

HOUSE . . . . No. 2784

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The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, August 27, 1949.

The committee on Ways and Means, to whom was referred the Bill further regulating the retirement of certain incapacitated veterans (duplicate of Senate, No. 326), report that the same ought to pass in the form of a new draft herewith submitted (House, No. 2784).

For the committee,

RODOLPHE G. BESSETTE.

## The Commonwealth of Massachusetts

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

AN ACT FURTHER REGULATING THE RETIREMENT OF CERTAIN INCAPACITATED VETERANS IN THE PUBLIC SERVICE.

*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 56 of chapter 32 of the General  
2 Laws is hereby amended by striking out the first  
3 paragraph, as appearing in chapter 602 of the acts  
4 of the current year, and inserting in place thereof the  
5 following: — A veteran, as defined in section one, in  
6 sections fifty-six to sixty, inclusive, called a veteran,  
7 who is in the service of the commonwealth, or of any  
8 county, city, town or district thereof, shall be retired,  
9 with the consent of the retiring authority, if he has  
10 been in the said service at least ten years and is in-  
11 capacitated for active service, at one half of the highest  
12 annual rate of compensation, including any bonuses  
13 paid in lieu of additional salary or as a temporary wage  
14 increase in addition to his regular compensation, and  
15 including any allowance for maintenance, payable to  
16 him while he was holding the grade held by him at his  
17 retirement, plus an additional amount equal to one per  
18 cent of said annual compensation for each year of serv-  
19 ice after the first ten, and payable from the same source;  
20 provided, that the total amount of such pension shall

21 in no case exceed sixty-five per cent of said annual  
22 compensation; and provided further, that he has  
23 reached the age of fifty and has a total income from all  
24 sources, exclusive of such retirement allowance and  
25 of any sum received from the government of the United  
26 States as a pension for war service, not exceeding five  
27 hundred dollars.

1 SECTION 2. Said chapter 32 is hereby further  
2 amended by striking out section 57, as amended by  
3 section 2 of chapter 665 of the acts of 1948, and in-  
4 serting in place thereof the following:—

5 *Section 57.* A veteran who has been in the service  
6 of the commonwealth, or of any county, city, town or  
7 district thereof, for a total period of ten years in the  
8 aggregate, may, upon petition to the retiring authority,  
9 be retired, in the discretion of said authority, from  
10 active service, at one half of the highest annual rate  
11 of compensation, including any bonuses paid in lieu of  
12 additional salary or as a temporary wage increase in  
13 addition to his regular compensation, and including  
14 any allowance for maintenance, payable to him while  
15 he was holding the grade held by him at his retire-  
16 ment, plus an additional amount equal to one per  
17 cent of said annual compensation for each year of  
18 service after the first ten, and payable from the same  
19 source, if he is found by said authority to have become  
20 incapacitated for active service; provided, that the  
21 total amount of such pension shall in no case exceed  
22 sixty-five per cent of said annual compensation; and,  
23 provided further, that he has a total income from all  
24 sources, exclusive of such retirement allowance and of  
25 any sum received from the government of the United  
26 States as a pension for war service, not exceeding five  
27 hundred dollars.

1 SECTION 3. Said chapter 32 is hereby further  
2 amended by inserting after section 57A the following  
3 section:—

4 *Section 57B.* If any veteran who has been retired  
5 under section fifty-six or section fifty-seven shall be  
6 engaged in any gainful occupation from which the  
7 actual or potential earnings exceeds the difference be-  
8 tween the pension received by him and the current  
9 annual rate of regular compensation payable by the  
10 political unit by which he was retired to persons  
11 holding the grade which was held by him on the date  
12 of his retirement, the pension shall be so reduced that  
13 the total amount of the pension and such extra earn-  
14 ings shall not exceed the amount of said regular com-  
15 pensation.