

HOUSE No. 788

By Mr. McCarthy of Somerville, petition of the Massachusetts State Firemen's Association for legislation relative to the retirement of policemen and firemen in certain cities and towns. Pensions and Old Age Assistance.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE RETIREMENT OF POLICEMEN AND FIREMEN IN CERTAIN CITIES AND TOWNS.

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. Section eighty of chapter thirty-two
2 of the General Laws, as most recently amended by
3 section five of chapter four hundred and eighty-three
4 of the acts of nineteen hundred and forty-five, is hereby
5 further amended by striking out, in the second line,
6 the word "accept" and inserting in place thereof the
7 word:—accepted,—and by striking out, in the
8 twenty-first line, the word "sixty" and inserting in
9 place thereof the word:—fifty-five,—so as to read
10 as follows:—*Section 80.* In cities, except Boston,
11 which accepted this and the following section prior
12 to January first, nineteen hundred and forty-six, or
13 have accepted corresponding provisions of earlier
14 laws by vote of the city council, the fire commissioner

15 in cities having such an official, otherwise the alder-
16 men, in all cases with the approval of the mayor, shall
17 retire from active service and place upon the pension
18 roll any fireman, call fireman or substitute call fireman
19 of the city whom the city physician certifies in
20 writing to be permanently disabled, mentally or
21 physically, by injuries sustained or illness incurred
22 through no fault of his own in the actual performance
23 of duty, from further performing duty as such member;
24 or any permanent member of said department who
25 has performed faithful service therein for not less than
26 twenty-five years as such or as a call member and
27 permanent member of said department, if in the judg-
28 ment of said board or official such member is disabled
29 for useful service in the department; provided, that
30 any permanent member of said department who has
31 performed faithful service therein for twenty-five years
32 as aforesaid shall, at any time after attaining the age
33 of fifty-five and before attaining the age of seventy,
34 be retired at his request and shall, on attaining the
35 age of seventy, be retired without any request on his
36 part, and no other permanent member of said depart-
37 ment shall remain in service after he has attained or
38 shall attain the age of seventy. Any acceptance of
39 this and the following section may be limited by the
40 vote of acceptance to any one or more of the classes of
41 firemen hereinbefore set forth.

42 No fireman whose employment begins after June
43 thirtieth, nineteen hundred and thirty-seven, shall be
44 subject to the provisions of this section.

1 SECTION 2. Section eighty-one of said chapter
2 thirty-two, as most recently amended by section one
3 of chapter two hundred and seventy-seven of the acts

4 of nineteen hundred and thirty-eight, is hereby further
5 amended by striking out, in the third line, the words
6 "one half" and inserting in place thereof the words: —
7 two thirds, — so as to read as follows: — *Section 81.*
8 Any permanent member of a fire department retired
9 under the preceding section shall receive an annual
10 pension, payable weekly or monthly, equal to two
11 thirds of the highest salary or other compensation
12 received by him while he was holding the grade held
13 by him at his retirement. The pension of any call or
14 substitute call fireman retired under said section shall
15 be the same as that of a permanent member of the first
16 grade of the same department in which he served, or,
17 if there be no grades, his compensation shall be that of
18 a permanent member of the department performing
19 duties like those which he performed.

1 SECTION 3. Said chapter thirty-two is hereby
2 further amended by inserting after section eighty-
3 one the following new section: —

4 *Section 81A.* The provisions of sections eighty and
5 eighty-one shall apply in any city which is authorized
6 to retire members of its fire department under the
7 provisions of a special law, notwithstanding any
8 provisions of such special law to the contrary.

1 SECTION 4. Said chapter thirty-two is hereby
2 further amended by striking out section eighty-five,
3 as most recently amended by section eight of chapter
4 four hundred and eighty-three of the acts of nineteen
5 hundred and forty-five, and inserting in place thereof
6 the following: —

7 *Section 85.* The selectmen of every town which
8 accepted this section prior to January first, nineteen

9 hundred and forty-six, or has accepted corresponding
10 provisions of earlier laws, by a two thirds vote at an
11 annual town meeting shall retire from active service
12 and place upon the pension roll any permanent mem-
13 ber of the police department and any permanent
14 member of the fire department of such town found by
15 them to be permanently incapacitated, mentally or
16 physically, for useful service in the department to
17 which he belongs, by injuries received through no
18 fault of his own in the actual performance of his duty.
19 Any permanent member of either of said departments
20 who has performed faithful service therein for twenty-
21 five years as aforesaid shall, at any time after attaining
22 the age of fifty-five and before attaining the age of
23 seventy, be retired at his request and shall, on attain-
24 ing the age of seventy, be retired without any request
25 on his part, and no other permanent member of either
26 of said departments shall remain in service after he
27 has attained or shall attain the age of seventy. If a
28 permanent member of the police department of such
29 a town was, prior to the establishment of a police
30 department therein, employed in said town as a police
31 officer by appointment under section ninety-six of
32 chapter forty-one, the period of such appointment
33 shall be counted as a part of his continuous service
34 as a permanent member of its police department.
35 Every person so retired shall annually receive from the
36 town as a pension a sum equal to two thirds of the
37 annual compensation received by him at his retire-
38 ment. The selectmen may in an emergency call upon
39 any person so pensioned for such temporary service
40 in the department from which he was retired as they
41 may deem him fitted to perform, and during such
42 service he shall be entitled to full pay. The provisions

43 of this section shall apply in any town which is au-
44 thorized to retire members of its fire department or
45 police department under the provisions of a special
46 law, notwithstanding any provision of such special
47 law to the contrary.

1) of this section shall apply to any town which is an
2) member of the association of towns of the department or
3) of the department under the provisions of a special
4) law, notwithstanding any provision of such special
5) law to the contrary.



