

HOUSE No. 765

By Mr. Vaughan of Belmont, petition of the Massachusetts State Federation of Labor for legislation to increase the amount of payments to certain dependents of employees killed in industrial accidents. Labor and Industries.

The Commonwealth of Massachusetts

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

AN ACT INCREASING THE AMOUNT OF PAYMENTS TO CERTAIN DEPENDENTS OF EMPLOYEES KILLED IN INDUSTRIAL ACCIDENTS.

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 31 of chapter 152 of the General Laws is
2 hereby amended by striking out the second para-
3 graph, as most recently amended by chapter 572 of
4 the acts of 1945, and inserting in place thereof the
5 following paragraph: —

6 To the widow or widower, so long as she or he
7 remains unmarried, fifteen dollars a week if and so
8 long as there is no child of the employee, who is
9 under the age of eighteen, or over said age and physi-
10 cally or mentally incapacitated from earning; to or
11 for the use of the widow or widower and for the
12 benefit of all children of the employee, twenty dollars
13 a week if and so long as there is one such child, and

14 five dollars more a week for each such additional
15 child; provided, that in case any such child is a child
16 by a former wife or husband, the death benefit shall
17 be divided between the surviving wife or husband
18 and all living children of the deceased employee in
19 equal shares, the surviving wife or husband taking
20 the same share as a child. If the widow or widower
21 dies, such amount or amounts as would have been
22 payable to or for her or his own use and for the benefit
23 of all children of the employee shall be paid in equal
24 shares to all the surviving children of the employee.
25 If the widow or widower remarries and there are one
26 or more dependent children hereunder, the insurer
27 shall pay each week to each such dependent child
28 or children his proportionate share of the entire
29 amount previously received hereunder by said widow
30 or widower. If the widow remarries, and there are
31 no dependent child or children hereunder, the insurer
32 shall pay to the said widow two years' payments
33 hereunder in one lump sum. If the widower remar-
34 ries, and there are no dependent children, all payments
35 under the foregoing provisions shall terminate. If
36 there is no surviving wife or husband of the deceased
37 employee, such amount or amounts as would have
38 been payable under this section to or for the use of
39 a widow or widower and for the benefit of all such
40 children of the employee, shall be paid in equal shares
41 to all such surviving children of the employee, but
42 no individual shall receive an amount in excess of
43 fifteen dollars a week. The total amount of payments
44 in all cases under this section shall not be more than
45 seventy-six hundred dollars, except that payment to
46 or for the benefit of children of the deceased employee
47 under the age of eighteen shall not be discontinued

48 prior to the age of eighteen, and except that payments
49 to a widow, so long as she does not remarry, shall
50 continue for the life of the widow, and except that
51 payments to a widower shall not be discontinued if,
52 at the time of the expiration of said seventy-six hun-
53 dred dollars, he shall be physically or mentally in-
54 capacitated from earning, and shall continue for the
55 period of said incapacity; and except that payments
56 to children of the deceased employee who are physi-
57 cally or mentally incapacitated from earning shall
58 not be discontinued at the expiration of said seventy-
59 six hundred dollars, and shall continue for the period
60 of said incapacity. When weekly payments have
61 been made to an injured employee before his death,
62 compensation under the foregoing provisions of this
63 section shall begin from the date of the death of the
64 employee but shall not amount to a total of more
65 than seventy-six hundred dollars, excluding such
66 payments as were made to the injured employee
67 before his death, except as above provided.

