

HOUSE No. 1559

By Mr. Fitzgerald of Milford, petition of the Massachusetts Federation of Labor and Maurice E. Fitzgerald for the elimination of arbitrary maximums on benefits payable under the Workmen's Compensation Act. Labor and Industries.

The Commonwealth of Massachusetts

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

AN ACT ELIMINATING ARBITRARY MAXIMUMS ON BENEFITS UNDER THE WORKMEN'S COMPENSATION ACT.

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
2 hereby amended by striking out section 34, as most
3 recently amended, and inserting in place thereof the
4 following section: —
5 *Section 34.* While the incapacity for work resulting
6 from the injury is total, the insurer shall pay the in-
7 jured employee a weekly compensation equal to two
8 thirds of his average weekly wages, but not less than
9 twenty-five dollars a week; provided, that the amount
10 does not exceed ten thousand dollars.

1 SECTION 2. Section 34A of said chapter 152, as
2 most recently amended, is hereby further amended by
3 striking out the first paragraph and inserting in place
4 thereof the following paragraph: —

5 While the incapacity for work resulting from the
6 injury is both permanent and total the insurer shall
7 pay to the injured employee, following payment of
8 the maximum amount of compensation provided in
9 sections thirty-four and thirty-five, or either of them,
10 a weekly compensation equal to two thirds of the
11 average weekly wages but not less than twenty-five
12 dollars a week, during the continuance of such perma-
13 nent and total incapacity. Application for payments
14 under this section may be made by an injured em-
15 ployee before he has received the maximum compen-
16 sation to which he is or may be entitled under the
17 aforesaid sections.

1 SECTION 3. Said chapter 152 is hereby further
2 amended by striking out section 35, as most recently
3 amended, and inserting in place thereof the following
4 section:—

5 *Section 35.* While the incapacity for work resulting
6 from the injury is partial, the insurer shall pay the
7 injured employee a weekly compensation equal to the
8 entire difference between his average weekly wage
9 before the injury and the average wage he is able to
10 earn thereafter.