the time of his injury. In event of the

22 parties agreeing or the department finding that a  
23 partial dependent is the next of kin of the deceased  
24 employee and has, during the year preceding the  
25 injury received from such deceased employee contri-  
26 butions for his support independent of gifts and gratui-  
27 ties, such partial dependent shall be paid by the in-  
28 surer a minimum weekly compensation of five dollars.  
29 When weekly payments have been made to an injured  
30 employee before his death compensation under this  
31 paragraph to the dependents shall begin from the  
32 date of the death of the employee, but shall not con-  
33 tinue for more than five hundred weeks; but in no  
34 case of partial dependency shall the amount be more  
35 than four thousand dollars.

